

---

## 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.