STATUTORY INSTRUMENTS

1990 No. 288

COMMUNITY CHARGES, ENGLAND AND WALES

The Personal Community Charge (Relief) (Wales) Regulations 1990

Made - - - -	*16th February 1990*
Laid before Parliament	*19th February 1990*
Coming into force	*21st February 1990*

The Secretary of State for Wales, in exercise of the powers conferred on him by sections 13A, 31(10), 140(4), 143(1) and (2) and 146(6) of the Local Government Finance Act 1988(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and application

1. These Regulations may be cited as the Personal Community Charge (Relief) (Wales) Regulations 1990 and shall come into force on 21st February 1990. They apply to Wales only.

Interpretation etc.

2.—(1) In these Regulations—

"the Act" means the Local Government Finance Act 1988;

"applicable relief", in relation to a community area, means the amount (if any) prescribed in relation to that area in Schedule 1;

"community" means a community within the meaning of the Local Government Act 1972(b);

"community area" means an area which is co-extensive with the area, as at 1st January 1990, of a community, and a community area identified by a name means the area which is co-extensive with the area of the community of that name at that date;

"prescribed year" means the chargeable financial year prescribed in regulation 3;

"set charge" means the amount set by the relevant charging authority as its personal community charge for its area for the prescribed year under Part II of the Act or any substitute amount so set or, where the authority has set different amounts for different areas, the amount applicable in the case of the chargepayer concerned, apart from these Regulations.

(2) References in these Regulations to the amount a person is liable to pay in respect of a personal community charge shall be construed as references to that amount before any reduction is made to that amount in respect of his entitlement to community charge benefit under the Social Security Act 1986(c).

(a) 1988 c.41; section 13A was inserted by paragraph 5 of Schedule 5 to the Local Government and Housing Act 1989 (c.42).
(b) 1972 c.70.
(c) 1986 c.50; section 20 was amended by paragraph 2 of Schedule 10 to the Local Government Finance Act 1988.

(3) These Regulations apply whether the liability of a person to pay an amount to a charging authority in respect of a personal community charge arises under section 12 of the Act or that section read with section 13 of the Act.

Prescribed Year

3. The chargeable financial year beginning on 1st April 1990 is prescribed as the year for which these Regulations apply.

Calculation of, and entitlement to, relief

4.—(1) Subject to regulation 5, if—

(a) a person is liable to pay an amount to a charging authority in respect of a personal community charge as it has effect for the prescribed year, and

(b) the residence by virtue of which he is subject on a day in the prescribed year to that charge is situated in a community area named in Schedule 1,

the amount he is liable to pay in respect of the charge for that day shall be found in accordance with paragraph (2).

(2) The liability of the person to pay an amount in respect of the charge for a day in the prescribed year shall be calculated as if the charging authority had set for that year a charge equal to its set charge less the applicable relief for the community area in which is situated the residence by virtue of which he is subject on that day to the charge.

(3) For the purposes of this regulation, if a residence consists of premises, and the premises are, or are treated as, situated wholly within a community area, the residence shall be treated as situated in that community area.

(4) The rules in Schedule 2 shall apply for the purposes of the application of paragraph (3).

5. Regulation 4 shall not apply to reduce the liability of a person to pay an amount in respect of a personal community charge for any day if the reduction in his liability would occasion a reduction, which is greater, in the amount of community charge benefit to which he is entitled under the Social Security Act 1986 in relation to that day.

Provision of information

6. Except as regards a decision to which regulation 7 applies, where a charging authority makes a decision relating to the application or operation of these Regulations in relation to a person, the authority shall, if requested in writing by the person so affected, provide him with a written statement of its decision and the reasons for it; and the statement shall be dated and sent within 14 days from the date on which it is requested or as soon as is reasonably practicable thereafter.

7. A charging authority which decides that regulation 5 applies in the case of a person shall within 14 days of the date of that decision provide the person in question with a statement of the effect of that regulation and its reasons for deciding that it applies in his case.

