



Rating (Disabled Persons) Act 1978

CHAPTER 40

ARRANGEMENT OF SECTIONS

Provisions for England and Wales

Section

1. Rebates for hereditaments with special facilities for disabled persons.
2. Rebates for institutions for the disabled.
3. Administration and appeals.

Provisions for Scotland

4. Rebates for lands and heritages with special facilities for disabled persons.
5. Rebates for institutions in Scotland for the disabled.
6. Administration and appeals in Scotland.
7. Alteration of the valuation roll in Scotland.

General

8. Interpretation.
9. Citation, repeals, commencement and extent.

SCHEDULES:

- Schedule 1—Amount of rebate under section 1.
Schedule 2—Repeals.

ELIZABETH II



Rating (Disabled Persons) Act 1978

1978 CHAPTER 40

An Act to amend the law relating to relief from rates in respect of premises used by disabled persons and invalids; and for purposes connected therewith.

[20th July 1978]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Provisions for England and Wales

1.—(1) Subject to the provisions of this Act, the rating authority for any area in England and Wales shall grant a rebate in respect of the rates chargeable on any hereditament which is situated in the area and to which this section applies.

Rebates for hereditaments with special facilities for disabled persons.

(2) This section applies to—

- (a) a hereditament in which a room other than a bathroom or lavatory is predominantly used (whether for providing therapy or for other purposes) by and is required for meeting the needs of a disabled person who resides in the hereditament;
- (b) a hereditament in which there is an additional bathroom or lavatory which is required for meeting the needs of a disabled person who resides in the hereditament;

- (c) a hereditament which is equipped with a heating installation for providing heating in two or more rooms, being heating required for meeting the needs of a disabled person who resides in the hereditament ;
- (d) a hereditament in which there is any other facility which is required for meeting the needs of a disabled person who resides in the hereditament ;
- (e) a hereditament in which there is sufficient floor space to permit the use of a wheelchair used by and required for meeting the needs of a disabled person who resides in the hereditament ;
- (f) a hereditament which includes or consists of a garage, carport or land used otherwise than temporarily for accommodating a vehicle used by and required for meeting the needs of a disabled person.

(3) In subsection (2) above—

- (a) references to anything being required for meeting the needs of a disabled person are references to its being essential or of major importance to his well-being by reason of the nature and extent of his disability ; and
- (b) references to a disabled person who resides in a hereditament include references to a disabled person who is usually resident there.

(4) The person entitled to a rebate under this section is—

- (a) the disabled person if he is the occupier of the hereditament or makes payments by way of rent in respect of all or any of it ; or
- (b) any person who is a member of the same household as the disabled person and either is the occupier of the hereditament or makes such payments as aforesaid.

(5) The rebate in respect of any hereditament shall be of an amount determined in accordance with Schedule 1 to this Act.

(6) Where the person entitled to a rebate under this section is also entitled to a rebate under a scheme made under section 11 or 12 of the Local Government Act 1974 in respect of the same hereditament and period, that scheme shall have effect as if the rates chargeable on the hereditament for that period were reduced by the amount of the rebate under this section.

1974 c. 7.

2.—(1) Subject to the provisions of this Act, the rating authority for any area in England and Wales shall grant a rebate in respect of the rates chargeable on any hereditament situated in the area which is occupied by a local authority or other body

Rebates for institutions for the disabled.

and is used—

- (a) wholly for one or more of the purposes specified in subsection (2) below ; or
- (b) partly for one or more of those purposes and partly for purposes ancillary thereto.

(2) The said purposes are—

- (a) the provision of residential accommodation for the care of persons suffering from illness or the after-care of persons who have been suffering from illness ;
- (b) the provision of facilities for training or keeping suitably occupied persons suffering from illness or persons who have been suffering from illness ;
- (c) the provision of such accommodation or facilities as are mentioned in paragraph (a) or (b) above for disabled persons not falling within that paragraph ;
- (d) the provision of welfare services for disabled persons ;
- (e) the provision of facilities under section 15 of the Disabled Persons (Employment) Act 1944 ;
- (f) the provision of a workshop or of other facilities under section 3(1) of the Disabled Persons (Employment) Act 1958 c. 33. 1958.

