

1982 No. 1491

RATING AND VALUATION

The Rate Rebate (Amendment) Regulations 1982

<i>Made - - - -</i>	19th October 1982
<i>Laid before Parliament</i>	29th October 1982
<i>Coming into Operation</i>	22nd November 1982

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) Regulations 1982 and shall come into operation on 22nd November 1982.
2. In these regulations “the principal regulations” means the Rate Rebate Regulations 1978 (b).
3. The provisions of these regulations shall have effect in relation to any week in a rebate period commencing after 21st November 1982.
4. For regulation 7 of the principal regulations (which determines the needs allowance for a residential occupier and any spouse or dependent children of his for the purposes of calculating his entitlement to a rate rebate) there shall be substituted the following:—

“Needs allowance

7.—(1) Subject to paragraph (2) below, the needs allowance for each week is—

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| (a) for an individual person who has no dependent children | £41.40 |
| (b) for a married couple | £61.00 |
| (c) for an individual person who has a dependent child or children | £61.00 |
| (d) for each dependent child of a residential occupier or his spouse | £11.40 |
| (2) The needs allowance for each week is— | |
| (a) for an individual person who has no dependent children and to whom section 29(1) of the National Assistance Act 1948 (c) applies | £46.15 |
| (b) for a married couple to one of whom section 29 applies | £65.75 |
| (c) for an individual person to whom section 29 applies and who has a dependent child or children | £65.75 |
| (d) for a married couple to both of whom section 29 applies | £68.00.”. |

(a) 1974 c.7.

(b) S.I. 1978/1504; relevant amending instruments are S.I. 1979/417/1303, 1980/1625, 1981/1474.

(c) 1948 c.29.

5. In regulation 8(2) of the principal regulations (which provides for those items which are to be disregarded in ascertaining the income of the residential occupier and any spouse of his for the purpose of calculating his entitlement to a rate rebate)—

- (a) in sub-paragraphs (b) and (bb), for the sum of £15.25 wherever it occurs there shall be substituted the sum of £18.00, and
- (b) in sub-paragraph (l), for the sum of £10.85 there shall be substituted the sum of £11.30.

6. For regulation 12 of the principal regulations (which specifies deductions from a rebate in respect of non-dependants) there shall be substituted the following:—

“12.—(1) The deductions from a rebate in respect of non-dependants are for each week—

- (a) for each person aged 18 years or more, but under 21 years and neither undergoing full-time instruction at an educational establishment nor in receipt of supplementary benefit £1.25
- (b) for each person aged 21 years or more, but under pensionable age and neither undergoing full-time instruction at an educational establishment nor in receipt of supplementary benefit £1.60
- (c) for each person in receipt of supplementary benefit £0.75
- (d) for each person of pensionable age not in receipt of supplementary benefit ... £0.75

(2) For the purposes of this paragraph a married couple shall be treated as one person, and if deductions of different amounts would, but for this sub-paragraph, fall to be made in respect of each one of that couple, the deduction to be made shall be the lesser of those amounts; and if a deduction would fall to be made in respect of one of that couple, but not the other, then that deduction shall be made.”.

7. For paragraph 27 of the principal regulations (which provides with certain exceptions for rate rebate not to be granted, or to be terminated, where supplementary benefit is awarded) there shall be substituted the following:—

“*Cases where supplementary benefit is awarded*

27.—(1) Subject to the provisions of paragraphs (3) and (4) of this regulation a rate rebate shall not be granted to a residential occupier who is in receipt of supplementary benefit and if granted but not implemented at the date when supplementary benefit is awarded the grant shall be cancelled.

(2) Where—

- (a) a residential occupier has been granted both a rent rebate under Part II of the Housing Finance Act 1972 (a) and a rate rebate; and
- (b) in the course of the rent rebate and rate rebate periods supplementary benefit is awarded to him; and
- (c) supplementary benefit continues for a continuous period of 8 weeks or more; and

(a) 1972 c.47.

- (d) the rate rebate period has neither expired nor been terminated under regulations 20 or 21,

the rate rebate period shall terminate at the end of the continuous period of 8 weeks referred to in sub-paragraph (c), or on the award to him of housing benefit.

- (3) Where—

- (a) the conditions of paragraph 2(a) and (b) above are satisfied; and
 (b) the rate rebate period expires or is terminated during the period for which supplementary benefit continues but before it has continued for as long as 8 weeks; and
 (c) the conditions for the grant of a rate rebate in the next following period would, but for the provisions of this regulation, be satisfied,

a rate rebate for the next following period shall be granted but, on the conditions of paragraph (2)(c) and (d) being satisfied in relation to that rate rebate period, it shall terminate at the end of the continuous period of 8 weeks referred to in that paragraph or on the award of housing benefit.

(4) Subject to paragraph (5) below, a rate rebate shall be granted to a residential occupier who is in receipt of supplementary benefit if during a period beginning on the first day of the month twelve months prior to the date of his application for a rate rebate or such later date on which he first received supplementary benefit and ending on the date on which he ceases to receive supplementary benefit (hereinafter referred to as the “relevant period”)—

- (a) he will have been in continuous receipt of supplementary benefit and
 (b) in relation to him X is less than Y where—

X represents the amount of supplementary benefit paid or payable to him in respect of the relevant period and

Y represents the total of—

- (i) the amount of rate rebate, and
 (ii) the amount of any rent rebate or rent allowance under Part II of the Housing Finance Act 1972

which he would have received in the relevant period had he not been in receipt of supplementary benefit and had the grant of such rebates or allowances commenced at the beginning of the said period.

(5) No rate rebate shall be granted in pursuance of sub-paragraph (4) above where the residential occupier is in receipt of housing benefit; and if during the course of a rate rebate period following the grant of a rebate in pursuance of that paragraph housing benefit is awarded the rebate period shall terminate forthwith.

(6) For the purposes of this regulation a residential occupier who is a woman shall be treated as receiving supplementary benefit if her requirements have, under paragraph 3(1) of Schedule 1 to the Supplementary Benefits Act 1976 (a), been aggregated with and treated as those of a person awarded supplementary benefit.

(7) In this regulation “housing benefit” means housing benefit within the meaning of regulation 2(3) of the Housing Benefit Regulations 1982 (b).”.

(a) 1976 c.71.

(b) S.I. 1982/1124.

4th October 1982.

Michael R. D. Heseltine,
Secretary of State for the
Environment.

We consent,

19th October 1982.

Robert Boscawen,
J. A. Cope,
Two of the Lords Commissioners
of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the statutory rate rebate scheme provided for in the Rate Rebate Regulations 1978. The amount of rebate to which a residential occupier may be entitled is calculated in part by reference to amounts allowed for his needs and the needs of his spouse and dependent children (the needs allowance), in part by reference to amounts to be deducted for non-dependants and in part by reference to items which are to be disregarded in the calculation of his income. These Regulations provide for increases in the net allowances, increases in the amounts to be deducted for non-dependants and increases in certain of the items to be disregarded in any week in a rebate period beginning after 21st November 1982. They also provide for a single deduction to be made in the case of married couples both of whom are non-dependants.

They also amend the scheme to prevent a person in receipt of housing benefit under the Social Security and Housing Benefits Act 1982 (which introduces a scheme which will from April 1983 supersede rate and rent rebates and rent allowances, and which by virtue of the Housing Benefit Regulations 1982 increases the benefit from 22nd November 1982 in respect of certain persons in receipt of supplementary benefit) from receiving a rate rebate in addition to that benefit.

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