STATUTORY INSTRUMENTS

1975 No. 1564

HOUSING, ENGLAND AND WALES

The Almshouse Contributions (Allowances) (England and Wales) Regulations 1975

Made - - - -	*25th September* 1975
Laid before Parliament	*29th September* 1975
Coming into Operation	*20th October* 1975

The Secretary of State for the Environment as respects England and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred on them by subsection (3) of section 19A (added by section 12 of the Housing Rents and Subsidies Act 1975(a)) of the Housing Finance Act 1972(b), and of all other powers enabling them in that behalf, and with the consent of the Treasury, hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Almshouse Contributions (Allowances) (England and Wales) Regulations 1975 and shall come into operation on 20th October 1975.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(3) In these regulations—

"the Act" means the Housing Finance Act 1972;

"almshouse accommodation", "almshouse charity" and "almshouse contribution" have the same respective meanings as in Part II;

"almspeople" means persons liable to pay almshouse contributions who occupy as their homes almshouse accommodation, and "almsperson" shall be construed accordingly;

"the appointed day" means the date appointed for the purposes of section 19A(1) of the Act;

"contribution week" means a week to which a weekly almshouse contribution relates;

"Part II" means, unless the context otherwise requires, Part II of the Act; and

"weekly almshouse contribution" means, where an almshouse contribution is payable weekly, the amount thereof, and where it is payable otherwise than weekly, the weekly amount which represents it as converted in pursuance of paragraph 3(1) of Schedule 3 to the Act.

(a) 1975 c. 6.
(b) 1972 c. 47.
(c) 1889 c. 63.

(4) In these regulations, unless the context otherwise requires, references to any enactment shall be construed as references thereto as varied by regulations made under that enactment itself and as amended, varied, extended or applied by or under any other enactment.

(5) In these regulations, unless the context otherwise requires, references to any instrument made under any enactment contained in Part II or in Schedule 3 or 4 to the Act shall be construed as references thereto as varied under the enactment under which it was made.

(6) In these regulations, unless the context otherwise requires, references to a numbered regulation or, subject to regulation 3(1), to a numbered Schedule, shall be construed as references to the regulation or as the case may be to the Schedule bearing that number in these regulations; and, unless the context otherwise requires, references to a numbered section shall be construed as references to the section bearing that number in Part II.

Modifications and exceptions relating to Part II

2. The enactments mentioned in Schedule 1 shall have effect in relation to almspeople subject to the modifications and exceptions there specified.

Modifications and exceptions relating to Schedules 3 *and* 4

3.—(1) In this regulation, and in Schedule 2, "Schedule 3" and "Schedule 4" mean respectively Schedules 3 and 4 to the Act.

(2) Subject to paragraph (3) below, each expression listed in Column 1 of the Table of General Modifications in Part I of Schedule 2, wherever appearing in Schedule 3 or Schedule 4, has in relation to almspeople the meaning specified in relation thereto in Column 2 of the said Table (except that in paragraph 12(1A) **(a)** of Schedule 3 the expression "tenants" shall not mean "almspeople") and the enactments contained in Schedules 3 and 4 shall have effect in relation to almspeople accordingly.

(3) Paragraph (2) above shall not apply in the case of the enactments mentioned in Part II of Schedule 2, which shall not have effect in relation to almspeople.

(4) The enactments mentioned in Part III of Schedule 2 shall have effect in relation to almspeople subject to the further, and more particular, modifications and exceptions there specified.

Modifications and exceptions relating to instruments

4.—(1) Subject to paragraph (2) below, the Table of General Modifications in Part I of Schedule 2 shall apply for the modification of the instruments mentioned in Part I of Schedule 3 as it applies for the modification of the enactments mentioned in regulation 3(2), and the said instruments shall have effect in relation to almspeople accordingly.

(2) Paragraph (1) above shall not apply in the case of the provisions mentioned in Part II of Schedule 3, which shall not have effect in relation to almspeople.

(3) The provisions mentioned in Part III of Schedule 3 shall have effect in relation to almspeople subject to the further, and more particular, modifications and exceptions there specified.

(a) added by regulation 3**(b)** of the Rent Allowance Schemes (England and Wales) (No. 2) Regulations 1974 (S.I. 1974/1936 (1974 III, p. 6683)).

