

1990 No. 834

SOCIAL SECURITY

**The Community Charge Benefits (General) Amendment
Regulations 1990**

Made - - - -

30th March 1990

Coming into force

1st April 1990

Whereas a draft of this instrument was laid before Parliament in accordance with section 83(3) of the Social Security Act 1986 and approved by resolution of each House of Parliament –

Now therefore the Secretary of State for Social Security in exercise of the powers conferred by sections 20(1)(d), (8F)(b) and (11), 21(6)(c) and (7), 22(1), (8) and (9), 22A(1), (4) and (7), 22B(3), 31A(1) to (3), 31B(6)(b), 31C(1) and (2), 31D(3) and (5), 31E(1), 51A(1)(a) to (c), (h), (i), (j), (kk), (l), (n) and (oo), 83(2) and 84(1) of the Social Security Act 1986(a), section 9A(6) of the Abolition of Domestic Rates Etc (Scotland) Act 1987(b), section 13A(7) of the Local Government Finance Act 1988(c) and sections 165A(1) and 166(1) to (3A) of the Social Security Act 1975(d) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned(e) and after agreement by the Social Security Advisory Committee that proposals to make the Regulations should not be referred to it(f), hereby makes the following Regulations:–

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Community Charge Benefits (General) Amendment Regulations 1990 and shall come into force on 1st April 1990.

(2) In these Regulations “the General Regulations” means the Community Charge Benefits (General) Regulations 1989(g).

(a) 1986 c.50; sections 20(1)(d) and (8F), 21(6)(c), 22A, 22B, 31A, 31B, 31C, 31D, 31E and 51A were inserted in the Social Security Act 1986 and section 83(3) was amended by Schedule 10 to the Local Government Finance Act 1988 (c.41); sections 22B and 31D were amended and paragraphs (kk) and (oo) were inserted in section 51A(1) by the Social Security Act 1989 (c.24), Schedule 8, paragraph 9; and section 84(1) is cited because of the meanings assigned to the words “prescribed” and “regulations”. (b) 1987 c.47; section 9A was inserted by the Local Government and Housing Act 1989 (c.42), section 143. (c) 1988 c.41; section 13A was inserted by the Local Government and Housing Act 1989, Schedule 5, paragraph 5. (d) 1975 c.14; section 165A(1) was substituted by the Social Security Act 1986, Schedule 10, paragraph 87 and amended by the Social Security Act 1989 (c.24), Schedule 8 paragraph 9; the section was extended to apply to income related benefits by the 1986 Act, Schedule 10, paragraph 48; section 166(3) was amended by the Social Security Act 1989, Schedule 10, subsection (3A) was inserted by the Social Security Act 1986, section 62(1) and the section is applied by section 83(1) of the 1986 Act. (e) See section 61(7) of the Social Security Act 1986 which was amended by the Local Government Finance Act 1988 (c.41), Schedule 10, paragraph 10. (f) See the Social Security Act 1986, section 61(1)(b) and (10); the Social Security Act 1989 (c.24), Schedule 8, added a definition of “regulations” to section 61(10) of the Act of 1986. (g) S.I. 1989/1321.

Amendment of regulation 2 of the General Regulations

2. In regulation 2(1) of the General Regulations (interpretation)–

- (a) after the definition of “the Independent Living Fund” there shall be inserted the following definition –

“the Macfarlane (Special Payments) Trust” means the trust of that name established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;”;

- (b) after the definition of “the Macfarlane Trust” there shall be inserted the following definition –

““training allowance” means an allowance (whether by way of periodical grants or otherwise) payable –

- (a) out of public funds by a Government department or by or on behalf of the Training Agency;
- (b) to a person for his maintenance or in respect of a member of his family; and
- (c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to him or so provided or approved by or on behalf of that Agency,

but it does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education other than under arrangements made under section 2 of the Employment and Training Act 1973(a) or is training as a teacher;”.

Amendment of regulation 4 of the General Regulations

3. In regulation 4(2) of the General Regulations (persons of prescribed description) there shall be added at the end the words “or to a person who is receiving advanced education within the meaning of regulation 12(2) of the Income Support (General) Regulations 1987(b) (relevant education).”

Amendment of regulation 24 of the General Regulations

4. In regulation 24 of the General Regulations (capital treated as income), after paragraph (2) there shall be added the following paragraph –

“(3) Any earnings to the extent that they are not a payment of income shall be treated as income.”

