



NHS Management Executive  
St. Andrew's House  
Edinburgh EH1 3DG  
26th September 1997

Dear Colleague

**LOCAL GOVERNMENT FINANCE ACT 1992  
COUNCIL TAX DISCOUNT FOR PEOPLE WITH  
SEVERE MENTAL IMPAIRMENT**

**Summary**

1. This letter announces amendments to the list of qualifying benefits for people seeking a discount from the council tax on grounds of severe mental impairment.
2. The procedures already in place by means of Circulars NHS MEL (1996)5, GEN(1993)5 and 9 are altered by the amendments that have now been made to the list of qualifying benefits. These are listed at Annex A to this letter.

**Action**

3. Health Boards should copy this letter and Annex as soon as possible to all General Medical Practitioners in their Health Board area and to all NHS staff with a direct interest in the assessment of applications for discount under these arrangements.

Yours sincerely

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Director of Strategy & Performance  
Management  
NHS in Scotland

COMMON SERVICES AGENCY	
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29 SEP 1997	
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SCOTTISH HEALTH SERVICE COMMON SERVICES AGENCY PROPERTY OF THE HEALTH SERVICE	
CLASS	62
NO.	101275

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1. To qualify for the council tax discount, a person who is certified as severely mentally impaired must (a) be entitled to one or more of the qualifying benefits listed in paragraph 2 below, (b) meets the requirement in paragraph 3 below; or (c) is a qualifying person for the purposes of paragraph 4 below.

2. The qualifying benefits are:-

- (a) an incapacity benefit under Section 30A of the Social Security Contributions and Benefits Act 1992 (f);
- (b) an attendance allowance under Section 64 of that Act;
- (c) a severe disablement allowance under Section 68 of that Act;
- (d) 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;
- (e) an increase in the rate of disablement pension under Section 104 of that Act (increase where constant attendance needed);
- (f) a disability working allowance under Section 129 of that Act, for which the qualifying benefit is one falling within sub-section (2)(a)(i) or (ii) of that section, or is a corresponding Northern Ireland benefit;
- (g) an unemployability supplement under Part 1 of Schedule 7 to that Act;
- (h) a constant attendance allowance under:-
  - (i) article 14 of the Personal Injuries (Civilian) Scheme 1983(a); or
  - (ii) article 14 of the Naval Military and Air Forces etc (Disablement and Death) Services Pensions Order 1983(b) (including that provision as applied, whether with or without modifications, by any other instrument);
- (i) an unemployability allowance under:-
  - (i) article 18(1) of the Personal Injuries (Civilians) Scheme 1983(c); or
  - (ii) article 18(1) of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1993(d) (including that provision as applied, whether with or without modifications, by any other instrument);

- (j) 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(e) is satisfied;
- (k) incapacity benefit under Section 40 or 41 of the Social Security Contributions and Benefits Act 1992(g).

3. The requirements in this paragraph are:-

- (a) that the person in question has reached pensionable age as defined for the purposes of Parts I and VI of the Social Security Contributions and Benefits Act 1992; and
- (b) that, had he not reached pensionable age, he would have been entitled to one of the benefits listed in paragraph 2 above.

4. A qualifying person is a person whose partner is in receipt of a jobseeker's allowance in a case where, by virtue of that person's incapacity for work, the applicable amount for the purposes of Regulation 83 or 84 of the Jobseeker's Allowance Regulations 1996(h) includes a premium which falls to be determined under Schedule 1 to those regulations.

- (a) SI 1983/686
- (b) SI 1983/883
- (c) Article 18 was relevantly amended by SI 1984/1298, 1985/1313 and 1992/702
- (d) Article 18 was relevantly amended by SI 1984/1154, 1985/1201 and 1992/710
- (e) SI 1987/1967; relevant amending instrument is SI 1988/2022
- (f) 1992 c4, Section 30A is inserted by the Social Security (Incapacity for Work) Act 1994 (c18), Section 1 and SI 1994/2926 with effect from 13 April 1995
- (g) 1992 c4, Sections 40 and 41 were substituted by the Social Security (Incapacity for Work) Act 1994 (c18), Schedule 1, paragraphs 8 and 9, and Section 41 was amended by the Pensions Act 1995 (C26), Schedule 4, paragraph 21(4)
- (h) SI 1996/207