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SCHEDULES

SCHEDULE 9

REBATES UNDER S. 49.

PART I

Reckonable rates

- 1 In the case of a rebate application by such a person in respect of such a hereditament as is mentioned in paragraph (a) of section 49(3) of this Act, the applicant's reckonable rates shall, subject to the provisions of this Part of this Schedule, be—
 - (a) the amount of the rates chargeable on that person in respect of that hereditament for the rebate period to which the application relates, less
 - (b) the proportion of that amount which, by virtue of paragraph 3 and apart from paragraph 4 of this Schedule, is or would be the reckonable rates in relation to that rebate period of any person or persons entitled to apply for a rebate in respect of any part of that hereditament by virtue of paragraph (c) of the said section 49(3).
- 2 In the case of a rebate application by such a person in respect of such a hereditament as is mentioned in paragraph (b) of the said section 49(3), the applicant's reckonable rates shall, subject to the provisions of this Part of this Schedule, be—
 - (a) an amount equal to such proportion of the rates chargeable on that person in respect of that hereditament for the rebate period to which the application relates as, having regard to the apportionment of the rateable value of the hereditament referred to in section 115(3)(a) of this Act, the rating authority may determine to be attributable to the part of that hereditament used for the purposes of a private dwelling or private dwellings, less
 - (b) the proportion of that amount which, by virtue of paragraph 3 and apart from paragraph 4 of this Schedule, is or would be the reckonable rates in relation to that rebate period of any person or persons entitled to apply for a rebate in respect of any part of that hereditament by virtue of the said paragraph (c).
- 3 In the case of a rebate application by such a person in respect of such a part of a hereditament as is mentioned in the said paragraph (c), the applicant's reckonable rates shall, subject to the provisions of this Part of this Schedule, be such proportion of the amount which, for the purposes of a rebate application in respect of the same rebate period by an occupier of the hereditament, is or would be the amount referred to in paragraph 1(a) or, as the case may be, paragraph 2(a) of this Schedule as the rating authority may consider it appropriate (having regard to all the circumstances and, in particular, where that part of the hereditament is at the date of the making of the application the subject of a tenancy to which the Rent Acts apply or a statutory tenancy, to any relevant agreement or determination such as is mentioned

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in the definition of " rates " contained in section 25(1) of the Rent Act 1957 or in section 47(1) of the Rent Act 1965) to attribute to that part of the hereditament.

4 Where, at the date of the making of a rebate application in respect of any hereditament or part of a hereditament, the persons who reside or are usually resident in the relevant premises, that is to say—

- (a) in the case of such an application as is mentioned in paragraph 1 or 2 of this Schedule, the hereditament apart from any part thereof in respect of which by virtue of the said paragraph (c) any other person is entitled to make a rebate application ;
- (b) in the case of such an application as is mentioned in paragraph 3 of this Schedule, the part of the hereditament in respect of which the application is made,

include (apart from any child or children) any person in addition to the applicant and one other person who is either the spouse or a relative of the applicant, then, subject to paragraph 6 of this Schedule, the applicant's reckonable rates shall be reduced by an amount bearing the same proportion to the amount of the reckonable rates as the number of those additional persons bears to the total number of persons who at the said date reside or are usually resident in the relevant premises (any child who is not a child of the applicant or in the applicant's care being disregarded and any child not falling to be disregarded being counted as half a person).

5 In the case of a rebate application by one of two or more joint occupiers or, as the case may be, joint tenants, paragraph 4 of this Schedule shall have effect as if for the words " one other person who is either the spouse or a relative of the applicant " there were substituted the words " the applicant's spouse, if any ".

6 If any of the additional persons referred to in paragraph 4 of this Schedule represents to the rating authority that he has no income or only such income as he receives from the applicant, and if the authority are satisfied that the representation is true, the authority shall make no reduction under that paragraph in respect of that person.

7 Where a rebate application in respect of, or of part of, a hereditament is made by a person who did not become entitled to make it until more than one month after the beginning of the rebate period to which it relates, then—

- (a) if the rating authority to whom the application is made are satisfied that, for that rebate period, the applicant has made or is liable to make (and neither is nor will be entitled to recover) a payment by way of rates or rent entitling him to apply for a rebate in respect of, or of part of, some other hereditament, the amount of the applicant's reckonable rates shall be increased by that sum or 15s., whichever is the less;
- (b) in any other case, the amount of the applicant's reckonable rates shall be increased by an amount bearing the same proportion to 15s. as the part of the rebate period to which the application relates falling before the date when the applicant became entitled to make it bears to the whole of that period.

8 Where a rate period falls partly in one rebate period and partly in another, then, for the purposes of a rebate under section 49 of this Act, a proportionate part of the rates chargeable for that rate period shall be deemed to be chargeable for each respectively of those rebate periods.