STATUTORY INSTRUMENTS

1978 No. 1302

HOUSING, ENGLAND AND WALES

The Rent Rebate and Rent Allowance Schemes (England and Wales) (No. 2) Regulations 1978

Made - - - -	31*st August* 1978
Laid before Parliament	8*th September* 1978
Coming into Operation	30*th September* 1978

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. 2) Regulations 1978 and shall come into operation on 30th September 1978.

(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 paragraph (2) below—

(*a*) the variation of Schedule 3 and paragraphs 3 and 4 of Schedule 4 made by these regulations shall take effect on 13th November 1978; and

(*b*) the variation of paragraph 10 of Schedule 4 made by these regulations shall take effect on 30th September 1978.

(2) Nothing in paragraph (1) above shall prejudice the making before 13th November 1978 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 1 of Schedule 3

3. In relation to any week in a rebate period or allowance period, being a week commencing after 12th November 1978, sub-paragraph (3)(**a**) of paragraph 1 of Schedule 3 shall be varied by substituting for the words "paragraph 4(1)", the words "paragraphs 4(1) and 4(1)(A)".

Variation of paragraph 8 of Schedule 3

4. In relation to any week in a rebate period or allowance period, being a week commencing after 12th November 1978, Schedule 3 shall have effect with the substitution for paragraph 8(**b**) 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	£27.25
(*b*) for a married couple	£39.45
(*c*) for an individual person who has a dependent child or children	£39.45
(*d*) for each dependent child of a tenant or his spouse ...	£6.55

(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)	£30.15
(*b*) for a married couple one of whom is so registered ...	£42.35
(*c*) for an individual person who is so registered and who has a dependent child or children	£42.35
(*d*) for a married couple both of whom are so registered	£44.00.".

Variation of paragraph 12 of Schedule 3

5. In relation to any week in a rebate period or allowance period, being a week commencing after 12th November 1978, Schedule 3 shall have effect with the substitution for sub-paragraphs (1) and (1A)(**c**) of paragraph 12 of the following sub-paragraphs—

"(1) The deductions from a rebate or allowance in respect of non-dependants are for each week—

(*a*) for each person aged 18 years or more, but under 21 years and neither undergoing full-time instruction at an educational establishment (subject in the case of qualifying students to sub-paragraph (1A) below) nor in receipt of supplementary benefit	£1.60
(*b*) for each person aged 21 years or more, but under pensionable age and neither undergoing full-time instruction at an educational establishment (subject in the case of qualifying students to sub-paragraph (1A) below) nor in receipt of supplementary benefit	£2.40

(**a**) Substituted by regulation 3(*a*)(i) of S.I. 1973/614.
(**b**) Substituted by regulation 3 of S.I. 1977/1467.
(**c**) Substituted by regulation 5 of S.I. 1976/1470.

(*c*) for each person in receipt of supplementary benefit £0.95

(*d*) for each person of pensionable age not in receipt of supplementary benefit, except in the case mentioned in paragraph (*e*) below £0.95

(*e*) for a married couple both of pensionable age and not in receipt of supplementary benefit £0.95

(1A) In respect of non-dependants who are qualifying students, the deductions for each week for which (if they were tenants) they would be subject to deductions from rent for the purposes of section 25(2)(*c*) of this Act by virtue of section 25(3)(*c*) thereof are—

(*a*) for each person aged 18 years or more, but under 21 years and not in receipt of supplementary benefit ... £1.60

(*b*) for each person aged 21 years or more, but under pensionable age and not in receipt of supplementary benefit ... ... £2.40.".

