STATUTORY INSTRUMENTS

# 1978 No. 1504

## RATING AND VALUATION

## The Rate Rebate Regulations 1978

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| *Made - - - -* | *20th October* 1978 |
| *Laid before Parliament* | *23rd October* 1978 |
| *Coming into Operation* | *13th November* 1978 |

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:—

*Title and commencement*

**1.** These regulations may be cited as the Rate Rebate Regulations 1978 and shall come into operation on 13th November 1978.

*Interpretation*

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

(2) In these regulations—

"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;

"full-time instruction at an educational establishment" includes a reference to a person undergoing training for any trade, profession or vocation in such circumstances that he is required to devote the whole of his time to the training for a period of not less than two years;

"married couple" includes a man and a woman who lives with him as his wife, but does not include a man and wife who are living apart, and "spouse" and "wife" shall be construed accordingly;

"non-dependant", in relation to a residential occupier, means any person, including any joint occupier or joint tenant who is not treated as the sole occupier or sole tenant by virtue of section 13(2) of the Local Government Act 1974, 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 other than the residential occupier himself, except a spouse of the residential occupier and a dependent child of the residential occupier or his spouse;

" student" means a person for the time being in receipt, in respect of his attending a course at an institution, or undergoing training, in England

(a) 1974 c. 7. (b) 1889 c. 63.

or Wales, of an award or grant of any of the classes specified in Schedule 1 to these Regulations;

"supplementary benefit" has the same meaning as in section 26(1) of the Housing Finance Act 1972(a).

(3) Where any sum which is payable or calculated otherwise than as a weekly amount falls to be taken into account for the purposes of these regulations it shall be converted into the weekly amount which represents it, and that amount shall be treated as the relevant amount for those purposes; and accordingly in these regulations references to "weekly income" are references to the amount which represents the income as so converted and references to "weekly rates" are references to the amount which represents the reckonable rates as so converted.

**3.** The provisions of these regulations shall have effect as the statutory rate rebate scheme for the purposes of section 11(1) of the Local Government Act 1974 (which requires the Secretary of State to make a scheme for the grant by rating authorities to residential occupiers of rebates from rates calculated by reference to their needs and their resources).

*Calculation of rate rebates*

**4.**—(1) The rebate to which a residential occupier shall be entitled under these regulations shall be a weekly amount calculated in accordance with these regulations by reference to—

(*a*) an amount to be allowed for the needs of the residential occupier and of any spouse of the residential occupier or dependent child of the residential occupier or his spouse ("the needs allowance");

(*b*) the income of the residential occupier and of any such spouse;

(*c*) the amount of the reckonable rates (as defined in regulation 9 below);

(*d*) the minimum weekly rates;

(*e*) a minimum and maximum rebate;

(*f*) amounts to be deducted for non-dependants.

(2) The amounts listed in paragraph (1) above shall be ascertained in accordance with these regulations.

**5.**—(1) If 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 appears to a rating authority to have a higher income than the residential occupier and the authority have grounds for considering that in the special circumstances of the case it would be reasonable to make their calculations under these regulations by reference to the income of that other person and not of the residential occupier, they may treat that other person as the residential occupier and grant such rebates (if any) as ought to be made on that basis.

(2) Where a rating authority exercise the power conferred on them by paragraph (1) above, the residential occupier shall be treated as a non-dependant for the purposes of these regulations, but neither the spouse nor a dependent child of the person who is treated as the residential occupier shall be treated as a non-dependant for those purposes.

(3) In the following provisions of these regulations "residential occupier" includes a person treated as a residential occupier under this regulation.

**6.** Any question whether a person is a tenant of the residential occupier or a non-dependant shall be determined, for the purposes of this scheme, by the rating authority.

(a) 1972 c. 47.