SCHEDULE 1

Regulations 2 and 4

PRESCRIBED AMOUNTS OF RELIEF

In the district of:	*Community Area*	*Amount Prescribed (applicable relief)*
Aberconwy	Bro Garmon	£8
	Bro Machno	£29
	Capel Curig	£2
	Dolgarrog	£12
	Ysbyty Ifan	£32

In the district of:	*Community Area*	*Amount Prescribed (applicable relief)*
Arfon	Bethesda	£10
	Betws Garmon	£9
	Llanberis	£22
	Llanddeiniolen	£9
	Llandwrog	£2
	Llanllyfni	£15
Blaenau Gwent	Abertillery	£49
	Beaufort	£10
	Brynmawr	£24
	Cwm	£56
	Ebbw Vale	£34
	Llanhilleth	£49
	Nantyglo and Blaina	£28
	Tredegar	£31
Brecknock	Merthyr Cynog	£12
	Tawe-Uchaf	£10
	Ystradgynlais	£4
Cardiff	Adamsdown	£9
	Cathays	£5
Carmarthen	Abernant	£52
	Cenarth	£28
	Cilymaenllwyd	£47
	Clynderwen	£16
	Cynwyl Elfed	£31
	Eglwyscummin	£19
	Gorslas	£5
	Henllanfallteg	£33
	Laugharne Township	£3
	Llanarthney	£13
	Llanboidy	£48
	Llanddarog	£6
	Llanddowror	£27
	Llanfihangel-ar-Arth	£15
	Llanfihangel Rhos-y-Corn	£42
	Llangain	£13
	Llangeler	£21
	Llangyndeyrn	£19
	Llangynin	£26
	Llangynog	£34
	Llanllawddog	£16
	Llanllwni	£22
	Llanpumsaint	£34
	Llansteffan	£1
	Llanwinio	£47
	Llanybydder	£13
	Llanycrwys	£54
	Meidrim	£30
	Newchurch and Merthyr	£14
	Pencarreg	£23
	Trelech	£46
	Whitland	£2
Ceredigion	Beulah	£28
	Ciliau Aeron	£43
	Dyffryn Arth	£30
	Henfynyw	£15
	Llanarth	£22
	Llanddewi Brefi	£10
	Llandyfriog	£31
	Llandysiliogogo	£44
	Llandysul	£28
	Llanfair Clydogau	£44
	Llanfihangel Ystrad	£33

194349 A2

In the district of:	*Community Area*	*Amount Prescribed (applicable relief)*
	Llangeitho	£26
	Llangoedmor	£3
	Llangwyryfon	£31
	Llangybi	£42
	Llanwenog	£44
	Llanwnen	£38
	Lledrod	£23
	Nantcwnlle	£38
	Penbryn	£16
	Pontarfynach	£23
	Trawsgoed	£7
	Troedyraur	£41
	Ysbyty Ystwyth	£10
	Ystrad Fflur	£7
	Ystrad Meurig	£10
Colwyn	Cerrigydrudion	£19
	Llanfair Talhaiarn	£1
	Llanfihangel Glyn Myfyr	£22
	Llangernyw	£9
	Llangwm	£1
	Llannefydd	£5
	Llansannan	£5
	Pentrefoelas	£31
Cynon Valley	Aberaman	£23
	Abercynon	£47
	Aberdare	£28
	Cwmbach	£29
	Hirwaun	£20
	Mountain Ash	£33
	Penrhiwceiber	£66
	Pen-y-waun	£28
	Rhigos	£25
	Ynysybwl and Coed-y-Cwm	£19
Delyn	Brynford	£6
	Leeswood	£2
	Nercwys	£12
Dinefwr	Betws	£3
	Cilycwm	£38
	Cwmamman	£20
	Cynwyl Gaeo	£50
	Dyffryn Cennen	£18
	Llanddeusant	£56
	Llandybie	£1
	Llanfair-ar-y-bryn	£47
	Llanfihangel Aberbythych	£17
	Llanfynydd	£49
	Llangadog	£30
	Llangathen	£15
	Llansadwrn	£49
	Llansawel	£44
	Llanwrda	£15
	Manordeilo and Salem	£11
	Myddfai	£44
	Quarter Bach	£20
	Talley	£46
Dwyfor	Botwnnog	£8
	Llanaelhaearn	£9
	Pistyll	£12
Glyndŵr	Aberwheeler	£17
	Betws Gwerful Goch	£41
	Bryneglwys	£21
	Clocaenog	£26

