STATUTORY INSTRUMENTS

1979 No. 1303

RATING AND VALUATION

The Rate Rebate (Amendment) (No. 2) Regulations 1979

Made - - - -	18*th October* 1979
Laid before Parliament	24*th October* 1979
Coming into Operation	12*th November* 1979

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 1979 and shall come into operation on 12th November 1979.

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 being a week commencing after 11th November 1979.

4. In regulation 2(2) of the principal regulations for the definition of "dependent child" there shall be substituted the following:—

"dependent child" means a person who resides in the dwelling-house or in that part of a hereditament which is used for the purpose of a private dwelling in which the residential occupier resides or is usually resident and whose requirements are provided for, in whole or in part, by the residential occupier or his spouse and who is either under the age of sixteen or of or over that age but receiving full-time instruction at any university, college or other educational establishment provided that, in determining whether a person undergoing full-time education or instruction is residing in the dwelling occupied by the residential occupier, no account shall be taken of that person's absences during term time.".

5. 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 purpose 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—

(*a*) for an individual person who has no dependent children	£31.05
(*b*) for a married couple	£45.55
(*c*) for an individual person who has a dependent child or children	£45.55

(a) 1974 c. 7. **(b)** S.I. 1978/1504.

(*d*) for each dependent child of a residential occupier or his spouse £7.70

(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**(a)** (welfare arrangements for handicapped persons) applies £34.60

(*b*) for a married couple to one of whom the above section applies £49.10

(*c*) for an individual person to whom the above section applies and who has a dependent child or children £49.10

(*d*) for a married couple to both of whom the above section applies £50.80.".

6. Regulation 8 of the principal regulations shall be amended as follows:—

(*a*) sub-paragraph 1(*b*) shall be revoked and there shall be substituted the following:—

"(1)(*b*) adding any maintenance payment made to a dependent child under the age of sixteen";

(*b*) for sub-paragraph 2(*b*) there shall be substituted:—

"(*b*) £5 of the earnings of the residential occupier and £5 of the earnings of the residential occupier's spouse";

(*c*) after sub-paragraph 1(*j*) there shall be added:—

"(*k*) any maintenance payment made by the residential occupier or his spouse to his or her former spouse and also in respect of his or her children (other than dependent children); and

(*d*) sub-paragraph (4) (liquid cash resources) shall be revoked.

7. In regulation 12(1) of the principal regulations (which specifies deductions from a rebate in respect of non-dependents)—

(*a*) in sub-paragraph (*a*) for the sum of "£0.55" there shall be substituted the sum of "£0.65";

(*b*) in sub-paragraph (*b*) for the sum of "£0.80" there shall be substituted the sum of "£0.95";

(*c*) in sub-paragraph (*c*) for the sum of "£0.35" there shall be substituted the sum of "£0.40";

(*d*) in sub-paragraph (*d*) for the sum of "£0.35" there shall be substituted the sum of "£0.40";

(*e*) in sub-paragraph (*e*) for the sum of "£0.35" there shall be substituted the sum of "£0.40".

8. For regulation 17(1)(*b*) of the principal regulations there shall be substituted the following:—

"(*b*) his income and, if he has a spouse, the income of his spouse,".

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

9th October 1979.

We consent,

J. A. Douglas-Hamilton,
Peter Morrison,
Two of the Lords Commissioners of Her Majesty's Treasury.

18th October 1979.

(a) 1948 c. 29.

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) and in part by reference to amounts to be deducted for non-dependents. These Regulations provide for increases in the needs allowances and increases in the amounts to be deducted for non-dependents for any week in a rebate period beginning after 11th November, 1979.

The Regulations revoke the provision requiring liquid cash resources to be taken into account in calculating a residential occupier's income and provide that there shall be added to the income of the residential occupier any maintenance payment made to a dependent child under the age of 16 of either the residential occupier or his spouse. They also provide that in ascertaining income for the purpose of rate rebate there shall be disregarded £5.00 of the earnings of the residential occupier and £5.00 of the earnings of his spouse and also maintenance payments made by the residential occupier or his spouse. They amend Regulation 2 to provide that a person will not cease to be within the definition a "dependent child" solely by reason of his absence from the residential occupier's household during term-time.

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