Amendment of regulation 25 of the General Regulations

5. Regulation 25 of the General Regulations (notional income) shall be amended –

- (a) in paragraph (3) after the words “the Macfarlane Trust” there shall be inserted the words “, the Macfarlane (Special Payments) Trust”;
- (b) in paragraph (4) for the words “the first Monday in April in that year” there shall be substituted the words “either 1st April or the first Monday in April in that year whichever date the appropriate authority shall select to apply in its area.”.

Amendment of regulation 30 of the General Regulations

6. In regulation 30 of the General Regulations (income treated as capital), after paragraph (5) the following paragraph shall be added –

“(6) Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust or the Independent Living Fund, shall be treated as capital.”

(a) 1973 c.50; section 2 was substituted by section 25 of the Employment Act 1988 (c.19). (b) S.I. 1987/1967.

Amendment of regulation 33 of the General Regulations

7. In regulation 33 of the General Regulations (notional capital), in paragraph (3) after the words "the Macfarlane Trust" there shall be inserted the words ", the Macfarlane (Special Payments) Trust".

Amendment of regulation 41 of the General Regulations

8. In regulation 41 of the General Regulations (disregard of student's covenant and grant income)–

- (a) for the words "only if and to the extent that," there shall be substituted the words "to the extent that";
- (b) for the amount "£5" there shall be substituted the amount "£10".

Amendment of regulation 46 of the General Regulations

9. In regulation 46 of the General Regulations (maximum community charge benefit) –

(a) for paragraphs (1) and (2) there shall be substituted the following paragraphs –

"(1) Except in a case to which paragraph (2) applies, the amount of a person's maximum community charge benefit in respect of a day shall be–

(a) where a person's liability is in respect of a personal community charge, 80% of the amount $\frac{A}{B}$ where –

(i) A is the amount set or imposed by the appropriate authority as the personal community charge for its area for the relevant financial year;

(ii) B is the number of days in that financial year;

(b) where a person's liability is in respect of a collective community charge contribution, 80% of the amount to be paid by him by way of collective community charge contribution in respect of that day.

(2) Where a claim for community charge benefits is made by or on behalf of a couple or the members of a polygamous marriage, the maximum community charge benefit in respect of that couple or those members shall be the aggregate of any amounts referred to in paragraph (1)(a) and (b) applicable to each member of that couple or that marriage, except that where any such member is a registered student any amounts in respect of that student shall be disregarded.";

(b) paragraph (3) shall be amended by substituting the words "paragraphs 5 and 5A of the 1988 Act(a)" for the words "paragraph 5 of the 1988 Act";

(c) after paragraph (3) there shall be added the following paragraph –

"(4) In calculating the maximum community charge benefit under paragraphs (1) and (2) any reduction in the amount a person is liable to pay in respect of a personal community charge in consequence of regulations made under section 13A of the 1988 Act(b) or section 9A of the 1987 Act(c) (reduced liability for personal community charge), shall be taken into account."

Amendment of regulation 48 of the General Regulations

10. Regulation 48 of the General Regulations (community charge benefits taper) shall be amended by substituting "2 1/7%" for "15%".

Amendment of regulations 49 and 50 of the General Regulations

11. In regulation 49 and 50 of the General Regulations (amount of community charge benefits for couples and the members of a polygamous marriage) for the words "liability for a personal community charge or" each time they appear there shall be substituted the words "liability for payments in respect of a personal community charge or for any".

(a) 1988 c.41; paragraph 5 of Schedule 2 to the 1988 Act was substituted and a new paragraph 5A was added by the Local Government and Housing Act 1989 (c.42), Schedule 5, paragraph 11(4). (b) 1988 c.41; section 13A was inserted in the Local Government Finance Act 1988 by the Local Government and Housing Act 1989 (c.42), Schedule 5, paragraph 5. (c) 1987 c.47; section 9A was inserted in the Abolition of Domestic Rates Etc (Scotland) Act 1987 by section 143 of the Local Government and Housing Act 1989.

Amendment of regulation 51 of the General Regulations

12. In paragraphs (2) and (3) of regulation 51 of the General Regulations (benefits for partners of registered students) for the reference to "Part IV" each time it appears there shall be substituted a reference to "Parts IV and V", and for the words "liability for a personal community charge or" each time they appear there shall be substituted the words "liability for payments in respect of a personal community charge or for any".

Amendment of regulation 52 of the General Regulations

13. Regulation 52 of the General Regulations (minimum community charge benefit) shall be amended by substituting the word "benefit" for the words "weekly amount" and by adding the words "per week" at the end.