In the district of:	*Community Area*	*Amount Prescribed (applicable relief)*
	Corwen	£7
	Cyffylliog	£10
	Cynwyd	£20
	Gwyddelwern	£29
	Llanelidan	£1
	Llangedwyn	£26
	Llanrhaeadr-ym-Mochnant	£26
	Llansilin	£4
	Nantglyn	£13
Islwyn	Abercarn	£31
	Argoed	£30
	Cefn Fforest	£26
	Crosskeys	£23
	Crumlin	£16
	Newbridge	£24
	Pengam	£18
	Penmaen	£5
	Ynysddu	£38
Llanelli	Cefn Sidan	£10
	Kidwelly	£38
	Llanedi	£16
	Llanelli	£2
	Llanelli Rural	£3
	Llangennech	£12
	Llannon	£32
	Pontyberem	£37
	Trimsaran	£43
Lliw Valley	Cilybebyll	£10
	Clydach	£21
	Cwmllynfell	£54
	Gorseinon	£20
	Gowerton	£4
	Grovesend	£36
	Gwaun-Cae-Gurwen	£52
	Llwchwr	£6
	Mawr	£54
	Pontardawe	£32
	Pontardulais	£19
	Ystalyfera	£56
Meirionnydd	Brithdir and Llanfachreth	£10
	Corris	£35
	Ffestiniog	£43
	Ganllwyd	£35
	Llandderfel	£14
	Llanfihangel-y-Pennant	£16
	Llanfrothen	£12
	Llangywer	£15
	Llanuwchllyn	£14
	Llanycil	£29
	Maentwrog	£57
	Mawddwy	£17
Merthyr Tydfil	Bedlinog	£41
	Dowlais	£35
	Merthyr Vale	£46
	Pant	£9
	Penydarren	£18
	Town	£22
	Treharris	£25
	Troed-y-rhiw	£47
Montgomeryshire	Dwyriw	£4
	Llanfihangel	£9

194349 B*

In the district of:	*Community Area*	*Amount Prescribed (applicable relief)*
Neath	Blaengwrach	£53
	Briton Ferry	£32
	Clyne	£52
	Coedffranc	£11
	Crynant	£30
	Dyffryn Clydach	£8
	Glynneath	£48
	Neath	£16
	Onllwyn	£77
	Pelenna	£50
	Resolven	£66
	Seven Sisters	£72
	Tonna	£13
Newport	Nash	£4
	Victoria	£9
	Wentlooge	£1
Ogwr	Cefn Cribwr	£54
	Coychurch Higher	£59
	Cynffig	£44
	Garw Valley	£93
	Llangynwyd Lower	£54
	Llangynwyd Middle	£49
	Maesteg	£62
	Ogmore Valley	£75
	St Bride's Minor	£66
	Ynysawdre	£60
Port Talbot	Aberavon	£38
	Bryn	£42
	Cwmavon	£7
	Glyncorrwg	£73
	Port Talbot	£23
	Sandfields East	£2
	Sandfields West	£28
	Tai Bach	£26
Preseli Pembrokeshire	Ambleston	£32
	Boncath	£20
	Brawdy	£59
	Cilgerran	£16
	Clydey	£49
	Crymych	£32
	Cwm Gwaun	£48
	Eglwyswrw	£31
	Hayscastle	£10
	Letterston	£1
	Llandissilio West	£15
	Llanrhian	£10
	Llanstadwell	£14
	Maenclochog	£31
	Manordeifi	£28
	Marloes and St Brides	£14
	Mathry	£30
	Mynachlog-Ddu	£56
	Nevern	£21
	New Moat	£41
	Neyland	£10
	Pencaer	£24
	Puncheston	£48
	Rosemarket	£11
	Scleddau	£22
	Spittal	£5
	St. Dogmaels	£16
	St. Ishmael's	£2
	Tier's Cross	£4

