

1974 No. 1086

RATING AND VALUATION

The Rate Rebate (Amendment) (No. 2) Regulations 1974

<i>Made</i> - - -	25th June 1974
<i>Laid before Parliament</i>	1st July 1974
<i>Coming into Operation</i>	22nd July 1974

The Secretary of State for the Environment, in exercise of the powers conferred upon him by section 11 (1) of the Local Government Act 1974(a) and of all other powers enabling him in that behalf, with the consent of the Treasury, hereby makes the following regulations:—

1. These regulations may be cited as the Rate Rebate (Amendment) (No. 2) Regulations 1974 and shall come into operation on 22nd July 1974.

2. The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3. Regulation 20 of the Rate Rebate Regulations 1974(c), as amended(d), shall be further amended as follows—

(a) in each of paragraphs (1), (2) and (3) there shall be inserted at the beginning the words “ Subject to the provisions of paragraphs (4) to (8) below ” and

(b) after paragraph (3) there shall be added the following new paragraphs—

“ (4) Where before 22nd July 1974—

(i) a rating authority have either granted a rebate or further rebate or have received an application for a rebate or further rebate but have not made any determination thereon, and

(ii) the residential occupier or his spouse was entitled (whether or not his entitlement had then been determined) to a relevant payment,

any increase in the income of the residential occupier or his spouse attributable to a relevant increase shall be deemed for the duration of any week (being a week commencing after 21st July 1974) in the rebate period in which falls the date of 21st July 1974 and of any week in any subsequent rebate period not to constitute income or, as the case may be, a change of circumstances for the purposes of regulation 18 above or of any of the preceding provisions of this regulation.

(5) In paragraph (4) above “ relevant payment ” means a payment by way of a benefit, pension or allowance under—

(i) the National Insurance Acts 1965 to 1974;

(ii) the National Insurance (Industrial Injuries) Acts 1965 to 1974;

(a) 1974 c. 7.

(b) 1889 c. 63.

(c) S.I. 1974/411 (1974 I, p. 1294).

(d) The amending regulations are not relevant.

- (iii) the Industrial Injuries and Diseases (Old Cases) Acts 1967 to 1974;
- (iv) the Family Income Supplements Act 1970(a); or
- (v) any Personal Injuries Scheme, Service Pensions Instrument or 1914–1918 War Injuries Scheme;
- and also means any payment which the Secretary of State accepts as being analogous to a payment by way of a benefit, pension or allowance under any such scheme or instrument.
- (6) In paragraph (4) above, “relevant increase” means an increase in the rate or amount of any payment—
- (i) by way of benefit or allowance consequent upon the provisions of the National Insurance Act 1974(b) or of regulations to which paragraph 2(1)(a) or (2) of Schedule 5 to that Act applies;
- (ii) by way of benefit, pension or allowance consequent upon any Personal Injuries Scheme, Service Pensions Instrument or 1914–1918 War Injuries Scheme which provides for an increase in the rate or amount of such benefit, pension or allowance to take effect during the period beginning with 21st July 1974 and ending with 31st July 1974;
- (iii) which the Secretary of State accepts as being analogous to a payment by way of benefit, pension or allowance consequent upon any such scheme or instrument as is mentioned in (ii) above; or
- (iv) by way of benefit under the Family Income Supplements Act 1970 consequent upon the Family Income Supplements (Computation) Regulations 1974(c).
- (7) In paragraphs (5)(v) and (6)(ii) above, “Personal Injuries Scheme”, “Service Pensions Instrument” and “1914–1918 War Injuries Scheme” have the meanings assigned to them by regulation 1 (2) of the National Insurance (Overlapping Benefits) Regulations 1972(d), as amended(e).
- (8) The Secretary of State may accept a payment as being analogous to a payment mentioned in paragraph (5) or (6) above—
- (i) by directing authorities in general to regard payments of that description as analogous for the purposes of these regulations; or
- (ii) by notifying an authority that he accepts such a payment as analogous for those purposes.”.

Anthony Crosland,

Secretary of State for the Environment.

24th June 1974.

(a) 1970 c. 55.

(b) 1974 c. 14.

(c) S.I. 1974/905 (1974 II, p. 3530). (d) S.I. 1972/604 (1972 I, p. 1994).

(e) The relevant amending instrument is S.I. 1973/1478 (1973 II, p. 4516).

We consent.

T. Pendry,

James A. Dunn,

Two of the Lords Commissioners
of Her Majesty's Treasury.

25th June 1974.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the statutory rate rebate scheme provided in the Rate Rebate Regulations 1974. They provide that where a residential occupier has been granted a rate rebate or further rate rebate before 22nd July 1974 or has made application for such a rebate on which no determination has been made by that date and was entitled before 22nd July 1974 to any benefit, pension or allowance under the National Insurance legislation or associated legislation, any increase in the income of the residential occupier or his spouse attributable to increases in any of those benefits, pensions or allowances shall not rank as income or as a change of circumstances for the purposes of certain provisions of the scheme. Many of those benefits, pensions and allowances are to be increased during July 1974. Consequently the rate rebates for which a residential occupier has applied or has had granted on the basis of the existing needs allowance under the statutory rate rebate scheme will not fall to be reduced on account of his or his spouse's increased income.

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