Regulation 2

SCHEDULE 1

MODIFICATIONS AND EXCEPTIONS RELATING TO PART II

1. In section 20—

(*a*) in subsection (1) there shall be added at the end the following—

"and every allowance scheme shall in its provision for allowances for almspeople conform with the said provisions as they have effect in relation to almspeople.";

(*b*) in subsection (5)—

(i) paragraph (*b*) shall not have effect in relation to almspeople;

(ii) in paragraph (*c*) there shall be substituted for the words "rents paid by private tenants for a class of dwellings" the words "almshouse contributions paid by almspeople to a particular almshouse charity providing almshouses";

(iii) there shall be substituted for the words "passing of this Act" the words "appointed day";

(iv) there shall be substituted for the words "the relevant class of dwellings" the words "almshouses provided by the relevant almshouse charity";

(v) there shall be substituted for the word "rent" in the expression "lower minimum rent" the words "almshouse contribution".

2. In section 24—

(*a*) in subsection (1) there shall be substituted for the words from "copies of their rebate scheme" to "come into operation" the words "a copy of their allowance scheme at their principal office, not later than the date on which it comes into operation in relation to almspeople,";

(*b*) in subsection (2) there shall be substituted for the words "landlord of a private tenant" the words "almshouse charity";

(*c*) in subsection (9)—

(i) there shall be substituted for the words "a tenant of a dwelling" the words "an almsperson";

(ii) there shall be substituted for the words "a landlord of such a tenant" the words "an almshouse charity providing almshouses in their area";

(iii) there shall be substituted for the words "a form convenient to be kept in a rent book" the word "writing";

(*d*) there shall be substituted for subsection (10) the following—

"(10) It shall be the duty of an almshouse charity to furnish in writing and in a convenient form to each almsperson—

(*a*) who is appointed as such on or after the appointed day, on the occasion of his first taking up residence in an almshouse provided by them;

(*b*) who is residing on the appointed day in an almshouse provided by them, on that day; and

(*c*) who is residing after the appointed day in an almshouse provided by them, on the occasion of any variation in the amount of his almshouse contribution,

the statutory particulars of the allowance scheme currently operated by the local authority in whose area the almshouse is situated.";

(*e*) subsections (11), (12) and (13) shall not have effect in relation to almspeople.

Regulations 3 and 4

SCHEDULE 2

MODIFICATIONS AND EXCEPTIONS RELATING TO SCHEDULES 3 AND 4

PART I

TABLE OF GENERAL MODIFICATIONS

Column 1	Column 2
Dwelling	Almshouse accommodation
Landlord	Almshouse charity
Rent	Almshouse contribution
Rental period	Contribution week
Tenant	Almsperson
Weekly rent	Weekly almshouse contribution

PART II

ENACTMENTS EXCEPTED FROM GENERAL MODIFICATIONS

1. In Schedule 3—

Paragraph 7

In paragraph 9(2)—

paragraph (*a*) and the words from "and, where the tenant is a qualifying student" to the end of paragraph (*l*)**(a)**

Paragraph 16

Paragraph 17

2. In Schedule 4—

Paragraph 2(1)(*b*)

Paragraph 11

Paragraph 13

Paragraph 14

PART III

PARTICULAR MODIFICATIONS AND EXCEPTIONS

1. In Schedule 3—

(1) In paragraph 1(3) **(b)** there shall be inserted, after the words "sub-paragraphs (3A) and" the words "(in the case of a first grant of an allowance to an almsperson)".

(2) There shall be substituted for paragraph 1(3B)**(c)** the following—

"(3B) Notwithstanding paragraph 4(1) of Schedule 4 to this Act, a scheme insofar as it applies to an almsperson shall not apply to an almshouse contribution relating to any contribution week which begins before the appointed day.".

(3) Paragraph 3(2) shall not have effect in relation to almspeople.

(4) In paragraph 11(1), the reference to paragraph 16 shall be omitted.

(5) In paragraph 14(1), the reference to paragraph 16 shall be omitted.

(6) In paragraph 19(1), the reference to paragraph 17 shall be omitted.

(a) added by regulation 3(*a*) of the Rent Allowance Schemes (England and Wales) Regulations 1974 (S.I. 1974/1499 (1974 III, p. 5756)).

(b) substituted by regulation 3(*a*) (i) of the Rent Rebate and Rent Allowance Schemes (England and Wales) Regulations 1973 (S.I. 1973/614 (1973 I, p. 1943)).

(c) added by regulation 3(*a*) (ii) of S.I. 1973/614. (1973 I, p. 1943).

2. In Schedule 4—

(1) In paragraph 1(3) there shall be substituted for paragraph (*a*) the following—

"(*a*) one of two spouses is an almsperson, and".