Variation of paragraph 3 of Schedule 4

6. In relation to any application for a rebate or an allowance (not being an application for a further rebate or allowance) made after 12th November 1978, sub-paragraph (1) of paragraph 3 of Schedule 4 shall be varied by inserting at the beginning the words "Subject to paragraph 4(1)(A) below"

Variation of paragraph 4 of Schedule 4

7. In relation to any application for a rebate or an allowance (not being an application for a further rebate or allowance) made after 12th November 1978, paragraph 4 of Schedule 4 shall have effect with the following variations—

(*a*) in sub-paragraph (1), at the beginning, there shall be inserted the words "Subject to sub-paragraph (1A) below";

(*b*) after sub-paragraph (1) there shall be inserted the following new sub-paragraph—

"(1A) Where—

(*a*) a rebate or an allowance is first granted in relation to an application made to the authority ("the current application") and:—

(i) the authority is satisfied that, had the applicant made an application for a rebate or an allowance at any time within the 12 months preceding the receipt of the current application, he would have been entitled to such rebate or allowance (whether or not he would have been entitled to it continuously until the receipt of the current application); and

(ii) the authority considers that the personal or domestic circumstances of the applicant are exceptional,

the authority may allow the rebate period or the allowance period to commence at the beginning of any rental period within the 12 months preceding the receipt of the current application:

Provided that the authority shall not grant the applicant a rebate or allowance for any week in the rebate period or allowance period before the rental period in which the current application was received ("the first part of the period") if they would not have done so under their rebate scheme or allowance scheme in operation in that week;

(*b*) under paragraph (*a*) above a rebate period or an allowance period commences earlier than it would otherwise have done, then—

(i) the information and evidence which the applicant is required to supply under paragraph 2(1) above may additionally include such information and evidence as to the matters specified in that paragraph and as to the applicant's circumstances in the first part of the period as the authority may reasonably require; and

(ii) the rebate or allowance for any week in the first part of the period shall be calculated, subject to sub-paragraph (iii) below, in accordance with the authority's rebate scheme or allowance scheme in operation in that week; and

(iii) notwithstanding anything in paragraph 3 above, it shall be the authority's duty to assess the income of the applicant and any spouse of his during the first part of the period on such basis as appears to them to be appropriate in the circumstances of the particular case.".

Variation of paragraph 10 of Schedule 4

8. Sub-paragraph (4B)(a) of paragraph 10 of Schedule 4 shall be varied by substituting for the words "the exception in paragraph 4(2)(b)" the words "the proviso to paragraph 4(2)".

Ernest Armstrong,

Signed by authority of the Secretary of State for the Environment 23rd August 1978.

Parliamentary Under Secretary of State, Department of the Environment.

T. Alec Jones,

Signed by authority of the Secretary of State for Wales 29th August 1978.

Parliamentary Under Secretary of State, Welsh Office.

We consent.

Peter Snape,
T. E. Graham,

Two of the Lords Commissioners of Her Majesty's Treasury.

31st August 1978.

(a) Inserted by regulation 5(*b*) of S.I. 1975/1441.

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 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. Schedule 3 was last varied by the Rent Rebate and Rent Allowance Schemes (England and Wales) Regulations 1977 and Schedule 4 was last varied by the Rent Rebate and Rent Allowance Schemes (England and Wales) Regulations 1978 (S.I. 1978/217).

Regulations 4 and 5 vary paragraphs 8 and 12 of Schedule 3 to increase the needs allowance and the deductions in respect of non-dependants (to be used in calculating the amount of a rebate or allowance) for any week in a rebate or allowance period beginning after 12th November 1978.

Regulation 7 varies paragraph 4 of Schedule 4 to enable authorities, where the personal or domestic circumstances of a first-time applicant are considered exceptional, to grant him a rebate or an allowance for a period which may include up to 12 months before the receipt of the application. Regulation 3 makes consequential variations to paragraph 1 of Schedule 3 and regulation 6 makes consequential variations to paragraph 3 of Schedule 4.

Regulation 8 varies paragraph 10 of Schedule 4 so that it refers to the proviso to paragraph 4(2) of Schedule 4, substituted by the Rent Rebate and Rent Allowance Schemes (England and Wales) Regulations 1978.

SI 1978/1302
ISBN 0-11-084302-9