(3) In subsection (2) above—

“ care ” does not include the provision of medical, surgical or dental treatment, but without prejudice to subsection (1)(b) above ;

“ illness ” has the meaning given by section 128(1) of the National Health Service Act 1977 ;

1977 c. 49.

“ welfare services for disabled persons ” means services or facilities (by whomsoever provided) of a kind which a local authority have power to provide under section 29 of the National Assistance Act 1948.

1948 c. 29.

(4) The person entitled to a rebate under this section is the occupier of the hereditament.

(5) The rebate in respect of any hereditament shall be equal to the rates chargeable on the hereditament for the rebate period but where the hereditament qualifies for rebate for part only of a rebate period the rebate shall be proportionately reduced.

(6) Where the person entitled to a rebate under this section is also entitled to relief under section 40 of the General Rate Act 1967 (relief for charitable and other organisations) in respect of the same hereditament and period, that section shall have effect as if the rates chargeable on the hereditament for that period were reduced by the amount of the rebate.

1967 c. 9.

Administration
and appeals.

3.—(1) No rebate shall be granted except on an application made to the rating authority by the person entitled to the rebate; and any such application shall contain such information as the authority may reasonably require.

(2) A rebate shall be granted for such period, being a rate period or part of a rate period, as the rating authority may determine (in this Act referred to as a “rebate period”).

(3) No rebate shall be granted—

(a) for any period before the coming into force of this Act; or

(b) except in such circumstances and to such extent as the rating authority may determine, for any period before the beginning of the rate period in which the application is made.

(4) A rebate may be granted either by making a payment of the amount of the rebate or, where the person entitled is the occupier of the hereditament, by reducing the rates payable by him.

(5) An applicant for a rebate whose application is refused by the rating authority may appeal to the county court; and if that court allows the appeal it may direct that the rebate shall be granted.

(6) In this section “rebate” means a rebate under section 1 or section 2 of this Act.

Provisions for Scotland

Rebates for
lands and
heritages
with special
facilities for
disabled
persons.

4.—(1) Subject to the provisions of this Act, the rating authority for any area in Scotland shall grant a rebate in respect of the rates chargeable on any lands and heritages which are situated in the area and to which this section applies.

(2) This section applies to—

(a) lands and heritages in which a room other than a bath-room or lavatory is predominantly used (whether for providing therapy or for other purposes) by and is required for meeting the needs of a disabled person who resides in the lands and heritages;

(b) lands and heritages in which there is an additional bath-room or lavatory which is required for meeting the needs of a disabled person who resides in the lands and heritages;

(c) lands and heritages which are equipped with a heating installation for providing heating in two or more rooms, being heating required for meeting the needs

of a disabled person who resides in the lands and heritages ;

- (d) lands and heritages in which there is any other facility which is required for meeting the needs of a disabled person who resides in the lands and heritages ;
- (e) lands and heritages in which there is sufficient floor space to permit the use of a wheelchair used by and required for meeting the needs of a disabled person who resides in the lands and heritages ;
- (f) lands and heritages which include or consist of a garage, carport or land used otherwise than temporarily for accommodating a vehicle used by and required for meeting the needs of a disabled person,

and so much of the lands and heritages as is, in terms of this subsection, referable to the needs of the disabled person is hereinafter in this section referred to as the "special facility".

(3) In subsection (2) above—

- (a) references to anything being required for meeting the needs of a disabled person are references to its being essential or of major importance to his well-being by reason of the nature and extent of his disability ; and
- (b) references to a disabled person who resides in lands and heritages include references to a disabled person who is usually resident there.

(4) The person entitled to a rebate under this section is—

- (a) the disabled person if he is the occupier of the lands and heritages or makes payments by way of rent in respect of all or any of them ; or
- (b) any person who is a member of the same household as the disabled person and either is the occupier of the lands and heritages or makes such payments as aforesaid.