Amendment of regulation 55 of the General Regulations

14. In regulation 55 of the General Regulations (date on which benefit period is to end) for the words from "unless" to the end of the regulation, there shall be substituted the words –

"unless –

- (a) the claimant is a person on income support and he ceases to be so entitled except in cases to which sub-paragraph (b) refers, when the benefit period will end with the last day of the benefit week in which the cessation of his entitlement takes effect in accordance with regulation 56 (date when change of circumstances is to have effect);
- (b) the claimant is a person on income support and he ceases to be so entitled on account of an award of benefit under the Social Security Act, when the benefit period will end at the end of the benefit week in which the payment of income support ceases; or
- (c) the appropriate authority determines that some other change of circumstances has occurred which should result in the benefit period ending with an earlier week, when the benefit period will end with the last day of that week."

Amendment of regulation 56 of the General Regulations

15. In regulation 56 of the General Regulations (date on which change of circumstance is to take effect) after paragraph (2) there shall be inserted the following paragraph –

"(2A) Where the change is a change in the amount a person is liable to pay in respect of a personal community charge in consequence of regulations under section 13A of the 1988 Act or section 9A of the 1987 Act it shall take effect from the day on which the change in amount has effect."

Substitution of new regulation 57 in the General Regulations

16. For regulation 57 of the General Regulations (calculation of weekly amounts) there shall be substituted –

"Rounding of fractions

57. Any amount determined under these Regulations including any amount to which the members of a couple or of a polygamous marriage may be entitled may, if it is appropriate, be rounded to the nearest whole penny by disregarding any amount less than half a penny and treating any amount of half a penny or more as a whole penny."

Amendment of regulation 58 of the General Regulations

17. In regulation 58 of the General Regulations (increases of weekly amounts for exceptional circumstances)–

- (a) for the words "paid in his case" there shall be substituted the words "allowed or paid in his case";
- (b) for the words from "paid to him" to the end there shall be substituted the words "allowed or paid to him in any week to exceed the amount of his maximum community charge benefit, calculated in respect of a day in accordance with regulation 46 (maximum community charge benefit), multiplied by 7."

Amendment of regulation 60 of the General Regulations

18. Regulation 60 of the General Regulations (time and manner in which claims are to be made) shall be amended –

- (a) in paragraph (4), by substituting for the words “either of the offices referred to in paragraph (5)(b)” the following sub-paragraphs –
 - “(a) either of the offices referred to in paragraph (5)(b), where the claimant or his new partner is a person on income support; or
 - (b) the designated office in any other case”;
- (b) in paragraph (13), for the words “the authority may treat that claim” there shall be substituted the words “the authority shall treat that claim”.

Amendment of regulation 61 of the General Regulations

19. In regulation 61(1) of the General Regulations (evidence and information), after the words “the Macfarlane Trust” there shall be inserted the words “the Macfarlane (Special Payments) Trust”.

Amendment to regulation 76 of the General Regulations

20. In regulation 76 of the General Regulations (time and manner of granting community charge benefit in respect of personal community charges) in paragraph (1) –

- (a) for the words “may discharge” there shall be substituted the words “shall discharge”;
- (b) for the words “or may pay” there shall be substituted the words “or, where this is not possible, shall pay”.

Amendment of regulation 78 of the General Regulations

21. In regulation 78 (persons to whom benefit is to be paid) –

- (a) in paragraph (3), at the beginning there shall be inserted the words “Except in cases to which paragraph (4) applies,”;
- (b) for paragraph (4) there shall be substituted the following paragraph –

“(4) Where payments of community charge benefit to which a person is entitled on account of his liability to pay a collective community charge contribution have not yet been made, the appropriate authority may, where –

- (a) that person remains liable for a collective community charge contribution in respect of his residence in premises for which a collective community charge is payable;
- (b) his residence in those premises has ceased; and
- (c) the authority considers it impracticable to pay the benefit to the person concerned,

pay the outstanding benefit to the person to whom the relevant contribution is owed without obtaining the consent of the person who is liable for that contribution.”.

Amendment of regulation 79 of the General Regulations

22. In regulation 79 of the General Regulations (shortfall in benefits) –

- (a) in paragraph (1) for the words “the appropriate authority” to the end of the paragraph, there shall be substituted the words –

“the appropriate authority shall either –

- (a) make good any shortfall of benefits which are due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the personal community charge of the authority concerned as it has effect for the relevant chargeable financial year until that shortfall is made good; or

- (b) where this is not possible or the person concerned so requests, pay any shortfall of benefits due to that person within 14 days of the decision on review being made or if that is not reasonably practicable, as soon as possible afterwards”.
- (b) In paragraph (2), for the word “where” there shall be substituted the words “to the extent that”.

