STATUTORY INSTRUMENTS

1979 No. 1319

HOUSING, ENGLAND AND WALES

The Rent Rebate and Rent Allowance Schemes (and Services Amendment) (England and Wales) Regulations 1979

Made - - - -	19*th October* 1979
Laid before Parliament	22*nd October* 1979
Coming into Operation	12*th November* 1979

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 in exercise of the powers conferred on them by section 25(3) of the said Act, 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 (and Services Amendment) (England and Wales) Regulations 1979 and shall come into operation on 12th November 1979.

(2) 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.

Effective date for variation of Schedule 3

2. The variations of Schedule 3 made by these regulations shall take effect on 12th November 1979 and shall apply in relation to any week in a rebate period or allowance period commencing on or after that date.

Variation of paragraph 2 *of Schedule* 3

3. At the end of the definition of "dependent child" in paragraph 2 of Schedule 3 there shall be added the following—

"provided that in determining whether a person undergoing full-time education or instruction is residing in the dwelling occupied by the tenant, no account shall be taken of that person's absences during term-time.".

(a) 1972 c. 47.

Variation of paragraph 8 *of Schedule* 3

4. For paragraph 8**(a)** of Schedule 3 there shall be substituted 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	£31·05
(*b*) for a married couple	£45·55
(*c*) for an individual person who has a dependent child or children	£45·55
(*d*) for each dependent child of a tenant or his spouse ...	£7·70

(2) The needs allowance for each week is—

(*a*) for an individual person who has no dependent children and is a person to whom section 29(1) of the National Assistance Act 1948 applies ("a handicapped person") ...	£34·60
(*b*) for a married couple one of whom is a handicapped person	£49·10
(*c*) for an individual handicapped person who has a dependent child or children	£49·10
(*d*) for a married couple both of whom are handicapped persons	£50·80.".

Variation of paragraph 9 *of Schedule* 3

5. Paragraph 9 of Schedule 3 shall have effect with the following variations—

(*a*) sub-paragraph (1)(*b*) shall be repealed and there shall be substituted a new sub-paragraph—

"(1)(*b*) adding any maintenance payment made to a dependent child under the age of 16.";

(*b*) sub-paragraph (2)(*c*) shall be repealed and there shall be substituted—
"(*c*) £5 of the earnings of the tenant, and £5 of the earnings of the tenant's spouse;";

(*c*) after sub-paragraph (2)(*m*)**(b)** there shall be added—
"(*n*) any maintenance payment made by the tenant or his spouse to his or her former spouse or to his or her children (other than dependent children)."; and

(*d*) sub-paragraph (4) (liquid cash resources) shall be repealed.

Variation of paragraph 12 *of Schedule* 3

6. For sub-paragraphs (1) and (1A)**(c)** of paragraph 12 there shall be substituted 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	£1·85

(a) Substituted by regulation 4 of S.I. 1978/1302.
(b) Inserted by regulation 4 of S.I. 1976/1470.
(c) Substituted by regulation 5 of S.I. 1978/1302.

(*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 ... ... £2·80

(*c*) for each person in receipt of supplementary benefit ... £1·10

(*d*) for each person of pensionable age not in receipt of supplementary benefit, except in the case mentioned in paragraph (*e*) below ... ... £1·10

(*e*) for a married couple both of pensionable age and not in receipt of supplementary benefit ... ... £1·10

(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 ... ... £1·85

(*b*) for each person aged 21 years or more, but under pensionable age and not in receipt of supplementary benefit £2·80.".

Consequential

7. In relation to any week in a rebate or allowance period, being a week commencing on or after 12th November 1979, for the definition of "qualifying person" in Part I of the Schedule to the Rent Rebate and Rent Allowance (Services etc.) Regulations 1972**(a)** there shall be substituted the following definition—

"qualifying person" means a person of pensionable age or a person to whom section 29(1) of the National Assistance Act 1948 (handicapped persons) applies; and".

Other Repeals

8. There are hereby repealed—

(*a*) the words "and (3B)" in paragraph 1(3)**(b)** of Schedule 3 and the whole of paragraph 1(3B)**(b)** of Schedule 3 (which was a provision relevant to 1973);

(*b*) the words "(2A) and (2B)" in paragraph 2(1)**(c)** of Schedule 4 and the whole of paragraphs 2(2A) and 2(2B)**(c)** of Schedule 4 (which related to provisions which no longer have effect); and

(*c*) the words "and his liquid cash resources" and "and liquid cash resources" in paragraph 2(1)(*c*) of Schedule 4.

Michael R. D. Heseltine,

9th October 1979. Secretary of State for the Environment.

(a) S.I. 1972/1203.
(b) Inserted by Regulation 3(*a*) of S.I. 1973/614.
(c) Inserted by Regulation 4(*a*) of S.I. 1973/614.

Nicholas Edwards,

17th October 1979. Secretary of State for Wales.

We consent,

Peter Morrison,

John MacGregor,

19th October 1979. Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which apply to England and Wales, are mainly concerned with the variations of Schedule 3 to the Housing Finance Act 1972 with which, subject to other provisions of the Act, every rent rebate scheme and every rent allowance scheme under Part II of the Act must conform. Schedule 3 was last varied by the Rent Rebate and Rent Allowance Schemes (England and Wales) (No. 2) Regulations 1978. The variations take effect in respect of any week in a rebate or allowance period beginning on or after 12th November 1979.

Regulation 3 varies paragraph 2 of Schedule 3 to provide that a person undergoing full-time education will not cease to be within the definition of "dependent child" solely by reason of his absence from the tenant's household during term-time.

Regulation 4 varies paragraph 8 of Schedule 3 to increase the needs allowance used in calculating the amount of rebate or allowance and also extends the additional allowances available to handicapped persons registered under s.29(1) of the National Assistance Act 1948 to similarly handicapped persons not registered under that Act.

Regulation 5 varies paragraph 9 of Schedule 3 (which relates to the ascertainment of income for the purpose of calculating the amount of rebate or allowance). It provides that there shall be added to the income of a tenant any maintenance payment made to a dependent child under the age of 16 of either the tenant or his spouse. The regulation further provides that in ascertaining income for the purposes of rebate or allowance there shall be disregarded £5·00 of the earnings of the tenant and £5·00 of the earnings of his spouse and also maintenance payments made by the tenant or by his spouse. The regulation also removes the need to take into account liquid cash resources of the tenant or his spouse.

Regulation 6 varies paragraph 12 of Schedule 3 to increase deductions for non-dependants (to be used in calculating the amount of rebate or allowance).

Regulation 7 makes an amendment to the Schedule to the Rent Rebate and Rent Allowance (Services etc.) Regulations 1972 consequent on Regulation 4 concerning handicapped persons.

Regulation 8 repeals certain spent provisions relating to the application of the rent allowance scheme in 1973 to tenants of furnished lettings, and also makes repeals consequent on Regulation 5.

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