STATUTORY INSTRUMENTS

1980 No. 1552 (S. 122)

HOUSING, SCOTLAND

The Rent Rebate and Rent Allowance Schemes (Scotland) (No. 2) Regulations 1980

Made - - - -	14*th October* 1980
Laid before Parliament	21*st October* 1980
Coming into Operation	11*th November* 1980

In exercise of the powers conferred on me by section 17(2) of the Housing (Financial Provisions) (Scotland) Act 1972(**a**) and of all other powers enabling me in that behalf and having consulted with such associations of local authorities as appear to me to be concerned and with any local authority with whom consultation appears to me to be desirable, I hereby, with the consent of the Treasury, make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Rent Rebate and Rent Allowance Schemes (Scotland) (No. 2) Regulations 1980 and shall come into operation on 11th November 1980.

Interpretation

2. In these regulations "the Act" means the Housing (Financial Provisions) (Scotland) Act 1972.

Variation of paragraph 2 of schedule 2

3. In relation to any week in a rebate period or allowance period, being a week commencing after 23rd November 1980, the definition of "married couple" in paragraph 2 of Schedule 2 to the Act shall be varied by substituting for the words "paragraph 9(2)(*j*)", the words "paragraph 9(2)(*i*)".

Variation of paragraph 8 of schedule 2

4. In relation to any week in a rebate period or allowance period, being a week commencing after 23rd November 1980 the following sub-paragraphs shall be substituted for sub-paragraphs (1) and (2) of paragraph 8 of Schedule 2 to the Act(**b**):—

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

(*a*) for an individual person who has no dependent children	£34·90;
(*b*) for a married couple	£51·70;
(*c*) for an individual person who has a dependent child or children	£51·70;

(**a**) 1972 c. 46.
(**b**) The relevant amending instrument is S.I. 1979/1308.

(*d*) for each dependent child of a tenant or his spouse £9·60;

(2) The needs allowance for each week is—

(*a*) for an individual person who has no dependent children and who is a chronically sick or disabled person £38·90;

(*b*) for a married couple, one of whom is a chronically sick or disabled person £55·70;

(*c*) for an individual person who is a chronically sick or disabled person and who has a dependent child or children £55·70;

(*d*) for a married couple both of whom are chronically sick or disabled persons £57·65".

Variation of paragraph 9 of schedule 2

5. In relation to any week in a rebate period or allowance period, being a week commencing after 23rd November 1980, paragraph 9 of Schedule 2 to the Act (**a**) shall be varied as follows:—

(*a*) for sub-paragraph (2)(*c*) there shall be substituted the following:—

"(*c*) £9·60 of the earnings of the tenant, and £5·00 of the earnings of the tenant's spouse, except where the tenant has no earnings or his earnings are less than £9·60 and the earnings of his spouse are greater than his own earnings, in which case the amount shall be £9·60 of the earnings of the tenant's spouse and, where applicable, £5·00 of the earnings of the tenant;"

(*b*) for sub-paragraph (2)(*g*) there shall be substituted the following:—

"(*g*) any benefit under the Supplementary Benefits Act 1976(**b**);"

(*c*) For sub-paragraphs (2)(*h*) and (*i*) there shall be substituted the following:—

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

(i) a war disablement pension;

(ii) industrial disablement benefit;

(iii) an old cases allowance;

(iv) 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(**c**);

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

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

(*d*) Paragraphs (*j*), (*k*), (*l*) and (*m*) of sub-paragraph 2 shall become respectively paragraphs (*i*), (*j*), (*k*) and (*l*).

(*e*) At the end of sub-paragraph 2 the following shall be added:—

"(*m*) where the tenant attends a training course under the Training Opportunities Scheme established under section 2(1) of the Employment and Training Act 1973(**d**) and receives an allowance from the Manpower Services Commission under the provisions of section 2(2)(*d*) of that Act and that allowance includes an amount expressed to be a lodging allowance, £10·00 of that lodging allowance."

(**a**) The relevant amending instrument is S.I. 1979/1308.
(**b**) 1976 c. 71. (**c**) 1975 c. 14. (**d**) 1973 c. 50.