*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 ... | £27·25 |
| (*b*) for a married couple ... ... ... ... ... ... | £39·45 |
| (*c*) for an individual person who has a dependent child or children ... ... ... ... ... ... ... | £39·45 |
| (*d*) for each dependent child of a residential occupier or his spouse ... ... ... ... ... ... ... ... | £6·55 |

(2) The needs allowance for each week is—

| | |
|---|---|
| (*a*) for an individual person who has no dependent children and who is registered in pursuance of arrangements made under section 29(1) of the National Assistance Act 1948(**a**) (welfare arrangements for handicapped persons) | £30·15 |
| (*b*) for a married couple one of whom is so registered ... | £42·35 |
| (*c*) for an individual person who is so registered and who has a dependent child or children ... ... ... ... | £42·35 |
| (*d*) for a married couple both of whom are so registered ... | £44·00 |

*Income of residential occupier and spouse*

**8.**—(1) The weekly income of the residential occupier and any spouse of the residential occupier shall be ascertained for the purposes of these regulations by taking the amount which the rating authority has assessed under regulation 18 below as likely to be their income during the rebate period, and—

(*a*) disregarding any item mentioned in sub-paragraph (2) below which is included in that income; and

(*b*) adding any such notional sum as is mentioned in paragraph (4) below.

(2) The items to be disregarded are—

(*a*) any payment made to the residential occupier or his spouse by a dependent child of his or of his spouse or by a non-dependant;

(*b*) in the case of a married couple, £5·00 of the earnings of a woman who is either the residential occupier or the residential occupier's wife;

(*c*) any sums payable by virtue of regulations made under section 81 of the Education Act 1944(**b**) (financial assistance for education);

(*d*) any attendance allowance;

(*e*) any sums payable to any person as holder of the Victoria Cross or of the George Cross;

(*f*) any benefit under the Supplementary Benefit Act 1976(**c**);

(*g*) £4·00 of any of the following, namely—

(i) a war disablement pension;

(ii) industrial disablement benefit;

(iii) an old cases allowance;

(iv) any payment which the Secretary of State accepts as being analogous to a payment mentioned in sub-paragraphs (i) to (iii) above;

(**a**) 1948 c. 29. (**b**) 1944 c. 31. (**c**) 1976 c. 71.

(*h*) £4·00 of so much of—

(i) a widow's pension under section 68(2) of the Social Security Act 1975(**a**) payable by virtue of paragraphs (*a*) to (*d*) thereof;

(ii) a special widow's pension (not including any allowance in respect of children);

(iii) any payment which the Secretary of State accepts as being analogous to a payment mentioned in sub-paragraph (i) or (ii) above,

as exceeds the rate specified in Schedule 4 to the Social Security Act 1975 for a widow's pension under that Act;

(*i*) £4·00 of any charitable payment or of any voluntary payment other than a payment made by a person who is not a non-dependant for the maintenance of his spouse (including a spouse with whom he is not living) or his former spouse or his children.

(*j*) Where the residential occupier is a student, any amount by which his award or grant is increased on account of his maintaining a home at a place other than that at which he resides during his course.

(3) The total disregard under sub-paragraphs (*g*) to (*i*) of paragraph (2) above shall in no case exceed £4·00, and where a number of voluntary or charitable payments (other than payments for maintenance such as are mentioned in paragraph 2(*i*) above) are received, they shall be treated as if they were one payment for the purposes of that provision.

(4) If the residential occupier and any spouse of the residential occupier have between them £1,200 or more in liquid cash resources, the weekly income shall be treated as increased by a notional sum equal to 0·1 % of the excess over £1,200.

(5) In paragraph (2) above—

"attendance allowance" and "war disablement pension" have the meanings assigned to them by any regulations for the time being in force under the Family Income Supplements Act 1970(**b**);

"industrial disablement benefit" means any weekly payment of disablement benefit under the Social Security Act 1975;

"old cases allowance" means a weekly payment made under a scheme having effect by virtue of the Industrial Injuries and Diseases (Old Cases) Act 1975(**c**);

"special widow's pension" means—

(*a*) any widow's pension or allowance granted in respect of a death due to service or war injury under powers conferred by or under the Ministry of Pensions Act 1916(**d**), the Air Force (Constitution) Act 1917(**e**), the Personal Injuries (Emergency Provisions) Act 1939(**f**), the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939(**g**), the Polish Resettlement Act 1947(**h**), the Home Guard Act 1951(**i**) or the Ulster Defence Regiment Act 1969(**j**);

(*b*) a pension or allowance for a widow granted under any scheme made under the Injuries in War (Compensation) Act 1914(**k**), the Injuries in War (Compensation) Act 1914 (Session 2)(**l**), or the

(**a**) 1975 c. 14. (**b**) 1970 c. 55. (**c**) 1975 c. 16.
(**d**) 1916 c. 65. (**e**) 1917 c. 51. (**f**) 1939 c. 82.
(**g**) 1939 c. 83. (**h**) 1947 c. 19. (**i**) 1951 c. 8. (15 & 16 Geo. 6 & 1, Eliz. 2).
(**j**) 1969 c. 65. (**k**) 1914 c. 30. (**l**)1914 c. 18 (5 & 6 Geo. 5).

