STATUTORY INSTRUMENTS

1975 No. 1441

HOUSING, ENGLAND AND WALES

The Rent Rebate and Rent Allowance Schemes (England and Wales) (No. 3) Regulations 1975

Made - - - -	1*st September* 1975
Laid before Parliament	9*th September* 1975
Coming into Operation	30*th September* 1975

The Secretary of State for the Environment as respects England and the Secretary of State for Wales as respects Wales, having referred their proposals to make regulations under section 20(2) of the Housing Finance Act 1972**(a)** to the Advisory Committee on Rent Rebates and Rent Allowances pursuant to section 20(3) of that Act, and with the consent of the Treasury, in exercise of the powers conferred on them by the said section 20(2), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Rent Rebate and Rent Allowance Schemes (England and Wales) (No. 3) Regulations 1975 and shall come into operation on 30th September 1975.

(2) The Interpretation Act 1889**(b)** shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(3) In these regulations—

"the Act" means the Housing Finance Act 1972;

"Schedule 3" means Schedule 3 to the Act, and

"Schedule 4" means Schedule 4 to the Act.

(4) In these regulations, unless the context otherwise requires, references to any enactment shall be construed as references thereto as varied by regulations made under that enactment itself and as amended, varied, extended or applied by or under any other enactment.

Effective dates for variation of Schedules 3 *and* 4

2.—(1) Subject to sub-paragraph (3) below, the variation of Schedule 3 made by these regulations shall take effect on 17th November 1975.

(2) Subject to sub-paragraph (3) below, the variation of Schedule 4 made by these regulations shall take effect on 30th September 1975.

(3) Nothing in sub-paragraphs (1) or (2) above shall prejudice the making before 17th November of a scheme under Part II of the Act, being a scheme taking account of the variation of Schedules 3 and 4 made by these regulations.

(a) 1972 c. 47. **(b)** 1889 c. 63.

Variation of paragraph 8 *of Schedule* 3

3. In relation to any week in a rebate period or allowance period, being a week commencing after 16th November 1975, Schedule 3 shall have effect with the substitution for paragraph 8 of the following paragraph—

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

(*a*) for an individual person who has no dependent children	£21·05
(*b*) for a married couple	£29·45
(*c*) for an individual person who has a dependent child or children	£29·45
(*d*) for each dependent child of a tenant or his spouse ...	£4·60

(2) The needs allowance for each week is—

(*a*) for an individual person who has no dependent children and who is registered in pursuance of arrangements made under section 29(1) of the National Assistance Act 1948 (welfare arrangements for handicapped persons)	£22·95
(*b*) for a married couple one of whom is so registered ...	£31·35
(*c*) for an individual person who is so registered and who has a dependent child or children	£31·35
(*d*) for a married couple both of whom are so registered ...	£32·45".

Variation of paragraph 9 *of Schedule* 3

4. In relation to any week in a rebate period or allowance period, being a week commencing after 16th November 1975, Schedule 3 shall have effect with the substitution for paragraph 9 of the following paragraph—

"9.—(1) The weekly income of the tenant and any spouse of the tenant shall be ascertained for the purposes of this Schedule by taking the amount which the authority has assessed under Schedule 4 below as likely to be their income during the rebate period or, as the case may be, the allowance period and—

(*a*) disregarding any item mentioned in sub-paragraph (2) below which is included in that income, and

(*b*) adding any such notional sum as is mentioned in sub-paragraph (4) below.

(2) The items to be disregarded are—

(*a*) any rent received from a sub-tenant of part of the dwelling, exclusive of any amount attributable to furniture provided by the tenant, or to services provided by the tenant;

(*b*) any payment made to the tenant or his spouse by a dependent child of his or of his spouse or by a non-dependant;

(*c*) in the case of a married couple, £5·00 of the earnings of a woman who is either the tenant or the tenant's wife;

(*d*) any sums payable by virtue of regulations made under section 81 of the Education Act 1944 (financial assistance for education);

(*e*) any attendance allowance;

(*f*) any sums payable to any person as holder of the Victoria Cross or of the George Cross;

(*g*) any benefit under the Supplementary Benefit Act 1966 (The Ministry of Social Security Act 1966);

(*h*) £4·00 of any of the following, namely—

(i) a war disablement pension;

(ii) industrial disablement benefit;

(iii) an old cases allowance;

(iv) any payment which the Secretary of State accepts as being analogous to a payment mentioned in sub-paragraphs (i) to (iii) above;

(*j*) £4·00 of so much of—

(i) a widow's pension (by way of industrial injuries benefit) payable at the initial rate or the higher permanent rate under section 68 of the Social Security Act 1975**(a)**;

(ii) a special widow's pension (not including any allowance in respect of children);

(iii) any payment which the Secretary of State accepts as being analogous to a payment mentioned in sub-paragraph (i) or (ii) above,

as exceeds the rate specified in Part I of Schedule 4 to the Social Security Act 1975 for a contributory widow's pension under Part II of that Act;

(*k*) £4·00 of any charitable payment or of any voluntary payment other than a payment made by a person who is not a non-dependant for the maintenance of his spouse (including a spouse with whom he is not living) or his former spouse or his children;

(*l*) where the tenant is a qualifying student, an amount equal to any amount prescribed as a deduction for that week by virtue of section 25(3)(*c*) of this Act.