In the district of:	*Community Area*	*Amount Prescribed (applicable relief)*
	Trecŵn	£19
	Walwyn's Castle	£13
	Wiston	£17
	Wolfscastle	£20
Radnorshire	Abbey Cwmhir	£6
	Llanbadarn Fynydd	£5
	Llanbister	£5
Rhondda	Cwm Clydach	£41
	Cymmer	£41
	Ferndale	£41
	Llwyn-y-pia	£41
	Maerdy	£41
	Pentre	£41
	Pen-y-graig	£41
	Porth	£41
	Tonypandy	£41
	Trealaw	£41
	Trehafod	£41
	Treherbert	£41
	Treorchy	£41
	Tylorstown	£41
	Ynyshir	£41
	Ystrad	£41
Rhuddlan	Bodelwyddan	£2
	Cwm	£4
	Tremeirchion	£4
	Waen	£4
Rhymney Valley	Aber Valley	£39
	Bargoed	£37
	Darran Valley	£60
	Gelligaer	£12
	Llanbradach	£13
	Nelson	£10
	New Tredegar	£78
	Rhymney	£32
South Pembrokeshire	Angle	£2
	Carew	£7
	Castlemartin	£16
	Hundleton	£9
	Jeffreyston	£34
	Lampeter Velfrey	£7
	Llanddewi Velfrey	£28
	Llawhaden	£22
	Martletwy	£9
	Pembroke Dock	£10
	Slebech	£20
	Stackpole	£7
Swansea	Bonymaen	£11
	Castle	£10
	Cwmbwrla	£35
	Landore	£67
	Llanrhidian Higher	£8
	St. Thomas	£52
	Townhill	£9
Taff-Ely	Gilfach Goch	£21
	Tonyrefail	£5
Torfaen	Abersychan	£2
	Blaenavon	£14
	Henllys	£17
	Pen Tranch	£22
	Trevethin	£1

In the district of:	*Community Area*	*Amount Prescribed (applicable relief)*
Vale of Glamorgan	St. Donats	£14
Wrexham Maelor	Broughton	£9
	Brymbo	£8
	Cefn	£8
	Isycoed	£1
	Maelor South	£3
	Penycae	£10
Ynys Môn—Isle of Anglesey ..	Bryngwran	£2
	Tref Alaw	£8

SCHEDULE 2

Regulation 4

SITUATION OF PREMISES

1. This Schedule contains rules for the purposes of applying regulation 4(3).

2. In the following paragraphs, the relevant structure, in relation to premises, is the structure of which the premises consist or which forms part of such premises.

3. Where the relevant structure is situated wholly within a community area, the premises concerned shall be treated as situated wholly within that area.

4.—(1) This paragraph applies where the relevant structure is situated wholly within the area of a charging authority and within more than one community area.

(2) The premises concerned shall be treated as situated in whichever of those community areas contains the greater or greatest part of the structure, ascertained by the charging authority by reference to its superficial extent.

(3) Where it appears to the charging authority concerned that no such part of the relevant structure can reasonably be ascertained to be greater than any other for the purposes of sub-paragraph (2), the premises concerned shall be treated as being situated in such community area (being an area within which some of the relevant structure is situated) as is determined by the charging authority.

5.—(1) This paragraph applies where the relevant structure is situated within the area of more than one charging authority and within more than one community area.

(2) The premises concerned shall be treated as situated in whichever of those areas contains the greater or greatest part of the relevant structure, ascertained by the charging authorities concerned by reference to its superficial extent.

(3) Subject to sub-paragraph (4), where the charging authorities concerned cannot agree whether any part of the superficial extent of the relevant structure is greater than any other for the purposes of sub-paragraph (2), the part of the relevant structure to be treated as the greater or greatest shall be determined by lot between those authorities.

(4) In any case where—

(a) the circumstances described in sub-paragraph (3) apply, and

(b) a determination by lot is required in relation to the same circumstances for the purposes of section 2(4) of the Act by virtue of regulations made under section 31(10) of the Act,

the result of that determination shall apply for the purposes of sub-paragraph (2) as it applies for the purposes of section 2(4) of the Act.

6. In this Schedule, "structure" does not include any structure not contiguous with the principal structure on the premises concerned.

Peter Walker
Secretary of State for Wales

16th February 1990

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out a scheme for reducing the liability of certain individuals in Wales to pay a personal community charge. The scheme applies for the financial year beginning 1st April 1990.

Regulation 4 provides for the reduction of a person's liability to be determined by reference to the applicable relief for the community area in which he is treated as being resident. Regulation 5 provides that there is to be no reduction under regulation 4 if a person would thereby be worse off because of the effect on his entitlement to community charge benefit under the social security legislation.

Regulations 6 and 7 make provision for the notification of a charging authority's decision under these Regulations, and the reasons therefor.

Schedule 1 lists the community areas in relation to which an amount of relief is prescribed, together with the applicable relief in each case. Schedule 2 sets out rules for determining, for the purposes of regulation 4, how the location of premises situated in more than one community area or charging authority area is to be determined where those premises are a person's residence.