Injuries in War (Compensation) Act 1915(a) or under any War Risk Compensation Scheme for the Mercantile Marine.

(6) The Secretary of State may accept a payment as being analogous to a payment mentioned in paragraph (2) above—

(*a*) by directing rating authorities in general to regard payments of that description as analogous for the purposes of these regulations; or

(*b*) by notifying a rating authority that he accepts such a payment as analogous for those purposes.

*Reckonable rates*

**9.**—(1) In the case of a residential occupier mentioned in section 13(1)(*a*) of the Local Government Act 1974 the reckonable rates shall be—

(*a*) the amount of rates chargeable upon him for the rebate period, less

(*b*) the proportion of that amount which, by virtue of paragraph (3) below, is or would be the reckonable rates in relation to that rebate period of the residential occupier there mentioned.

(2) In the case of a residential occupier mentioned in section 13(1)(*b*) of the Local Government Act 1974 the reckonable rates shall be—

(*a*) the proportion of the rates chargeable upon him for the rebate period attributable to that part of the hereditament which is used for the purpose of a private dwelling, less

(*b*) the proportion of that amount which, by virtue of paragraph (3) below, is or would be the reckonable rates in relation to that rebate period of the residential occupier there mentioned.

(3) In the case of a residential occupier mentioned in section 13(1)(*c*) of the Local Government Act 1974 the reckonable rates shall be such proportion of the amount which, for that rebate period, is or would be the amount referred to in paragraph (1)(*a*) or, as the case may be, paragraph (2)(*a*) above, as the rating authority may consider appropriate.

*Amount of rebate*

**10.**—(1) In these regulations "minimum weekly rates" means, subject to paragraphs (2) and (3) below, £0·33 or 40% of the weekly rates, whichever is the greater.

(2) In any case where the weekly income of the residential occupier and his spouse is less than the needs allowance, "minimum weekly rates" means the amount calculated in accordance with paragraph (1) above less an amount equal to 8% of the difference between the needs allowance and the weekly income.

(3) In any case where the reduction under paragraph (2) above would be equal to or greater than £0·33 or 40% of the weekly rates, whichever is the greater, the minimum weekly rates shall be zero.

**11.**—(1) The amount of rebate to be granted shall be an amount calculated in accordance with this paragraph but less any sum in respect of non-dependants as mentioned in regulation 12 below, and subject in any event to regulations 13 and 14 below.

(2) If the weekly income of the residential occupier and his spouse is equal to or less than the needs allowance, the rebate shall be equal to the amount, if any, by which the weekly rates exceeds the minimum weekly rates.

(a) 1915 c. 24.

(3) In any case where the weekly income exceeds the needs allowance, the rebate shall be calculated in accordance with paragraphs (4) and (5) below.

(4) There shall be added—

(*a*) an amount equal to the minimum weekly rates;

(*b*) an amount equal to 6% of the difference between the weekly income and the needs allowance.

(5) If the sum produced under paragraph (4) above is less than the weekly rates, the rebate shall be equal to the difference between the weekly rates and that sum.

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

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|---|---|
| (*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 ... | £0·55 |
| (*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 | £0·80 |
| (*c*) for each person in receipt of supplementary benefit ... ... | £0·35 |
| (*d*) for each person of pensionable age not in receipt of supplementary benefit, except in the case mentioned in sub-paragraph (*e*) below ... ... ... ... ... ... | £0·35 |
| (*e*) for a married couple both of pensionable age and not in receipt of supplementary benefit ... ... ... ... | £0·35 |

(2) If any person is in receipt of supplementary benefit for himself and also for his spouse they shall be treated as one person for the purposes of this regulation.

*Minimum and maximum rebate*

**13.** If the amount of a rebate as calculated in accordance with these regulations would be less than 10p, it shall not be granted.