Amendment of regulation 80 of the General Regulations

23. In regulation 80 of the General Regulations (withholding of benefit) –
- (a) in paragraph (3) for the words from “allowed or paid” to the end of the paragraph there shall be substituted the following paragraphs –
 - “(a) allowed to the person concerned by reducing, so far as possible, the next and any subsequent payments he is liable to make in respect of the personal community charge of the authority concerned as it has effect for the relevant chargeable financial year, until the benefit withheld is made good, or
 - (b) where this is not possible or the person concerned so requests, paid to that person within 14 days of the determination of that question or, if this is not reasonably practicable, as soon as possible afterwards, except to the extent that there was no entitlement to that benefit or recoverable excess benefits remain due from the person from whom the benefit was withheld”.
 - (b) in paragraph (4) for the words “the authority may allow” there shall be substituted the words “the authority, with the consent of the person from whom the benefit was withheld, may allow,”.

Amendment of regulation 83 of the General Regulations

24. Regulation 83 of the General Regulations (meaning of excess benefits) shall be amended by adding the following words at the end –
- “and includes any excess which arises by reason of –
- (a) a reduction in the amount a person is liable to pay in respect of a personal community charge in consequence of regulations made under section 13A of the 1988 Act or section 9A of the 1987 Act; or
 - (b) in England and Wales, a substitution under section 34 or, as the case may be, section 35 of the 1988 Act (power to set a substituted amount and duty to set a substituted amount) of a lower amount for the amount previously set by the appropriate authority for its personal community charge under section 32 of that Act (amount set for a personal community charge); or
 - (c) in Scotland, a reduction in the appropriate authority's personal community charge made under section 22 of the 1987 Act (reduction of community charges).”.

Amendment of regulation 84 of the General Regulations

25. In regulation 84 of the General Regulations (recoverable excess benefit) after paragraph (3) the following paragraph shall be added –
- “(4) Paragraph (2) shall not apply with respect to excess benefits to which regulation 83(a) to (c) refers.”.

Amendment of regulation 87 of the General Regulations

26. In regulation 87 of the General Regulations (methods of recovery) –
- (a) in paragraph (1) after “(2)” there shall be inserted “(2A),”;
 - (b) after paragraph (2) the following paragraph shall be inserted –
 - “(2A) Where, in Scotland, a person's liability for a personal community charge in respect of the financial year beginning 1st April 1989 is reduced in consequence of regulations made under section 9A of the 1987 Act, any benefit to which he was entitled in respect of that charge under the Housing Benefit (Community Charge Rebates) (Scotland) Regulations 1988(a), shall

(a) S.I. 1988/1890.

take account of his reduced liability for that charge and any benefit which is found to have been overpaid may be recovered by an addition to any amount payable in respect of a personal community charge under that Act or by deduction from any sums to which he may be entitled in consequence of regulations made under section 9A.”.

Amendment of regulation 91 of the General Regulations

27. In regulation 91(2) of the General Regulations (benefits from which excess community charge benefits are not recoverable) after the words “guardian's allowance” there shall be inserted the word “and” and the words “and housing benefit under Part II of the Act” shall be omitted.

Amendment of Schedule 1 to the General Regulations

28. In Schedule 1 to the General Regulations (applicable amounts) –

- (a) in paragraph 6 sub-paragraph (1), for the words from “either the higher pensioner premium” to the end of that sub-paragraph there shall be substituted the words “any other premium which may apply under this Schedule.”;
- (b) in paragraphs 7(b) and 13(5), after the words “Employment and Training Act 1973” there shall be added in each of those paragraphs the words “or for any period during which he is in receipt of a training allowance”;
- (c) in paragraph 11(3)(c), for the words “upon becoming entitled or re-entitled to community charge benefit” there shall be substituted the words “for the purpose of establishing entitlement or re-entitlement for community charge benefits”;
- (d) in paragraph 13 –
 - (i) for head (b) of sub-paragraph (1) there shall be substituted the following –

“(b) the circumstances of the claimant fall, and have fallen, in respect of a continuous period of not less than 28 weeks, within sub-paragraph (b) or, if he was in Northern Ireland for the whole or part of that period, within one or more comparable Northern Irish provisions;”;
 - (ii) after sub-paragraph (5) there shall be added the following sub-paragraphs –