(3) The total disregard under paragraphs (*h*) to (*k*) of sub-paragraph (2) above shall in no case exceed £4·00, and where a number of voluntary or charitable payments (other than payments for maintenance such as are mentioned in sub-paragraph (2)(*k*) above) are received, they shall be treated as if they were one payment for the purposes of that paragraph.

(4) If the tenant and any spouse of the tenant have between them £1,200 or more in liquid cash resources, the weekly income shall be treated as increased by a notional sum equal to 0·1 per cent. of the excess over £1,200.

(5) In sub-paragraph (2) above—

'attendance allowance' and 'war disablement pension' have the meanings assigned to them by any regulations for the time being in force under the Family Income Supplements Act 1970;

'industrial disablement benefit' means any weekly payment of disablement benefit under the Social Security Act 1975;

'old cases allowance' means a weekly payment under a scheme having effect by virtue of the Industrial Injuries and Diseases (Old Cases) Act 1975**(b)**;

(a) 1975 c. 14. **(b)** 1975 c. 16.

'qualifying student' has the meaning assigned to it by any regulations for the time being in force under section 25(3)(*c*) of this Act;

'special widow's pension' means—

(*a*) any widow's pension or allowance granted in respect of a death due to service or war injury under powers conferred by or under the Ministry of Pensions Act 1916, the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947, the Home Guard Act 1951 or the Ulster Defence Regiment Act 1969;

(*b*) a pension or allowance for a widow granted under any scheme made under the Injuries in War (Compensation) Act 1914, the Injuries in War Compensation Act 1914 (Session 2), or the Injuries in War (Compensation) Act 1915 or under any War Risk Compensation Scheme for the Mercantile Marine.

(6) The Secretary of State may accept a payment as being analogous to a payment mentioned in sub-paragraph (2) above—

(*a*) by directing authorities in general to regard payments of that description as analogous for the purposes of this Schedule; or

(*b*) by notifying an authority that he accepts such a payment as analogous for those purposes.".

Variation of Schedule 4

5. The provisions of Schedule 4 shall be varied as follows—

(*a*) there shall be added at the end of paragraph 4(2)(*b*), and as part of it, the following words:—

"except that where the date of notification fell during the month of April 1975, the authority may extend the period, subject to paragraphs 5 and 6 below, so as to end not later than eight months after that date.".

(*b*) there shall be added after paragraph 10(4A)**(a)** the following new sub-paragraph—

"(4B) Where a rebate period or allowance period is extended by virtue of the exception in paragraph 4(2)(*b*) of this Schedule, any reference in this paragraph to 'the current period', however expressed, shall be construed as a reference to the rebate period or allowance period as so extended:

Provided that where an application would have been required to have been entertained pursuant to sub-paragraph (2) above had the rebate period or the allowance period not been so extended, that application shall, notwithstanding the said extension, be entertained by the authority.".

(a) Added by regulation 4(c) of S.I. 1973/614 (1973 I, p. 1943).

Signed by authority of the Secretary of State for the Environment.

R. Freeson,
Minister for Housing and Construction,
Department of the Environment.

18th August 1975.

Signed by authority of the Secretary of State for Wales.

S. B. Jones,
Parliamentary Under-Secretary of State,
Welsh Office.

22nd August 1975.

We consent.

M. Cocks,
T. Pendry,
Two of the Lords Commissioners of Her Majesty's Treasury.

1st September 1975.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations, which apply to England and Wales, further vary Schedules 3 and 4 to the Housing Finance Act 1972, by reference to which the amount of any rent rebate or rent allowance is calculated, and with which, subject to the other provisions of that Act, every rent rebate scheme and every rent allowance scheme under Part II of that Act must conform.

The Regulations vary paragraphs 8 (Needs allowance) and 9 (Income of tenant and spouse) of Schedule 3, by increasing the needs allowance and the amounts to be disregarded in the calculation of a rent rebate and a rent allowance for any week in a rent rebate period or a rent allowance period beginning after 16th November 1975.

Provision is also made, by varying Schedule 4, for allowing authorities to extend current rent rebate and rent allowance periods for non-pensioners which would otherwise terminate before the date on which the variations of Schedule 3 take effect.

Schedules 3 and 4 were amended by the Furnished Lettings (Rent Allowances) Act 1973 (c. 6) and the Social Security (Consequential Provisions) Act 1975 (c. 18). Paragraph 8 of Schedule 3 was last varied by the Rent Rebate and Rent Allowance Schemes (England and Wales) Regulations 1975 (S.I. 1975/246), and paragraph 9 of that Schedule by the Rent Allowance Schemes (England and Wales) Regulations 1974 (S.I. 1974/1499).

SI 1975/1441
ISBN 0-11-051441-6