**14.**—(1) If the amount of a rebate as so calculated would exceed the maximum rebate the excess shall not be granted.

(2) For the purpose of these regulations the maximum rebate is—

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|---|---|
| (*a*) for a dwelling in the area of the Greater London Council ... | £4·50 |
| (*b*) for any other dwelling ... ... ... ... ... ... | £3·20 |

*Treatment of fractional amounts*

**15.** The amount of any rebate shall be calculated to the nearest new penny by disregarding an odd amount of half a new penny or less, and by treating an odd amount exceeding half a new penny as a whole new penny.

*Grant of rate rebates*

**16.** Subject to the provisions of these regulations, a rating authority may grant a rebate at any time and in any manner that they think fit and in particular a rebate may be granted to any residential occupier in respect of such intervals as the rates become payable by him.

*Applications for rebates*

**17.**—(1) When a rating authority receive an application for a rebate it shall be their duty, subject to paragraph (2) below, to determine whether the residential occupier is entitled to a rebate and, if so, the amount to which he is so

entitled; and they shall request him in writing to furnish such information and such evidence as they may reasonably require for that purpose as to the following matters, namely—

(*a*) the persons who reside in the hereditament or in that part of the hereditament which is used for the purpose of a private dwelling in which he resides or is usually resident;

(*b*) his income and his liquid cash resources and, if he has a spouse, the income and liquid cash resources of his spouse,

and shall include with the request a notice to the residential occupier of the duty under regulation 20 of these regulations to report to the rating authority changes of circumstances such as are mentioned in that paragraph.

(2) A rating authority shall be under no duty to grant a rebate unless they are satisfied that the residential occupier has furnished all such information and evidence as they require for the purpose of determining whether he is entitled to a rebate.

(3) An application may be withdrawn at any time, and if an application is withdrawn the rating authority shall upon the withdrawal cease to be under any duty to make a determination on it, or to take any further steps in relation to it.

*Assessment of income*

**18.**—(1) If a rating authority are satisfied on an application for a rebate that the applicant is eligible for consideration for a rebate, it shall be their duty to assess the amount which is likely to be the income of the residential occupier and of any spouse of his during the rebate period.

(2) In so far as a person's income consists of earnings from a gainful occupation, the amount which is likely to be the income shall be calculated or estimated by reference to the average of his earnings from that occupation over a period ending with his last pay-day before the application and being a period—

(*a*) of five weeks, if he is paid weekly,

(*b*) of two months, if he is paid monthly,

so, however, that in any case the rating authority may have regard to the average of a person's earnings from a gainful occupation over such other period or periods as appear to them to be appropriate in order properly to assess the amount which is likely to be his income during the rebate period.

(3) In so far as a person's earnings from any gainful occupation comprise salary, wages or fees related to a fixed period, the gross amount of his salary, wages or fees shall be taken into account; and in so far as a person's earnings from any gainful occupation do not comprise salary, wages or fees related to a fixed period, the net profit derived from that occupation shall be taken into account.

(4) In so far as a person's income does not consist of earnings from a gainful occupation, its weekly amount shall be calculated or estimated, subject to paragraph 5 below, on such basis as appears to the rating authority to be appropriate in the circumstances of the particular case.

(5) The Secretary of State may give directions to rating authorities in general as to the manner in which they are to calculate the income of persons who belong to classes of persons to whom payments are made by virtue of any enactment which in his opinion are not taxable and are of amounts calculated on the basis that they are not taxable.

(6) In this paragraph—

"net profit" means profit after deduction of expenses but without deduction of income tax or of contributions payable by him under the Social Security Act 1975 except contributions paid otherwise than as an insured person; and

"pay-day" means an occasion on which earnings are paid.

*Rebate period*

**19.**—(1) Subject to paragraph (2) and (3) below, where a rebate is first granted the rebate period shall begin on the first day of the month in which the application for a rebate was received but the rating authority may, if in their opinion the circumstances are exceptional—

(*a*) allow the rebate period to begin on the first day of the month twelve months prior to the month in which the application was received, or

(*b*) allow the rebate period to begin on such later day before the beginning of the month in which the application was received, as they may determine.

