
STATUTORY INSTRUMENTS

1992 No. 494

**COMMUNITY CHARGES,
ENGLAND AND WALES**

**The Personal Community Charge (Exemption
for the Severely Mentally Impaired) Order 1992**

<i>Made</i>	- - - -	<i>4th March 1992</i>
<i>Laid before Parliament</i>		<i>10th March 1992</i>
<i>Coming into force</i>	- -	<i>1st April 1992</i>

The Secretary of State for the Environment as respects England, and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred on them by paragraph 4(4) of Schedule 1 to the Local Government Finance Act 1988(1) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Personal Community Charge (Exemption for the Severely Mentally Impaired) Order 1992 and shall come into force on 1st April 1992.

The severely mentally impaired

2. Paragraph 4(2) of Schedule 1 to the Local Government Finance Act 1988(2) is amended—

(a) by deleting paragraph (h);

(b) by adding after paragraph (j)—

“(k) he is entitled for the day to the care component of a disability living allowance under section 37ZB of the Social Security Act 1975(3) payable to him at the highest rate under subsection (4)(a) of that section or at the middle rate under subsection (4)(b) of that section;

(1) 1988 c. 41.

(2) Paragraph 4(2) was amended by S.I. 1989/442, article 3 and S.I. 1990/462, article 2.

(3) 1975 c. 14; section 37ZB was inserted by the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21), section 1(2).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (l) he is entitled for the day to a disability working allowance under section 20 of the Social Security Act 1986⁽⁴⁾ for which the qualifying benefit is one falling within subsection (6B)(a)(i), (ii) or (iii) of that section.”.

Signed by authority of the Secretary of State

2nd March 1992

Michael Portillo
Minister of State,
Department of the Environment

4th March 1992

David Hunt
Secretary of State for Wales

(4) 1986 c. 50; section 20 was amended by the Disability Living Allowance and Disability Working Allowance Act 1991, section 6.

EXPLANATORY NOTE

(This note is not part of the Order)

Under paragraph 4 of Schedule 1 to the Local Government Finance Act 1988 a person who is severely mentally impaired and who holds a certificate of a registered medical practitioner to that effect is exempt from the personal community charge if one or more of the conditions mentioned in sub-paragraph (2) of that paragraph is satisfied. Those conditions were amended by article 3 of the Personal Community Charge (Exemptions) Order 1989 and by article 2 of the Personal Community Charge (Exemption for the Severely Mentally Impaired) Order 1990 and are further amended by this Order.

Article 2(a) of the Order deletes the condition in paragraph 4(2)(h) of Schedule 1 to the 1988 Act, so that it is no longer possible for a severely mentally impaired person to qualify for exemption on the basis that he would be entitled to attendance allowance under section 35 of the Social Security Act 1975 but for the requirements as to residence or presence in Great Britain or as to the making of a claim.

Article 2(b) adds further conditions enabling a person to qualify for exemption if he is entitled to the care component of a disability living allowance at the highest or middle rate or if he is entitled to a disability working allowance, provided in the latter case that prior to this he was entitled to an invalidity pension or a severe disability allowance.