(5) The rebate in respect of—

- (a) any lands and heritages other than those within subsection (2)(e) above shall be so much of the rates chargeable in respect of those lands and heritages for the rebate period as is attributable to the special facility ;
- (b) lands and heritages within subsection (2)(e) above shall be equal to the rates which would be chargeable on the special facility for the rebate period if its rateable

value were £30 or such other amount as may be prescribed by order made by the Secretary of State ;

but where the lands and heritages qualify for rebate for part only of a rebate period the rating authority may, if they think fit, reduce the rebate by the proportionate amount or any lesser amount.

An order under this subsection shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and the power to make such an order includes power to vary or revoke a previous order.

(6) For the purposes of calculating the rebate under subsection (5)(a) above the assessor shall certify what amount of rateable value is attributable to the special facility and, subject to subsection (8) below, the assessor's certificate shall be conclusive.

(7) The rating authority may, if they think fit, increase the rebate under subsection (5)(b) above by an additional amount equal to one-fifth of the amount of that rebate.

(8) An appeal shall lie in respect of a certificate under subsection (6) above, and a complaint may be made about such a certificate, in either case to the valuation appeal committee ; and the provisions of the previous Valuation Acts relating to applications to the assessor for redress, to appeals and complaints to the valuation appeal committee and to appeals from that committee to the Lands Valuation Appeal Court shall, with the necessary modifications, apply for the purposes of this subsection.

(9) Where the person entitled to a rebate under this section is also entitled to a rebate under a scheme made under section 112 of the Local Government (Scotland) Act 1973 (whether or not varied under section 114 of that Act) in respect of the same lands and heritages and the same period, that scheme shall have effect as if the rates chargeable on the lands and heritages for that period were reduced by the amount of the rebate under this section.

1973 c. 65.

Rebates for institutions in Scotland for the disabled.

5.—(1) Subject to the provisions of this Act, the rating authority for any area in Scotland shall grant a rebate in respect of the rates chargeable on any lands and heritages situated in the area which are occupied by a local authority or other body and are used —

- (a) wholly for one or more of the purposes specified in subsection (2) below ; or
- (b) partly for one or more of those purposes and partly for purposes ancillary thereto.

(2) The said purposes are—

- (a) the provision of residential accommodation for the care of persons suffering from illness or the after-care of persons who have been suffering from illness ;
- (b) the provision of facilities for training or keeping suitably occupied persons suffering from illness or persons who have been suffering from illness ;
- (c) the provision of such accommodation or facilities as are mentioned in paragraph (a) or (b) above for disabled persons not falling within that paragraph ;
- (d) the provision of welfare services for disabled persons ;
- (e) the provision of facilities under section 15 of the Disabled Persons (Employment) Act 1944 c. 10.
- (f) the provision of a workshop or of other facilities under section 3(1) of the Disabled Persons (Employment) Act 1958 c. 33. 1958.

(3) In subsection (2) above—

“ care ” does not include the provision of medical, surgical or dental treatment, but without prejudice to subsection (1)(b) above ;

“ illness ” has the meaning given by section 108(1) of the National Health Service (Scotland) Act 1978 ; 1978 c. 29.

“ welfare services ” means services or facilities (by whomsoever provided) of a kind which a local authority have power to provide under the Social Work (Scotland) Act 1968 c. 49. Act 1968.

(4) The person entitled to a rebate under this section is the occupier of the lands and heritages.

(5) The rebate in respect of any lands and heritages shall be equal to the rates chargeable on the lands and heritages for the rebate period but where the lands and heritages qualify for rebate for part only of a rebate period the rebate shall be proportionately reduced.

(6) Where the person entitled to a rebate under this section is also entitled to relief under section 4 of the Local Government (Financial Provisions etc.) (Scotland) Act 1962 (relief for charitable and other organisations) in respect of the same lands and heritages and the same period, that section shall have effect as if the rates chargeable on the lands and heritages for that period were reduced by the amount of the rebate. 1962 c. 9.

Administration
and appeals
in Scotland.

6.—(1) No rebate shall be granted except on an application made to the rating authority by the person entitled to the rebate ; and any such application shall contain such information as the authority may reasonably require.

(2) A rebate shall be granted for such period, being a financial year or part of a financial year, as the rating authority may determine (in this Act referred to as a “ rebate period ”).