(2) Subject to paragraph (3) below, where the rates chargeable on a hereditament in respect of a rate period are first demanded after the end of that period and an application is received within three months of such demand, the rebate period shall begin on the first day of the earliest rate period in respect of which the rates were so demanded.

(3) If a rebate period would, but for this provision, begin on a day on which the applicant was not eligible for a rebate the rebate period shall begin on the earliest day thereafter on which he is or became so eligible.

(4) A rebate period shall end, subject to regulations 20 and 21 below—

(*a*) if the residential occupier is of pensionable age, not later than twelve months after the date on which he was notified that his application for a rebate was granted; and

(*b*) if the residential occupier is not of pensionable age—

(i) where the date of notification falls during the month of March or April in any year, not later than nine months after that date; and

(ii) in any other case, not later than seven months after that date:

Provided that where, but for this provision, a rebate period would end before the latest date specified in relation thereto in paragraph (*a*) or (*b*) above, the rating authority may extend the period so as to end not later than the date so specified.

(5) Without prejudice to regulations 20 to 23 below a residential occupier shall be entitled to and the rating authority shall grant rebate during that part of the rebate period extended by virtue of paragraph (4) above on the same basis as rebate was granted during the original rebate period.

*Change of circumstances*

**20.**—(1) If at any time between the making of an application for a rebate and any determination made on that application there is a change of circumstances such that the residential occupier may be reasonably expected to know that it may reduce the amount to which he is entitled, it shall be the duty of the applicant to notify the rating authority of that change.

(2) If after a rebate has been granted to a residential occupier and before the end of the rebate period there is a change of circumstances such that the residential occupier may be reasonably expected to know that it may affect his

entitlement or reduce the amount to which he is entitled it shall be the duty of the residential occupier to notify the rating authority of that change.

(3) If during a rebate period a rating authority receives a notification of a change of circumstances under paragraph (2) above, or considers, without receiving such a notification, that there has been such a change in the circumstances as will affect the residential occupier's entitlement or reduce the amount to which he is entitled, the rating authority shall determine, according to the circumstances, either that the period shall terminate on a date earlier than it would otherwise terminate or that the amount of rebate shall be altered in respect of such period as they consider appropriate.

**21.**—(1) If during a rebate period a rating authority receives from a residential occupier a notification of a change of circumstances relating to him which might entitle him to a higher rebate, the rating authority, if they are of the opinion, after obtaining and considering such information and evidence as they require, that the residential occupier is entitled to a higher rebate, shall determine, according to the circumstances, that the period shall terminate on a date earlier than that on which it would otherwise terminate, or that the amount of rebate shall be increased in respect of the remainder of that rebate period or such shorter period as they consider appropriate.

(2) If a rating authority determine under sub-paragraph (1) above that a rebate period ought to terminate, they shall invite the residential occupier to submit a further application for a rebate.

**22.** If there is such an alteration in the rates as to affect the amount of rebate to which a residential occupier is entitled, the rating authority shall make such alterations as may be appropriate in the amount of his rebate.

**23.** It shall not be the duty of a rating authority to alter a rebate under regulations 20, 21 or 22 above if the amount of the alteration would be 10p or less.

*Recovery of rebate wrongly granted*

**24.** Without prejudice to any other right to recover the amount of any rebate which has been wrongly granted, where any person has received a rebate to which he was not entitled, it may be recovered from him by deduction from sums which would otherwise be granted to him by way of rebate.

*Application for further rebate*

**25.**—(1) A residential occupier to whom a rebate has been granted may apply to the rating authority for a further rebate beginning immediately after the end of the current rebate period.

(2) An application under paragraph (1) above need not be entertained if it is made more than one month before the end of the current period.

(3) If the application is made not later than one month after the end of that period, the new rebate period shall begin immediately after the end of the former period.

(4) If the application is made at any later date, the new period shall begin a the beginning of the calendar month in which the application was received bu the rating authority may, if in their opinion the circumstances are exceptional—

(*a*) allow the new period to begin immediately after the end of the forme rebate period; or

(*b*) allow the new period to begin at such date after the end of the forme rebate period but before the beginning of the month in which the application was received, as they may determine.

(5) Subject to this regulation, the provisions of these regulations shall apply on an application for a further rebate as they apply on a first application.

