STATUTORY INSTRUMENTS

1982 No. 1317

HOUSING, ENGLAND AND WALES

The Rent Rebate and Rent Allowance Schemes (England and Wales) Regulations 1982

Made - - - -	14*th September* 1982
Laid before Parliament	28*th September* 1982
Coming into Operation	22*nd November* 1982

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 1982 and shall come into operation on 22nd November 1982.

(2) In these regulations "Schedule 3" means Schedule 3 to the Housing Finance Act 1972.

Effective date for variation of Schedule 3

2. The variations of Schedule 3 made by these regulations shall take effect on 22nd November 1982 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 8 of Schedule 3

3. For paragraph 8 (**b**) 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	£41.40
(b) for a married couple	£61.00
(c) for an individual person who has a dependent child or children	£61.00
(d) for each dependent child of a tenant or his spouse	£11.40

(**a**) 1972 c.47. (**b**) Substituted by regulation 3 of S.I. 1981/1417.

(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")	£46.15
(b) for a married couple one of whom is a handicapped person	£65.75
(c) for an individual handicapped person who has a dependent child or children	£65.75
(d) for a married couple both of whom are handicapped persons	£68.00.".

Variation of paragraph 9 of Schedule 3

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

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

"*(c)* (i) subject to sub-paragraphs (ii) and (iii), £18.00 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 £18.00 of the earnings of his spouse;

(iii) where the tenant requests in writing there shall be substituted for the amounts of £18.00 and £5 in sub-paragraph (i), the amounts of £5 and £18.00 and for the amounts of £5 and £18.00 in sub-paragraph (ii), the amounts of £18.00 and £5;";

(b) for sub-paragraph 2*(o)* (**b**) there shall be substituted—

"*(o)* where the tenant attends a training course under the Training Opportunities Scheme established under section 2(1) of the Employment Training Act 1973 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, £11.30 of that lodging allowance.".

Variation of paragraph 12 of Schedule 3

5. For paragraph 12 (**c**) of Schedule 3 there shall be substituted the following paragraph—

"12.—(1) Subject to sub-paragraph 2 below 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	£3.30

(**a**) Substituted by regulation 4 of S.I. 1981/1417.
(**b**) Substituted by regulation 4 of S.I. 1981/1417.
(**c**) Varied by regulation 5 of S.I. 1981/1417.

(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 £4.30

(c) for each person in receipt of supplementary benefit £1.90

(d) for each person of pensionable age not in receipt of supplementary benefit £1.90

(1A) Subject to sub-paragraph 2 below, 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 £3.30

(b) for each person aged 21 years or more, but under pensionable age and not in receipt of supplementary benefit £4.30

(1B) In sub-paragraphs (1) and (1A) above "qualifying students" has the meaning assigned to it by any regulations for the time being in force under section 25(3)*(c)* of this Act.

(2) For the purposes of this paragraph a married couple shall be treated as one person, and if deductions of different amounts would, but for this sub-paragraph, fall to be made in respect of each one of that couple, the deduction to be made shall be the lesser of those amounts; and if a deduction would fall to be made in respect of one of that couple, but not the other, then that deduction shall be made.".

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

1st September 1982.

Nicholas Edwards,
Secretary of State for Wales.

6th September 1982.

We consent,

Geoffrey Howe,
John Selwyn Gummer,
Two of the Lords Commissioners of Her Majesty's Treasury.

14th September 1982.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations, which apply to England and Wales, further vary Schedule 3 to the Housing Finance Act 1972 with which, subject to other provisions of that Act, every rent rebate scheme and rent allowance scheme under Part II of that Act must conform. These Regulations take effect in respect of any week commencing on or after 22nd November 1982.

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(2) of Schedule 3 to increase certain of the amounts to be disregarded in ascertaining a person's income for the purpose of calculating the amount of a rebate or allowance.

Regulation 5 varies paragraph 12 of Schedule 3 to increase deductions for non-dependants used in calculating the amount of a rebate or allowance and to provide for a single deduction to be made in the case of married couples both of whom are non-dependants.

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