“(6) For the purposes of sub-paragraph (1)(b), the circumstances of a claimant fall within this sub-paragraph if

 - (a) he provides evidence of incapacity in accordance with regulation 2 of the Social Security (Medical Evidence) Regulations 1976^(a) (evidence of incapacity for work) in support of a claim for sickness benefit, invalidity pension or severe disablement allowance within the meaning of sections 14, 15 or 36 of the Social Security Act, provided that an adjudication officer has not determined he is not incapable of work, or
 - (b) he is in receipt of statutory sick pay within the meaning of Part I of the Social Security and Housing Benefits Act 1982^(b);
 - (7) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to a claimant by virtue of his satisfying the additional condition specified in that provision, he shall continue to be treated as satisfying that condition for any period spent by him in undertaking a course of training provided under section 2 of the Employment and Training Act 1973^(c).”;
- (e) in paragraph 14 –
 - (i) in sub-paragraph (2)(a)(iii) the words “no one is in receipt of” shall be omitted and after the words “Social Security Act” there shall be inserted the words “is not in payment to anyone”;
 - (ii) in sub-paragraph (2)(b) for the words “there is someone in receipt of an invalid care allowance” there shall be substituted the words “an invalid care allowance is in payment to someone” and for the words “there is no one in receipt of such an allowance” there shall be substituted the words “such an allowance is not in payment to anyone”;
- (f) after paragraph 16 there shall be inserted the following paragraph –

“Person in receipt of benefit for another

(a) S.I. 1976/615; relevant amending instruments are S.I. 1982/699 and 1987/409. (b) 1982 c.24. (c) 1973 c.50.

16A. For the purposes of this Part of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.”

Amendment of Schedule 2 to the General Regulations

29. In Schedule 2 to the General Regulations (sums to be disregarded in the calculation of earnings) in paragraph 3(7) for the words “income support” there shall be substituted the words “community charge benefit, or housing benefit or both.”

Amendment of Schedule 3 to the General Regulations

30. In Schedule 3 to the General Regulations (sums to be disregarded in the calculation of income other than earnings) –

- (a) in paragraphs 13, 14 and 34 for the amount of “£5” in each of those paragraphs there shall be substituted the amount of “£10”;
- (b) in paragraph 21 for the amount “£11” each time it appears there shall be substituted the amount “£20.00”.
- (c) paragraph 35 shall be amended by inserting the words “, the Macfarlane (Special Payments) Trust” after the words “the Macfarlane Trust”.
- (d) after paragraph 40 the following paragraph shall be added –
 - “41. Any payment in consequence of a reduction of a personal community charge pursuant to regulations under section 13A of the Local Government Finance Act 1988 or section 9A of the Abolition of Domestic Rates Etc (Scotland) Act 1987 (reduction of liability for personal community charges).
 - 42. Any special war widows payment made under –
 - (a) the Naval and Marine Pay and Pensions (Special War Widows Payment) Order 1990 made under section 3 of the Naval and Marine Pay and Pensions Act 1865(a);
 - (b) the Royal Warrant dated 19th February 1990 amending the Schedule to the Army Pensions Warrant 1977(b);
 - (c) the Queen's Order dated 26th February 1990 made under section 2 of the Air Force (Constitution) Act 1917(c);
 - (d) the Home Guard War Widows Special Payments Regulations 1990 made under section 151 of the Reserve Forces Act 1980(d);
 - (e) the Orders dated 19th February 1990 amending Orders made on 12th December 1980 concerning the Ulster Defence Regiment made in each case under Section 140 of the Reserve Forces Act 1980(e),

and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under the provisions mentioned in sub-paragraph (a) to (e) of this paragraph.”

Amendment of Schedule 4 to the General Regulations

31. In Schedule 4 to the General Regulations (capital to be disregarded) –

- (a) paragraph 23 shall be amended by inserting the words “, the Macfarlane (Special Payments) Trust” after the words “the Macfarlane Trust”;
- (b) after paragraph 34 the following paragraphs shall be added –
 - “35. Any payment in consequence of a reduction of a personal community charge pursuant to regulations under section 13A of the Local Government Finance Act 1988 or section 9A of the Abolition of Domestic Rates Etc (Scotland) Act 1987 (reduction of liability for personal community charge) but only for a period of 52 weeks from the date of the receipt of the payment.