*Power of rating authority to withhold grant*

**26.** If at the time when the grant of rebate falls to be made under these regulations the rating authority have reasonable grounds for believing—

(*a*) that in the case of a residential occupier mentioned in section 13(1)(*a*) or (*b*) of the Local Government Act 1974 where by virtue of section 55 or 56 of the General Rate Act 1967(**a**) or of any other arrangements rates are paid by or through the owner of the hereditament that an amount equal to his reckonable rates has not been paid to the owner of the hereditament; or

(*b*) in the case of a residential occupier mentioned in section 13(1)(*c*) of the Local Government Act 1974 that an amount equal to his reckonable rates has not been paid to the occupier or any other person who is himself a residential occupier of the hereditament,

the rating authority may withhold the grant of the whole or such part as they think fit of the amount of the rebate, but may, if they think fit, grant any amount so withheld at any subsequent time when they are satisfied that the appropriate amount has been paid as aforesaid.

*Notification where supplementary benefit is awarded*

**27.**—(1) Subject to the provisions of paragraph (3) 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(**b**) 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, or is treated for the purposes of paragraph 21(1) of Schedule 3 to the said Act of 1972 as continuing, for a continuous period of 8 weeks or more; and

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

the rate rebate period shall expire at the end of the said continuous period of 8 weeks referred to in sub-paragraph (*c*).

(**a**) 1967 c. 9. (**b**) 1972 c. 47.

(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 expire at the end of the continuous period of 8 weeks referred to in that paragraph.

(4) 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, been aggregated with and treated as those of a person awarded supplementary benefit.

*General duty of authority as to determinations*

**28.**—(1) It shall be the duty of a rating authority to notify a residential occupier in writing of every determination which they make under these regulations in relation to him.

(2) A residential occupier may make representations to a rating authority concerning a determination which they make in relation to him, and if a rating authority receive such a representation from a residential occupier within one month of their notification to him of such a determination they shall consider the representation and may alter or confirm the determination according to the circumstances; if they alter or confirm it they shall notify the residential occupier in writing of their reasons for doing so.

(3) Every notification of a determination shall include a notice to the residential occupier explaining the provisions of paragraph (2) above.

(4) When a rating authority determine to treat as the residential occupier in pursuance of regulation 5 above, a person who is not the residential occupier within the meaning of section 13 of the Local Government Act 1974, it shall be their duty to notify of that determination both the person who will fall to be treated as the residential occupier as a result of the determination and the person who would have been considered eligible for a rebate but for the determination.

(5) Where a rating authority determine to treat as residential occupier in pursuance of section 13(2) of the Local Government Act 1974, one of two or more persons who are joint occupiers or joint tenants as mentioned in that provision, it shall be their duty to notify of that determination the person who will fall to be treated as the residential occupier as a result of that determination and to take such (if any) steps as they consider reasonable to notify of that determination the person or persons who would have been considered eligible for a rebate but for that determination.

(6) Where a rating authority notify a residential occupier of a determination to grant him a rebate their notification shall state the amount of the rebate granted, the rebate period and the circumstances in which the amount or the period may be altered, and draw his attention to the duty imposed on him by regulation 20(2) above.

**29.** The regulations specified in Schedule 2 hereto are hereby revoked but without prejudice to anything done, any right, privilege, obligation or liability acquired, accrued or incurred under any of the aforesaid regulations.

SCHEDULE 1 Regulation 2

CLASSES OF AWARD OR GRANT

Class 1: awards bestowed under section 1 of the Education Act 1962(**a**), other than those in respect of attendance at sandwich courses and part-time courses of teacher training

Class 2: awards bestowed under section 1 of the Education Act 1962 in respect of attendance at sandwich courses

Class 3: awards bestowed under section 2(1) of the Education Act 1962 in respect of attendance at courses of full-time education within the meaning of section 2(2) of that Act

Class 4: awards (other than State Studentships) in respect of attendance at course designated by or under the State Awards Regulations 1963(**b**), as amended(**c**)

Class 5: State Studentships

Class 6: awards or grants, being bursaries, scholarships or allowances granted under section 49(1) or 75(*f*) of the Education (Scotland) Act 1962(**d**) other than those in respect of attendance at sandwich courses

