



National Health Service in Scotland
Management Executive

St Andrew's House
Edinburgh EH1 3DG

22 January 1996

Telephone 031-244
Fax 031-244 2683

Dear Colleague

LOCAL GOVERNMENT FINANCE ACT 1992

**COUNCIL TAX DISCOUNT FOR PEOPLE WITH SEVERE
MENTAL IMPAIRMENT**

Summary

1. This letter brings to the attention of doctors amendments to Council Tax legislation covering discounts for people with severe mental impairment. The procedures already in place by means of NHS Circulars GEN(1993)5 and 9 are unchanged but doctors should note the amendments at paragraphs 4 and 5 of the attached "Dear Doctor" letter.

Action

2. Health Boards and the State Hospitals Board for Scotland are asked to copy the attached "Dear Doctor" letter and Annex as soon as possible to general medical practitioners on their medical lists and to NHS Trust consultants in relevant specialties (eg psychiatry, psychogeriatrics, learning disability (mental handicap), neurosurgery, neurology, rehabilitation medicine, general medicine and geriatric medicine). Copies should also be issued to specialists in public health medicine and to Islands Unit General Managers.

Other Information

3. It is expected that most applications for discount will be dealt with by the applicant's general medical practitioner. Discount applications will take the form of a request to the applicant's general medical practitioner, who will complete the medical certificate. Some applications may, however, give the name of a hospital doctor and in such cases it will be for the hospital doctor to complete the medical certificate and send it, along with the application and any evidence of qualifying benefits, to the local authority.

Circulars No
GEN(1993)5
and 9 are amended

Addressees

For action:
General Managers,
Health Boards

General Manager,
State Hospitals
Board for Scotland

For Information
General Manager,
Common Services
Agency

Chief Executives,
NHS Trusts

General Manager,
Health Education
Board for Scotland

Executive Director,
SCPMDE

Enquiries to:

Mr Gavin Russell
Room 29B/2
St Andrew's House
Edinburgh
EH1 3DE
Tel: 0131-244 2576
Fax: 0131-244 2846

4. Any queries from practitioners about this guidance should be addressed to their particular Health Board who will consult with The Scottish Office as necessary. NHS Trusts may contact the Department directly.

Yours sincerely



DAVID R STEEL
Head of Health Gain Division



THE SCOTTISH OFFICE

National Health Service in Scotland Management Executive

St Andrew's House
Edinburgh EH1 3DG

Telephone 031-244
Fax 031-244 2683

To:
General Medical Practitioners
Hospital Consultants, Community Medicine
Specialists and other Hospital Doctors whose
responsibilities include caring for patients
with severe mental impairment

18 January 1996

Dear Doctor

LOCAL GOVERNMENT FINANCE ACT 1992: COUNCIL TAX DISCOUNT IN RESPECT OF PEOPLE WHO ARE SEVERELY MENTALLY IMPAIRED

Summary

1. Under the Local Government Finance Act 1992 the Council Tax replaced the Community Charge from 1 April 1993 as the way in which people contribute towards council services. Three amendments have been made to the Council Tax which affect the list of qualifying benefits for severely mentally impaired people and also exempt from payment households comprising of severely mentally impaired people.

General

2. Guidance to doctors in dealing with requests from people for certificates to demonstrate entitlement to a discount from the Council Tax on the grounds of severe mental impairment was issued on 30 March 1993 (NHS Circular GEN(1993)5, Annex A of which was amended by NHS Circular GEN(1993)9).

3. When a local authority receives a claim for discount on the basis of a person's severe mental impairment they will give or send an application form to the applicant, or person acting on his or her behalf, together with the local authority's certificate for completion. The person receiving this form should complete it and pass it on to the medical practitioner attending the person whose severe mental impairment gives rise to the application ("the relevant person"). The application form will normally request:

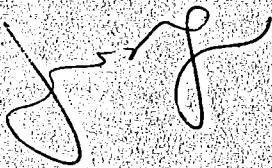
evidence of the relevant person's entitlement to one of the qualifying benefits; and

the name of the relevant person's general practitioner or other registered medical practitioner with knowledge of the relevant person.

Amendments to Previous Guidance (NHS Circulars GEN(1993)5 (Annex A) and GEN(1993)9 (Annex A))

1. An updated list of qualifying benefits is now attached (Annex A) and should replace Annex A which was attached to Circular GEN(1993)5 (which itself was amended by Circular GEN(1993)9). The amendments in Annex A are given at paragraphs 1 and 10.
2. The other amendment affects severely mentally impaired people who would normally receive a 50% discount. The new amendment means that dwellings occupied by severely mentally impaired people, either living on their own or living with other severely mentally impaired people, will be exempt from Council Tax liability.

Yours sincerely



DAVID R STEEL
Head of Health Gain Division

QUALIFYING BENEFITS FOR COUNCIL TAX CERTIFICATION IN RESPECT OF SEVERELY MENTALLY IMPAIRED PEOPLE

To qualify for council tax discount, a person who is severely mentally impaired must be entitled to one of the following benefits. (For these purposes it is worth noting that if a benefit ceases to be payable on reaching pensionable age, but someone was in respect of that benefit until it ceased for that reason, they may still be entitled to the benefit although it is no longer in payment because a different pension or benefit is instead.)

1. An incapacity benefit under Section 30A of the Social Security Contributions and Benefits Act 1992(d);
2. An attendance allowance under Section 64 of that Act;
3. A severe disablement allowance under Section 68 of that Act;
4. the care component of a disability living allowance under Section 71 of that Act, payable at the highest rate under Section 72(4)(a) or at the middle rate under Section 72(4)(b) of that Act;
5. An increase in the rate of their disablement pension under Section 104 of that Act (increase where constant attendance needed);
6. A disability working allowance under Section 129 of that Act for which the qualifying benefit is one falling within subsection (2)(a)(i) or (ii) of that section, or is a corresponding Northern Ireland benefit;
7. An unemployability supplement under Part 1 of Schedule 7 to that Act;
8. A constant attendance allowance under:
 - 8.1 article 14 of the Personal Injuries (Civilians) Scheme 1983; or
 - 8.2 article 14 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983 (including that provision as applied, whether with or without modifications, by any other instrument).
9. An unemployability allowance under:
 - 9.1 article 18(1) of the Personal Injuries (Civilian) Scheme 1983;
 - 9.2 article 18(1) of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983 (including that provision as applied, whether with or without modifications, by any other instrument).

10. Income Support where the applicable amount includes a disability premium in respect of which the additional condition in paragraph 12(1)(b) of Schedule 2 to the Income Support (General) Regulations 1987 are satisfied.