(3) No rebate shall be granted—

(a) for any period before the coming into force of this Act ; or

(b) except in such circumstances and to such extent as the rating authority may determine, for any period before the beginning of the financial year in which the application is made.

(4) A rebate may be granted either by making a payment of the amount of the rebate or, where the person entitled is the occupier of the lands and heritages, by reducing the rates payable by him.

(5) An applicant for a rebate whose application is refused by the rating authority may appeal to the sheriff ; and if the sheriff allows the appeal he may direct that the rebate shall be granted.

(6) An appeal shall lie, on any question of law, from a decision of the sheriff under subsection (5) above.

(7) In this section “ rebate ” means a rebate under section 4 or section 5 of this Act.

Alteration of
the valuation
roll in
Scotland.

1956 c. 60.

1975 c. 30.

7.—(1) The assessor shall alter the valuation roll to give effect to any alteration in the gross annual value of any lands and heritages or any other consequence of the repeal by this Act of section 8(1) of the Valuation and Rating (Scotland) Act 1956 (subjects excluded from the valuation roll), and section 3 of the Local Government (Scotland) Act 1975 (procedure following alteration of the valuation roll) shall apply to an alteration in the valuation roll under this section.

(2) An alteration in the valuation roll under this section shall have effect as from 1st April 1979, or as from the beginning of the year in which it is made, whichever is the later.

General

Interpretation.

8.—(1) In this Act—

“ disabled person ” means any person who is blind, deaf or dumb or who suffers from mental disorder of any description or who is substantially and permanently handicapped by illness, injury or congenital deformity

or any other disability for the time being prescribed for the purposes of section 29(1) of the National Assistance Act 1948 or, in relation to Scotland, by regulations made by the Secretary of State ; 1948 c. 29.

“ the previous Valuation Acts ” means, in relation to Scotland, the Lands Valuation (Scotland) Act 1854, the Acts amending that Act and any other Act relating to valuation including the Local Government (Scotland) Act 1975 ; 1854 c. 91. 1975 c. 30.

“ rates ” includes, in relation to Scotland, domestic water rates ;

“ rebate period ” has the meaning given by section 3(2) or, in relation to Scotland, section 6(2) of this Act.

(2) Any regulations under subsection (1) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any expression which is used in this Act in its application to England and Wales and is also used in the General Rate Act 1967 has the same meaning as in that Act. 1967 c. 9.

(4) Any expression which is used in this Act in its application to Scotland and is also used in the previous Valuation Acts has the same meaning as in those Acts.

(5) Except where the context otherwise requires, any reference in this Act to any enactment is a reference to that enactment as amended by or under any other enactment.

9.—(1) This Act may be cited as the Rating (Disabled Persons) Act 1978. Citation, repeals, commencement and extent.

(2) This Act in its application to Scotland and the previous Valuation Acts may be cited together as the Valuation Acts.

(3) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(4) This Act shall come into force on 1st April 1979.

(5) This Act does not extend to Northern Ireland.

SCHEDULES

Section 1(5).

SCHEDULE 1

AMOUNT OF REBATE UNDER SECTION 1

Preliminary

1. Subject to the provisions of this Schedule, the amount of any rebate under section 1 of this Act shall be determined in accordance with whichever is applicable of paragraphs 2 to 7 below.

Use of room

2. Where the hereditament is within section 1(2)(a) the rebate shall be equal to the rates that would be chargeable on the hereditament for the rebate period if its rateable value were £30.

Additional bathroom or lavatory

3. Where the hereditament is within section 1(2)(b) the rebate shall be equal to the rates that would be chargeable on the hereditament for the rebate period if its rateable value were—

- (a) £20 in the case of an application made by reference to a bathroom ;
- (b) £10 in the case of an application made by reference to a lavatory.

Heating installation

4. Where the hereditament is within section 1(2)(c) the rebate shall be equal to the rates that would be chargeable on the hereditament for the rebate period if its rateable value were so much only of its rateable value as is attributable to the heating installation.