Class 7: awards or grants, being bursaries, scholarships or allowances granted under section 49(1) or 75(*f*) of the Education (Scotland) Act 1962 in respect of attendance at sandwich courses

Class 8: Postgraduate Agricultural Studentships awarded by the Ministry of Agriculture, Fisheries and Food

Class 9: Postgraduate Agricultural Studentships awarded by the Department of Agriculture and Fisheries for Scotland

Class 10: awards for courses for orthoptists, physiotherapists, occupational therapists, radiographers, remedial gymnasts, dental hygienists and auxiliaries made by the Department of Health and Social Security

Class 11: awards for postgraduate social service courses made by the Department of Health and Social Security

Class 12: Technical Assistance Study Fellowships awarded by the Ministry of Overseas Development

Class 13: Postgraduate Studentships, or Postgraduate Fellowships, awarded by the Agricultural Research Council, the Medical Research Council, the Natural Environment Research Council, the Science Research Council, or the Social Science Research Council

Class 14: Postgraduate Bursaries awarded by the Social Science Research Council

Class 15: Intercalated Studentships awarded by the Medical Research Council

Class 16: Bursaries awarded by the United Kingdom Atomic Energy Authority

Class 17: awards by the British Council under British Council Scholarships, Scholarships and Fellowships made under the Commonwealth Scholarship and Fellowship Plan, and Education Fellowships made under the Commonwealth Education Fellowship Scheme.

(**a**) 1962 c. 12. (**b**) S.I. 1963/1223.
(**c**) S.I. 1969/554, 1975/940. (**d**) 1962 c. 47.

in this Schedule—

"sandwich course" has the meaning assigned to it by paragraph 1 of Schedule 6 to the Local Education Authority Awards Regulations 1978(a); and

"state studentship" has the same meaning as in the State Awards Regulations 1978(b).

SCHEDULE 2 Regulation 29

| Column 1<br>Regulations revoked | Column 2<br>References |
|---|---|
| The Rate Rebate Regulations 1974 ... ... ... ... | S.I. 1974/411 |
| The Rate Rebate (Amendment) (No. 4) Regulations 1974 ... | S.I. 1974/1552 |
| The Rate Rebate (Amendment) Regulations 1975 ... ... | S.I. 1975/327 |
| The Rate Rebate (Amendment) (No. 2) Regulations 1975 ... | S.I. 1975/1450 |
| The Rate Rebate (Amendment) Regulations 1976 ... ... | S.I. 1976/1458 |
| The Rate Rebate (Amendment) (No. 2) Regulations 1976 ... | S.I. 1976/1745 |
| The Rate Rebate (Amendment) Regulations 1977 ... ... | S.I. 1977/1500 |
| The Rate Rebate (Amendment) Regulations 1978 ... ... | S.I. 1978/387 |

*Peter Shore*,
Secretary of State for the Environment.

18th October 1978.

We consent to these regulations.

T. M. Cox,
A. W. Stallard,
Two of the Lords Commissioners
of Her Majesty's Treasury.

20th October 1978.

(a) S.I. 1978/1097. (b) S.I. 1978/1096.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations are made for the purpose of consolidating with amendments the regulations hereby revoked.

The Regulations set out the statutory rate rebate scheme for the grant by rating authorities to residential occupiers of rebates from rates. They contain provisions corresponding substantially to those in Part I of Schedule 3 and Part I of Schedule 4 to the Housing Finance Act 1972 (which set out the method of calculating and the procedure to be followed to obtain rent rebates and rent allowances). These Regulations similarly set out the method of calculating rate rebates with provisions determining the needs allowance and income of the residential occupier, his reckonable rates and the amount of rebate. They also set out the procedure to be followed to obtain rate rebates with provisions placing a duty on the rating authority upon receiving an application to determine whether the residential occupier is eligible and, if so, a further duty to assess his income and in each case to notify him of their determinations. Other provisions determine the rebate period and the procedure for applications for further rebates.

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.

The regulations amend the statutory rate rebate scheme provided in the previous regulations by increasing the needs allowances and the amounts to be deducted for non-dependents for any week in a rebate period beginning after 13th November 1978.

They also increase the minimum rebate from 5p to 10p.

SI 1978/1504
ISBN 0-11-084504-8