(*f*) For sub-paragraph (3) there shall be substituted the following:—

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

(*g*) In sub-paragraph (4), for the definitions of "industrial disablement benefit", and "old cases allowance" there shall be substituted the following:—

" "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;"(a)

Variation of paragraph 12 of schedule 2

6. In relation to any week in a rebate period or allowance period, being a week commencing after 23rd November 1980, the following sub-paragraphs shall be substituted for sub-paragraphs (1) and (1A) of paragraph 12 of Schedule 2 to the Act(b):—

"(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 £2·15;

(*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 except in the case mentioned in paragraph (*e*) below £3·25;

(*c*) for each person in receipt of supplementary benefit £1·30;

(*d*) for each person of pensionable age not in receipt of supplementary benefit, except in the case mentioned in paragraph (*e*) below £1·30;

(*e*) for a married couple where the husband is of pensionable age and not in receipt of supplementary benefit £1·30;

(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 paragraph 17(3) of this Schedule by virtue of regulations for the time being in force under the said paragraph 17(3) are—

(*a*) for each person aged 18 years or more, but under 21 years and not in receipt of supplementary benefit £2·15;

(*b*) for each person aged 21 years or more but under pensionable age and not in receipt of supplementary benefit £3·25."

(a) 1975 c. 16.

(b) The relevant amending instrument is S.I. 1979/1308.

Variation of paragraph 4 of schedule 3

7. Paragraph 4 of Schedule 3 to the Act **(a)** shall be varied with effect from 11th November 1980 as follows:—

(*a*) For sub-paragraph (2)(*a*) there shall be substituted the following:—

"(*a*) if the tenant is of pensionable age, not later than twelve months after the date on which he was notified that his application for a rebate or an allowance was granted, except where the date of notification of the granting of a rebate or an allowance fell during the month of November 1979 when, at the discretion of the authority, the period may be extended by not more than 21 days;"

(*b*) In sub-paragraph (2)(*b*) for the words "March or April 1979" there shall be substituted "March or April in any year", and for the words "two calendar months" there shall be substituted the words "three calendar months".

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh
9th October 1980.

We consent,

Carol Mather,
J. A. Douglas-Hamilton,
Two of the Lords Commissioners of Her Majesty's Treasury.

14th October 1980.

(a) The relevant amending instrument is S.I. 1979/1308.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are concerned with variations of Schedules 2 and 3 to the Housing (Financial Provisions) (Scotland) Act 1972 with which, subject to other provisions of the Act, every rent rebate scheme and every rent allowance scheme must conform.

Regulation 3 provides for the reference to paragraph 9(2)(*j*) of Schedule 2 in the definition of "married couple" in paragraph 2 of Schedule 2 to be changed to paragraph 9(2)(*i*). This change is required as a consequence of regulation 5(*d*) of these Regulations.

Regulation 4 varies paragraph 8 of Schedule 2 to increase the needs allowances by reference to which entitlement to rent rebates and allowances is calculated in relation to any week of a rebate period or allowance period being a week commencing after 23rd November 1980. The amounts of the needs allowances were last increased by Regulation 4 of the Rent Rebate and Rent Allowance Schemes (Scotland) Regulations 1979.

Regulation 5 varies paragraph 9 of Schedule 2 which relates to the ascertainment of income for the purpose of calculating the amount of rebate or allowance. It provides for (*a*) an increase in the disregard of a tenant's earnings and, where appropriate, the earnings of the tenant's spouse, (*b*) a deduction of £4 from an industrial widow's pension or a special widow's pension, and (*c*) a disregard, equal to the current deduction in respect of the student occupational element, to be made from the lodging allowance paid to a Training Opportunities Scheme trainee. The regulation further provides for changes to be made to legislative references contained in paragraph 9 of Schedule 2.

Regulation 6 varies paragraph 12 of Schedule 2 to increase the deductions in respect of non-dependants (to be used in calculating the amount of rebate or allowance) for any week in a rebate or allowance period beginning after 23rd November 1980.

Regulation 7 amends paragraph 4(2) (*a*) and (*b*) of Schedule 3 so as to allow local authorities to extend by 21 days the rebate or allowance period of 12 months where the period commenced during November 1979 and to extend by 3 months the rebate or allowance period of 6 months where the period commenced during March or April in any year.

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