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STATUTORY INSTRUMENTS

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**1989 No. 1321**

**The Community Charge Benefits (General) Regulations 1989**

**PART VII**

**BENEFIT PERIODS, CHANGES OF CIRCUMSTANCES  
AND CALCULATION OF WEEKLY AMOUNTS**

**Date on which entitlement is to begin**

**53.**—(1) Subject to paragraphs (2) and (3) and to regulation 60(15) to (17) (renewal claims) any person by whom or in respect of whom a claim for community charge benefit is made and who is otherwise entitled to that benefit shall be so entitled from the benefit week following the date on which that claim is made or is treated as made.

(2) Where a person, who is otherwise entitled to community charge benefit,

- (a) becomes liable for an appropriate authority's personal community charge on a day prior to which he was not liable for that charge or for a collective community charge contribution in the area of that authority, or
- (b) ceases to be a registered student,

if his claim for community charge benefit is made or is treated as made in the benefit week in which he becomes liable for that charge or ceases to be a registered student, he shall be so entitled from that benefit week.

(3) Where a person, who is otherwise entitled to community charge benefit, becomes liable for a collective community charge contribution on account of his residence in premises in respect of which a collective community charge is payable, he shall be so entitled—

(a) in a case where—

- (i) he becomes liable for a contribution within the area of the appropriate authority either on a day prior to which he was not liable for a personal community charge or a collective community charge contribution in the area of that authority, or on a day on which he ceases to be a registered student, and
- (ii) his claim for benefit is made in the benefit week in which his liability arises or in which he ceases to be a registered student,

from the day on which his liability for that contribution arises;

(b) in any other case, from the day on which his claim for benefit is made.

**Benefit period**

**54.**—(1) Where a person is entitled to community charge benefit the appropriate authority shall make an award for a specified period ("the benefit period") commencing with—

- (a) the first benefit week in respect of which he is so entitled; or if later
- (b) the benefit week in which the claim is received at the designated office.

(2) The benefit period shall be such number of benefit weeks as the appropriate authority shall determine having regard in particular to any relevant circumstances which the appropriate authority reasonably expects may affect entitlement in the future.

(3) Subject to paragraph (4), the benefit period shall not exceed 60 benefit weeks.

(4) Where a claimant either is on income support or, although not in receipt thereof, has included in the calculation of his applicable amount the disability premium, the severe disability premium or the higher pensioner premium, and a claim for a further award of community charge benefit has not been made by the last benefit week of his benefit period, the appropriate authority may extend the current benefit period by not more than 4 benefit weeks.

#### **Date on which benefit period is to end**

**55.** The benefit period shall end with the last day of the final week of that period, determined by the appropriate authority in accordance with regulation 54(2) to (4) (benefit period) unless—

- (a) the claimant is a person on income support and he ceases to be so entitled, or
- (b) 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 shall end with the last day of the final benefit week for which he is entitled to community charge benefit.

#### **Date on which change of circumstances is to take effect**

**56.—**(1) Except in cases where regulation 17 (disregard of changes in tax, contributions, etc) applies and subject to paragraphs (2) to (4), a change of circumstances which affects entitlement to, or the amount of, community charge benefit (“change of circumstances”), shall take effect from the first day of the benefit week following the date on which the change actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.

(2) Where the change of circumstances is a change in the amount of a personal community charge or collective community charge contributions payable, it shall take effect from the day on which it actually occurs.

(3) Where the change of circumstances is an amendment to these Regulations, it shall take effect from the date on which the amendment to these Regulations comes into force.

(4) If two or more changes of circumstances occurring in the same benefit week would, but for this paragraph, take effect in different benefit weeks in accordance with paragraphs (1) to (3), they shall take effect from the day to which paragraph (2) or (3) above refers, or, where more than one day is concerned, from the earlier day.

#### **Calculation of weekly amounts**

**57.—**(1) In calculating the amount of community charge benefits to which a person is entitled in respect of any benefit week, the appropriate authority shall take account of any personal community charge or collective community charge contributions for which that person is liable in respect of that week having regard to the manner in which that charge or those contributions are payable.

(2) In England and Wales, where a person is subject to a personal community charge and is also liable for the payment of a collective community charge contribution in respect of the same day, the amount of any community charge benefits to which he may be entitled in respect of that charge and that contribution shall be separately calculated.

(3) 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.

**Increases of weekly amounts for exceptional circumstances**

**58.** The appropriate authority may modify the provisions of Part VI of these Regulations (amount of benefit) so that, if it considers the circumstances of a person for whom a claim for community charge benefit has been made to be exceptional, the amount of any community charge benefit to be paid in his case may be increased to an extent which does not cause the total community charge benefit to be paid to him in any week to exceed the appropriate maximum community charge benefit for that week.