Other facility

5. Where the hereditament is within section 1(2)(d) the rebate shall be equal to the rates that would be chargeable on the hereditament for the rebate period if its rateable value were so much only of its rateable value as is attributable to the facility.

Sufficient floor space for use of wheelchair

6. Where the hereditament is within section 1(2)(e) the rebate shall be equal to the rates that would be chargeable on the hereditament for the rebate period if its rateable value were £30.

Garage, carport or land used for accommodating vehicle

7.—(1) Where the hereditament is within section 1(2)(f) the rebate shall, subject to sub-paragraph (2) below, be equal to the rates that would be chargeable on the hereditament for the rebate period if its rateable value were—

- (a) £25 in the case of an application made by reference to a garage ;

- (b) £15 in the case of an application made by reference to a carport ;
- (c) £5 in the case of an application made by reference to land.
- (2) The applicant may, in making the application, elect that the rebate shall, subject to sub-paragraph (3) below, be equal to—
- (a) in the case of a hereditament which includes the garage, carport or land, the rates that would be chargeable on the hereditament for the rebate period if its rateable value were so much only of its rateable value as is attributable to the garage, carport or land ;
- (b) in the case of a hereditament which consists of the garage, carport or land, the rates chargeable on the hereditament for the rebate period.
- (3) Where the application is made by reference to a garage, carport or land which is also used for other purposes, the rating authority may, if they think fit, reduce any rebate under paragraph (a) or (b) of sub-paragraph (2) above by the proportionate amount or any lesser amount.

Increase of rebate

8. Where the amount of any rebate is determined in accordance with paragraph 2, 3, 6 or 7(1) above, the rating authority may, if they think fit, increase the rebate by an additional amount equal to one-fifth of the amount so determined.

Reduction of rebate

9. Where the hereditament is within section 1(2)(a), (b) or (f) and the valuation officer certifies that no part of its rateable value is attributable to the room which is predominantly used by the disabled person, the additional bathroom or lavatory or, as the case may be, the garage, carport or land used for accommodating the vehicle, the rebate shall be reduced to nil.

10. Where the hereditament qualifies for rebate for part only of a rebate period the rating authority may, if they think fit, reduce the rebate by the proportionate amount or any lesser amount.

Certificates of attributable value

11.—(1) The valuation officer shall certify what amount of rateable value is in any case to be attributed as mentioned in paragraph 4, 5 or 7(2) above and, subject to sub-paragraph (2) below, his certificate shall be conclusive.

(2) Any applicant for rebate who is dissatisfied with a certificate under sub-paragraph (1) above may appeal to the local valuation court by sending a notice in writing to the clerk of the local valuation panel constituted under section 88 of the General Rate Act 1967 ; and the court may, if they allow the appeal, alter the certificate as they may determine. 1967 c. 9.

SCH. 1

(3) Sections 76(2) and (4) and 77 of the said Act of 1967 (procedure of local valuation court and right of appeal to Lands Tribunal) shall, with the necessary modifications, apply to the proceedings of a local valuation court under this paragraph.

Power to vary specified amounts

12.—(1) The Secretary of State may by order vary any of the amounts specified in paragraph 2, 3(a) or (b), 6 or 7(1)(a), (b) or (c) above.

(2) The power to make an order under this paragraph shall be exercisable by statutory instrument and includes power to vary or revoke a previous order.

(3) Any statutory instrument containing an order made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Section 9(3).

SCHEDULE 2

REPEALS

Chapter	Short title	Extent of repeal
4 & 5 Eliz. 2. c. 60.	The Valuation and Rating (Scotland) Act 1956.	Section 8(1).
1967 c. 9.	The General Rate Act 1967.	Section 45.
1968 c. 49.	The Social Work (Scotland) Act 1968.	In Schedule 8 paragraph 36.
1973 c. 32.	The National Health Service Reorganisation Act 1973.	In Schedule 4 paragraph 108.
1974 c. 7.	The Local Government Act 1974.	Section 20.
1976 c. 15.	The Rating (Caravan Sites) Act 1976.	Section 3(5)(b).
1977 c. 49.	The National Health Service Act 1977.	In Schedule 15 paragraph 39.

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