(a) 1865 c.73. Copies of the Order are available from Ministry of Defence NPC2, Room 317, Archway Block South, Old Admiralty Building, Spring Gardens, London SW1A 2BE. (b) Army code No 13045 published by HMSO. (c) 1917 c.51. RAF Queen's Orders are available from HMSO. (d) 1980 c.9. Copies of the Order are available from Ministry of Defence at the address given in footnote (a). (e) Army code No 60589 published by HMSO.

36. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988(a) or section 66 of the Housing (Scotland) Act 1988(b) (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used –
- (a) to purchase premises intended for occupation as his home; or
 - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,
- for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the claimant to commence occupation of those premises as his home.”.

Amendment of Schedule 5 to the General Regulations

32. In Schedule 5 to the General Regulations (matters to be included in notices of determination) for paragraph 9(a) there shall be substituted –

“(a) the weekly amount of payments in respect of a personal community charge or any collective community charge contributions.”.

Signed by authority of the Secretary of State for Social Security.

Nicholas Scott
Minister of State,

Department of Social Security

30th March 1990

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Community Charge Benefits (General) Regulations 1989 in the following respects.

Regulation 4 is amended so that a person receiving advanced education will not be a member of another person's family (regulation 3).

Regulation 24 is amended so that earnings which are not income are treated as income (regulation 4).

Provision is made so that in calculating a person's income and capital for determining his entitlement to community charge benefit any payments made under the Macfarlane (Special Payments) Trust are to be disregarded (regulations 5, 7, 19, 30 and 31).

Regulation 30 is amended to provide that charitable or voluntary payments paid at irregular intervals shall be treated as capital (regulation 6).

Regulation 41 is amended so that the amount disregarded in calculating the income of students from certain covenants or grants is increased from “£5” to “£10” (regulation 8).

Regulation 46 is amended to provide for the calculation of a person's maximum community charge benefit on a daily basis and regulation 48 (community charge benefits taper) is amended to express the taper as a daily rate (regulations 9 and 10).

Regulation 46 is also amended so that where a person's liability in respect of a personal community charge is reduced under Transitional Regulations the maximum community charge benefit in his case shall take account of the reduction (regulation 9).

(a) 1988 c.50 (b) 1988 c.43.

Provisions referring to a person's liability for a personal community charge are amended to refer to a person's liability for payments in respect of such a charge (regulations 11, 12, 20 and 32).

Regulation 51 is amended so that Parts IV and V of the Regulations (income of students) apply to the calculation of a couple's income (regulation 12).

Regulation 52 is amended so that benefit will not be payable in any case where the amount awarded is less than 50p per week (regulation 13).

Regulation 55 is amended with respect to specifying the benefit week in which a person's award of community charge benefit is to end (regulation 14).

Regulation 56 is amended to specify the date from which transitional changes in the amount of a person's personal community charge shall have effect (regulation 15).

Regulation 57 is substituted and provides for the rounding of fractional amounts of benefit (regulation 16).

Regulation 58 (increases of benefit in exceptional circumstances) is amended to take account of the daily rate of a person's maximum community charge benefit and to extend to rebates as well as payments of benefit (regulation 17).

Regulation 60 is amended with respect to the manner of claiming benefit and the treatment of claims in advance (regulation 18).

Regulation 76 is amended so as to require that so far as possible benefit in respect of a personal community charge shall be granted in the form of a reduction of the charge (regulation 20).

Regulation 78 is amended so that collective community charge contributions may in specified cases, be paid direct to the collective community charge payer without the consent of the person entitled to the benefit (regulation 21).

Regulation 79 is amended so that shortfalls in benefit can be made good by reducing a person's liability for a community charge as well as by payment of the shortfall (regulation 22).

Regulation 80 is amended so that withheld benefit may be allowed to a claimant by reducing his liability for a community charge as well as by payment of benefit (regulation 23).

Regulations 83 and 84 are amended so that where benefit is overpaid following a reduction of a person's personal community charge in consequence of transitional relief the excess benefit may be recovered (regulations 24 and 25).

Regulation 87 is amended so that benefit overpaid in Scotland for the financial year 1989/90 where a person receives transitional relief in respect of a personal community charge may be recovered (regulation 26).

Regulation 91 (recovery of excess benefits from prescribed benefits) is amended to remove the reference to housing benefit (regulation 27).

Amendments are also made to Schedules 1 to 3 to the Regulations relating to applicable amounts (regulation 28), the disregard of sums in the calculation of earnings (regulation 29) and the disregard of income other than earnings (regulation 30) and the disregard of capital (regulation 31).

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