STATUTORY INSTRUMENTS

1980 No. 1555

HOUSING, ENGLAND AND WALES

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

Made - - - -	14*th October* 1980
Laid before Parliament	17*th October* 1980
Coming into Operation	7*th November* 1980

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 1980 and shall come into operation on 7th November 1980.

(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 dates for variation of Schedules 3 *and* 4

2.—(1) The variations of Schedule 3 made by these regulations shall take effect on 24th November 1980 and shall apply in relation to any week in a rebate period or an allowance period commencing on or after that date.

(2) The variations of Schedule 4 made by these regulations shall take effect on 7th November 1980.

(a) 1972 c. 47.

Variation of paragraph 8 *of Schedule* 3

3. 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	£34·90
(*b*) for a married couple	£51·70
(*c*) for an individual person who has a dependent child or children	£51·70
(*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 is a person to whom section 29(1) of the National Assistance Act 1948 applies ("a handicapped person")	£38·90
(*b*) for a married couple one of whom is a handicapped person	£55·70
(*c*) for an individual handicapped person who has a dependent child or children	£55·70
(*d*) for a married couple both of whom are handicapped persons	£57·65.".

Variation of paragraph 9 *of Schedule* 3

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

(*a*) sub-paragraph (2)(*c*)(**b**) shall be repealed and there shall be substituted—

"(*c*) (i) subject to sub-paragraphs (ii) and (iii), £9·60 of the earnings of the tenant, and £5 of the earnings of the tenant's spouse;

(ii) subject to sub-paragraph (iii), where the tenant earns less than his spouse the authority may determine the amounts to be £5 of the earnings (if any) of the tenant and £9·60 of the earnings of his spouse;

(iii) where the tenant requests in writing there shall be substituted for the amounts of £9·60 and £5 in sub-paragraph (i), the amounts of £5 and £9·60, and for the amounts of £5 and £9·60 in sub-paragraph (ii), the amounts of £9·60 and £5;";

(*b*) sub-paragraph (2)(*j*)(**c**) shall be repealed and there shall be substituted—

"(*j*) £4 of any of the following—

(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**) Substituted by regulation 4 of S.I. 1979/1319.

(**b**) Substituted by regulation 5 of S.I. 1979/1319.

(**c**) Substituted by regulation 4 of S.I. 1975/1441 as amended by the Social Security Pensions Act 1975 (c. 60), section 65(1) and Schedule 4, paragraph 22.

(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."; and

(*c*) after sub-paragraph (2)(*n*)(**a**) there shall be added—

"(*o*) where the tenant attends a training course under the Training Opportunities Scheme established under section 2(1) of the Employment Training Act 1973(**b**) 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 of that lodging allowance.".

Variation of paragraph 12 *of Schedule* 3

5. 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	£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... ...	£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 both of pensionable age and not in receipt of supplementatry 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 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 ...	£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**) Inserted by regulation 5 of S.I. 1979/1319.

(**b**) 1973 c. 50.

(**c**) Substituted by regulation 6 of S.I. 1979/1319.

Variation of paragraph 4 *of Schedule* 4

6. In paragraph 4(2)(*a*)(**a**) of Schedule 4, after the words "rebate or allowance was granted" there shall be inserted the words "provided that where the rebate or allowance period ends on or after 9th November 1980 the authority may extend that period until 30th November 1980;".

Other repeals

7. There are hereby repealed—

(*a*) in paragraph 9(2)(*g*)(**b**) of Schedule 3 the words "the Supplementary Benefit Act 1966"; and

(*b*) paragraph 4(2A)(**c**) of Schedule 4 and paragraph 10(4A)(**c**) of Schedule 4.

Michael R. D. Heseltine,
Secretary of State for the Environment.

6th October 1980.

Signed by authority of
the Secretary of State for Wales.

Wyn Roberts,
Parliamentary Under Secretary
of State, Welsh Office.

7th October 1980.

We consent,

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

14th October 1980.

(**a**) Substituted by regulation 2 of S.I. 1978/217.

(**b**) Substituted by regulation 4 of S.I. 1975/1441 as amended by the Supplementary Benefits Act 1976 (c. 71), section 35(2) and Schedule 7, paragraph 27.

(**c**) Inserted by regulation 4 of S.I. 1973/614.

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 other provisions of that Act, every rent rebate scheme and every rent allowance scheme under Part II of that Act must conform. With the exception of Regulation 6, these Regulations take effect in respect of any week commencing on or after 24th November 1980.

Regulation 3 varies paragraph 8 of Schedule 3 to increase the needs allowance used in calculating the amount of a rebate or allowance.

Regulation 4 varies paragraph 9 of Schedule 3 to provide that in ascertaining the income for the purpose of calculating the amount of rebate or allowance there shall be disregarded—

(*a*) £9·60 of the tenant's earnings and also £5 of the earnings of his or her spouse. Where the spouse is earning more than the tenant these amounts may be reversed, and the amounts must be reversed in any case where the tenant so elects;

(*b*) £4 of certain widows' pensions (formerly the amount to be disregarded was on a sliding scale up to £4); and

(*c*) £10 of any lodging allowance included in an allowance from the Manpower Services Commission in connection with attendance at a training course under the Training Opportunities Scheme.

Regulation 5 varies paragraph 12 of Schedule 3 to increase deductions for non-dependants used in calculating the amount of a rebate or allowance.

Regulation 6 enables authorities, in the case of pensioners, to extend until 30th November 1980 a rebate or allowance period which would otherwise end on or after 9th November 1980.

Regulation 7 repeals certain redundant and spent provisions.

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