



Social Security Administration Act 1992

1992 CHAPTER 5

PART VIII

ARRANGEMENTS FOR HOUSING BENEFIT AND COMMUNITY CHARGE BENEFITS AND RELATED SUBSIDIES

Community charge benefits

138 Nature of benefits

- (1) In relation to England and Wales, regulations shall provide that where a person is entitled to a community charge benefit in respect of a charging authority's personal community charge the benefit shall take such of the following forms as is prescribed in the case of the person—
 - (a) a payment or payments by the authority to the person;
 - (b) a reduction in the amount the person is or becomes liable to pay to the authority in respect of the charge as it has effect for the relevant or any subsequent chargeable financial year;
 - (c) both such payment or payments and such reduction.
- (2) In relation to Scotland, regulations shall provide that where a person is entitled to a community charge benefit in respect of a personal community charge determined by a regional, islands or district council the benefit shall take such of the following forms as is prescribed in the case of the person—
 - (a) a payment or payments to the person by the levying authority to which the charge is payable;
 - (b) a reduction in the amount the person is or becomes liable to pay in respect of the charge as it has effect for the relevant or any subsequent chargeable financial year;
 - (c) both such payment or payments and such reduction.

- (3) Regulations shall provide that where a person is entitled to a community charge benefit in respect of a contribution period the benefit shall take such of the following forms as is prescribed in the case of the person—
- (a) a payment or payments by the relevant authority to the person;
 - (b) the reductions mentioned in subsection (4) below;
 - (c) both such payment or payments and such reductions.
- (4) The reductions are—
- (a) a reduction in the amount the person is liable to pay to the charge payer in respect of the contribution period, and
 - (b) a consequential reduction in the amount the charge payer is liable to pay in respect of the charge concerned as it has effect for the relevant chargeable financial year.
- (5) For the purposes of subsections (1) and (2) above the relevant chargeable financial year is the chargeable financial year in which the relevant day falls; and the relevant day is the day in respect of which the person concerned is entitled to the benefit.
- (6) For the purposes of subsection (3) above the relevant authority is—
- (a) in relation to England and Wales, the authority to which an amount is payable in respect of the collective community charge concerned under section 15 of the Local Government Finance Act 1988 (“the 1988 Act”);
 - (b) in relation to Scotland, the levying authority to which the collective community charge is payable.
- (7) For the purposes of subsection (4) above the charge payer is—
- (a) in relation to England and Wales, the person who is liable to pay an amount in respect of the collective community charge concerned under section 15 of the 1988 Act;
 - (b) in relation to Scotland, the person who is liable to pay the collective community charge under section 11(5) of the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (“the 1987 Act”).
- (8) For the purposes of subsection (4) above the relevant chargeable financial year is the chargeable financial year in which the contribution period falls.
- (9) Regulations under subsection (1), or (2) or (3) above may include such supplementary, incidental or consequential provisions as appear to the Secretary of State to be necessary or expedient; and any such provisions may include provisions amending or adapting provisions of the 1987 Act or the 1988 Act.

139 Arrangements for community charge benefits

- (1) Any community charge benefit provided for by virtue of a scheme under section 123 of the Contributions and Benefits Act (in this Act referred to as a community charge benefit scheme) is to be administered by the appropriate authority.
- (2) For the purposes of this section in its application to England and Wales, the appropriate authority in relation to a particular benefit is the charging authority as regards whose personal or collective community charge a person is entitled to the benefit.
- (3) For the purposes of this section in its application to Scotland, the appropriate authority in relation to a particular benefit is the levying authority—

Status: This is the original version (as it was originally enacted).

- (a) to which the personal community charge is payable by a person entitled to the benefit; or
 - (b) in whose area is situated the premises in respect of residence in which for a contribution period a collective community charge contribution is payable.
- (4) Charging authorities may agree that one shall carry out responsibilities relating to community charge benefits on another's behalf.
- (5) Levying authorities may agree that one shall carry out responsibilities relating to community charge benefits on another's behalf.
- (6) A charging authority or levying authority may modify any part of the community charge benefit scheme administered by the authority—
- (a) so as to provide for disregarding, in determining a person's income, the whole or part of any war disablement pension or war widow's pension payable to that person or to his partner or to a person to whom he is polygamously married;
 - (b) to such extent in other respects as may be prescribed,
- and any such modifications may be adopted by resolution of an authority.
- (7) Modifications other than such modifications as are mentioned in subsection (6)(a) above shall be so framed as to secure that, in the estimate of the authority adopting them, the total of the benefits which will be allowed by the authority for any year will not exceed the permitted total of benefits for that year.
- (8) An authority which has adopted modifications may by resolution revoke or vary them.
- (9) If the community charge benefit scheme includes power for an authority to exercise a discretion in allowing community charge benefits, the authority shall not exercise that discretion so that the total of the benefits allowed by it for any year exceeds the permitted total of benefits for that year.
- (10) In relation to any authority the permitted total of benefits for any year shall be such amount as is calculated in accordance with rules contained in an order made by the Secretary of State.
- (11) In this section—
- “modifications” includes additions, omissions and amendments, and related expressions shall be construed accordingly;
 - “partner”, in relation to a person, means the other member of the couple concerned;
 - “war disablement pension” means—
 - (a) any retired pay, pension or allowance granted in respect of disablement under powers conferred by or under the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947 or Part VII or section 151 of the Reserve Forces Act 1980;
 - (b) without prejudice to paragraph (a) of this definition, any retired pay or pension to which subsection (1) of section 315 of the Income and Corporation Taxes Act 1988 applies; and
 - “war widow's pension” means any widow's pension or allowance granted in respect of a death due to service or war injury and payable by virtue of any enactment mentioned in paragraph (a) of the preceding definition or a

pension or allowance for a widow granted under any scheme mentioned in section 315(2)(e) of the Income and Corporation Taxes Act 1988.

140 Community charge benefit finance

- (1) For each year the Secretary of State shall pay a subsidy (to be known as community charge benefit subsidy) to each charging authority and to each levying authority.
- (2) The amount of community charge benefit subsidy to be paid to a charging authority or a levying authority for a year shall be calculated in such manner as may be specified by an order made by the Secretary of State.
- (3) Any calculation under subsection (2) above shall be made by reference to the total amount of the community charge benefits allowed by the authority during the year with any additions specified in the order but subject to any deduction so specified.
- (4) The Secretary of State may deduct, from the amount which would (apart from this subsection) be payable to a charging or levying authority by way of community charge benefit subsidy for a year, such amount as he considers it unreasonable to pay by way of such subsidy.
- (5) The Secretary of State may pay to an authority, as part of the amount of community charge benefit subsidy payable to the authority for a year, an additional sum in respect of the costs of administering community charge benefits; and any such additional sum shall be calculated in a manner specified by an order made by the Secretary of State.
- (6) Nothing in this section shall be taken to imply that any such addition or deduction as is mentioned in subsection (3) or (4) above may not be determined by reference to—
 - (a) an authority's expenditure in respect of community charge benefits allowed during any previous year; or
 - (b) any subsidy paid under this section to an authority in respect of any previous year.
- (7) Subsidy under this section shall be payable by the Secretary of State at such time and in such manner as the Treasury may direct; and section 137 above shall apply in relation to a charging authority or a levying authority and subsidy under this section as they apply in relation to a rating authority, a housing authority or local authority and subsidy under that section.
- (8) The amount of any subsidy payable to an authority shall be calculated to the nearest pound, by disregarding an odd amount of 50 pence or less and by treating an odd amount exceeding 50 pence as a whole pound.