STATUTORY INSTRUMENTS

1981 No. 331

HOUSING, ENGLAND AND WALES

The Rent Rebate and Rent Allowance Schemes (England and Wales) Regulations 1981

Made - - - -	*3rd March* 1981
Laid before Parliament	*10th March* 1981
Coming into Operation	*1st April* 1981

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) Regulations 1981 and shall come into operation on 1st April 1981.

(2) In these regulations "Schedule 4" means Schedule 4 to the Housing Finance Act 1972.

Effective date for variation of Schedule 4

2. The variation of Schedule 4 made by these regulations shall take effect on 1st April 1981 and shall apply in relation to any week in a rebate period or an allowance period commencing on or after that date.

Variation of paragraph 14 of Schedule 4

3. For paragraph 14(1)(**b**) of Schedule 4 there shall be substituted the following—

"14.—(1) In ascertaining the amount of an allowance the authority shall, in relation to the cases in column 1 of the following Table, disregard the amount set out in the corresponding part of column 2.

(**a**) 1972 c. 47.
(**b**) Paragraph 14 was amended by the Furnished Lettings (Rent Allowances) Act 1973 (c. 6), section 1 and Schedule 1, paragraph 26; by the Rent Act 1977 (c. 42), section 155 and Schedule 23, paragraph 56; and by S.I. 1977/1467.

TABLE

1 Cases	2 Amount to be disregarded
1. A protected or statutory tenancy where a rent is registered for the dwelling-house under Part IV of the Rent Act 1977.	Any rent paid in excess of the rent limit under Part III of the Rent Act 1977 or in excess of the amount which is for the time being recoverable under Schedule 8 of the Rent Act 1977.
2. A protected or statutory tenancy where no rent is registered for the dwelling-house under Part IV of the Rent Act 1977.	Any rent paid in excess of a rent which the authority determine to be reasonable in all the circumstances (other than personal circumstances).
3. A restricted contract where the rent payable for the dwelling is registered under section 79 of the Rent Act 1977.	Any rent paid in excess of the rent for the dwelling registered under section 79 of the Rent Act 1977.
4. A restricted contract where the rent payable for the dwelling has not been registered under section 79 of the Rent Act 1977.	Any rent paid in excess of a rent which the authority determine to be reasonable in all the circumstances (other than personal circumstances).
5. A contract which would be a restricted contract but for section 19(5)(*c*) of the Rent Act 1977 (contracts including payment for board).	Any rent paid in excess of a rent which the authority determine to be reasonable in all the circumstances (other than personal circumstances).
6. A tenancy where the landlord is - the Housing Corporation, a housing association, a housing trust within the meaning of section 15 of the Rent Act 1977, and that tenancy would be a protected tenancy but for section 14 and 15 of the 1977 Act.	Any rent paid in excess of the rent limit under Part VI of the Rent Act 1977.
7. An occupancy of hostel accommodation or shared accommodation (within the meaning of section 19(6) of this Act).	Any rent paid in excess of a rent which the authority determine to be reasonable in all the circumstances (other than personal circumstances)."

4. Sub-paragraph (3A) of paragraph 14 **(a)** of Schedule 4 is hereby repealed.

Variation of paragraph 14A of Schedule 4

5. For sub-paragraph (1) (*b*) of paragraph 14A **(b)** of Schedule 4 there shall be substituted the following sub-paragraph—

"(*b*) If no rent is so registered, any rent paid in excess of a rent which the authority determine to be reasonable in all the circumstances (other than personal circumstances).".

(a) Inserted by the Furnished Lettings (Rent Allowances) Act 1973 (c.6), section 1 and Schedule 1, paragraph 27.
(b) Inserted by the Rent (Agriculture) Act 1976 (c.80), section 32(1) and Schedule 7, paragraph 5.

26th February 1981.

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

Signed by authority of the
Secretary of State for Wales
3rd March 1981.

Wyn Roberts,
Parliamentary Under
Secretary of State for Wales.

We consent,

3rd March 1981.

Carol Mather,
J. A. Douglas-Hamilton,
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, vary paragraphs 14 and 14A of Schedule 4 to the Housing Finance Act 1972 with which, subject to other provisions of that Act, every rent allowance scheme under Part II of that Act must conform. These paragraphs set out the amount to be disregarded in the calculation of rent allowances.

The Regulations are consequent on the amendments to Part II of the 1972 Act made by section 118 of, and Schedule 15 to the Housing Act 1980 (c. 51) which take effect on 1 April 1981. Those amendments include extending the categories of persons entitled to rent allowances to persons in hostel accommodation or shared accommodation.

The principal changes made by these Regulations to paragraphs 14 and 14A of Schedule 4 to the 1972 Act are to provide that in certain cases the amount to be disregarded is to be the rent in excess of a rent which the local authority determine to be reasonable in all the circumstances (other than personal circumstances). Those cases are—

(1) a protected or statutory tenancy or restricted contract under the Rent Act 1977, where no rent is registered;

(2) a contract which would be a restricted contract but for section 19(5)(*c*) of the Rent Act 1977 (contracts including payment for board);

(3) an occupancy of hostel or shared accommodation;

(4) a tenancy of a private tenant who is a statutory tenant under the Rent (Agriculture) Act 1976 where no rent is registered.

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