STATUTORY INSTRUMENTS

1982 No. 1504 (S. 168)

RATING AND VALUATION

The Rate Rebate (Scotland) Amendment Regulations 1982

Made - - - -	21*st October* 1982
Laid before Parliament	1*st November* 1982
Coming into Operation	22*nd November* 1982

In exercise of the powers conferred on me by section 112 of the Local Government (Scotland) Act 1973 (**a**) and of all other powers enabling me in that behalf, I hereby, with the consent of the Treasury, make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Rate Rebate (Scotland) Amendment Regulations 1982 and shall come into operation on 22nd November 1982.

Interpretation

2. In these regulations "the principal regulations" means the Rate Rebate (Scotland) Regulations 1974 (**b**) and other words and expressions have the same meaning as in the principal regulations.

Amendment of principal regulations

3.—(1) For the purposes of rebate for any week in a rebate period being a week commencing after 21 November 1982:—

(a) for Schedule 1 to the principal regulations there shall be substituted Schedule 1 to these regulations;

(b) for Schedule 2 to the principal regulations there shall be substituted Schedule 2 to these regulations.

(2) For regulation 33 of the principal regulations (which provides with certain exceptions for rate rebate not to be granted, or to be terminated, where supplementary benefit is awarded) there shall be substituted the following:—

"*Cases where supplementary benefit is awarded*

33.—(1) Subject to the provisions of paragraphs (3) and (4) of this regulation a rate rebate shall not be granted to an applicant 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) an applicant has been granted both a rent rebate under Part II of the Housing (Financial Provisions) (Scotland) Act 1972 (**c**) and a rate rebate; and

(a) 1973 c.65.
(b) S.I. 1974/600; the relevant amending instrument is S.I. 1981/1512.
(c) 1972 c.46.

(b) in the course of the rent rebate and rate rebate periods supplementary benefit is awarded to him; and

(c) supplementary benefit continues for a continuous period of 8 weeks or more; and

(d) the rate rebate period has neither expired nor been terminated under regulation 25,

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

(3) Where—

(a) the conditions of paragraph 2(a) and (b) above are satisfied; and

(b) the rate rebate period expires or is terminated during the period for which supplementary benefit continues but before it has continued for as long as 8 weeks; and

(c) the conditions for the grant of a rate rebate in the next following period would, but for the provisions of this regulation be satisfied,

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

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

(a) he will have been in continuous receipt of supplementary benefit and

(b) in relation to him X is less than Y where—

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

Y represents the total of—

i. the amount of rate rebate, and

ii. the amount of any rent rebate or rent allowance under Part II of the Housing (Financial Provisions) (Scotland) Act 1972 which he would have received in the relevant period had he not been in receipt of supplementary benefit and had the grant of such rebates or allowances commenced at the beginning of the said period.

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

(6) For the purposes of this regulation an applicant who is a woman shall be treated as receiving supplementary benefit if her requirements have, under paragraph 3(1) of Schedule 1 to the Supplementary Benefits Act 1976 (**a**),

(**a**) 1976 c.71.

been aggregated with and treated as those of a person awarded supplementary benefit.

(7) In this regulation "housing benefit" means housing benefit within the meaning of regulation 2(3) of the Housing Benefits Regulations 1982 (**a**) ."

Revocations

4. The Rate Rebate (Scotland) Amendment Regulations 1981 (**b**) are hereby revoked.

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
20th October 1982.

We consent,

P. L Brooke,
Robert Boscawen,
Two of the Lords Commissioners of Her Majesty's Treasury.

21st October 1982.

Regulation 3

SCHEDULE 1

NEEDS ALLOWANCE

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

(a) for an individual person who has no dependent children	£41.40
(b) for a married couple	£61.00
(c) for an individual person who has a dependent child or dependent children	£61.00
(d) for each dependent child of an applicant or his spouse	£11.40

2. The needs allowance for each week is:—

(a) for an individual person who has no dependent children and who is a chronically sick or disabled person	£46.15
(b) for a married couple, one of whom is a chronically sick or disabled person	£65.75
(c) for an individual person who is a chronically sick or disabled person and who has a dependent child or dependent children	£65.75
(d) for a married couple, both of whom are chronically sick or disabled persons	£68.00

3. In paragraph 2 above, any reference to a chronically sick or disabled person is a reference to a person in need under section 12 of the Social Work (Scotland) Act 1968 (c) as read with section 1 of the Chronically Sick and Disabled Persons (Scotland) Act 1972 (d) .

(a) S.I. 1982/1124; these Regulations were made under section 28 of the Social Security and Housing Benefits Act 1982 (c.24).
(b) S.I. 1981/1512.
(c) 1968 c.49.
(d) 1972 c.51.

SCHEDULE 2 Regulation 3

1. The deductions from a rebate in respect of non-dependents are for each week:—

(a) for each person aged 18 years or more, but under 21 years and neither undergoing full-time instruction at an educational establishment nor in receipt of supplementary benefit	£1.25
(b) for each person aged 21 years or more, but under pensionable age and neither undergoing full-time instruction at an educational establishment nor in receipt of supplementary benefit except in the case mentioned in paragraph (e) below	£1.60
(c) for each person in receipt of supplementary benefit	£0.75
(d) for each person of pensionable age not in receipt of supplementary benefit except in the case mentioned in paragraph (e) below	£0.75
(e) for a married couple where the husband is of pensionable age and not in receipt of supplementary benefit	£0.75

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

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Rate Rebate (Scotland) Regulations 1974. They prescribe for any week in a rebate period being a week commencing after 21st November 1982 increases in (a) the scale of needs allowances and (b) the amounts deductible in respect of non-dependants, by reference to which rate rebates are calculated.

The amount of the maximum rebate, the amounts of the needs allowances and the amounts deductible in respect of non-dependants were last increased by the Rate Rebate (Scotland) Amendment Regulations 1981, which are revoked by these regulations. The maximum amount of rebate allowable under Regulation 17 of the principal regulations remains unchanged at £5.50 per week which was the amount substituted by the 1981 Amendment Regulations.

These Regulations also provide for a single deduction to be made in the case of married couples both of whom are non-dependants.

They also amend the 1974 Regulations to prevent a person in receipt of housing benefit under the Social Security and Housing Benefits Act 1982 (which introduces a scheme which will from April 1983 supersede rate and rent rebates and rent allowances, and which by virtue of the Housing Benefit Regulations 1982 increases the benefit from 22nd November 1982 in respect of certain persons in receipt of supplementary benefit) from receiving a rate rebate in addition to that benefit.

SI 1982/1504
ISBN 0-11-027504-7