(2) In paragraph 12(1) there shall be substituted for paragraphs (*a*) and (*b*) the following—

"that he is an almsperson, and of the weekly almshouse contribution paid in respect of the contribution week in which his application was made or any other contribution week in the allowance period.".

(3) In paragraph 15(4) the words "within the meaning of section 26 of this Act" shall be omitted.

(4) In paragraph 15(5) the words "within the meaning of section 26 of this Act" shall be omitted.

(5) In paragraph 16(2)(*b*) there shall be substituted for the word "rent" in the expression "rent allowance", in both places where it appears, the word "an".

Regulation 4

SCHEDULE 3

Modifications & Exceptions Relating to Instruments

In this Schedule, references to an Appendix bearing a letter shall be construed as references to the general directions set out in the Appendix so lettered to the joint Circular numbered 74/72 (Department of the Environment) and 158/72 (Welsh Office).

Part I

Instruments subject to Table of General Modifications

Appendices A, F, G and I, except paragraph 6 of Appendix G **(a)**

The general directions set out in the Appendix to the joint Circular numbered 48/73 (Department of the Environment) and 85/73 (Welsh Office), except paragraph 2f.

Part II

Provisions Excepted from General Modifications

Appendix D

Paragraph 6 of Appendix G

Paragraph 2 f. of the general directions set out in the Appendix to the joint Circular numbered 48/73 (Department of the Environment) and 85/73 (Welsh Office).

All authorisations and directions under section 20(5) in force at the date of operation of these regulations.

Part III

Particular Modifications and Exceptions

1. In Appendix A—

(*a*) in paragraph 1(1)(*b*) there shall be substituted for the words "a class of dwellings" the words "accommodation in almshouses provided by a particular almshouse charity";

(*b*) references in paragraph 1(2) to paragraph 2 shall be omitted;

(*c*) paragraph 2 shall not have effect in relation to almspeople.

(a) substituted by the general directions set out under the heading "Directions (2)" in the Appendix to the joint Circular numbered 154/73 (Department of the Environment) and 306/73 (Welsh Office).

2. In Appendix G—

(*a*) in paragraph 3(*c*) **(a)**, there shall be substituted for the date "29th September 1974" where first appearing the words "the appointed day" and there shall be substituted for the words "week (being a week for which the tenant is entitled to a rebate or allowance) which commences after 29th September 1974" the words "contribution week (being a contribution week for which the almsperson is entitled to an allowance) which commences after the appointed day";

(*b*) in paragraph 4(2)(*b*), in the proviso **(b)**, there shall be substituted for the date "29th September 1974" the words "the appointed day";

(*c*) in paragraph 8(3)(c) there shall be substituted for the date "29th September 1974" where first appearing the words "the appointed day" and there shall be substituted in paragraph (*b*) for the words "week (being a week for which the tenant is entitled to the rebate or allowance) which commences after 29th September 1974" the words "contribution week (being a week for which the almsperson is entitled to the allowance) which commences after the appointed day".

3. In paragraph 3 of Appendix I there shall be substituted for the words from "paragraphs 2(1)(*a*)" to "in receipt of an allowance" the words "paragraphs 2(1)(*a*), 2(2), 6(1) and 12(1) of Schedule 4".

4. In the general directions set out under the heading "Directions (1)" in the Appendix to the joint Circular numbered 154/73 (Department of the Environment) and 306/73 (Welsh Office)—

(*a*) there shall be substituted for paragraph 4(1) the following—

"4.—(1) Where any almsperson, or any person whose income is to be aggregated with his under paragraph 9 of Schedule 3, is in receipt of supplementary benefit in the ninth or any later week of a period of supplementary benefit, an authority shall, notwithstanding that their scheme provides otherwise, refrain from granting to that almsperson any allowance for any contribution week, save that in a case where an authority receive from an almsperson after the appointed day an application for an allowance, whether or not including any notification, made by virtue of paragraph 8 of the directions contained in Appendix G to the joint Circular numbered 74/72 (Department of the Environment) and 158/72 (Welsh Office), as varied by the directions contained in paragraph b.iii. of the Appendix to the joint Circular numbered 148/74 (Department of the Environment) and 235/74 (Welsh Office), and determine to grant the same, they shall grant to that almsperson, notwithstanding that their scheme provides otherwise, an allowance calculated in accordance with Part I of Schedule 3.";

(*b*) paragraphs 5, 6, 7, 8, 9 and 11 shall not have effect in relation to almspeople.

(a) substituted by the general directions set out in the Appendix to the joint Circular numbered 148/74 (Department of the Environment) and 235/74 (Welsh Office).
(b) added by the general directions referred to in footnote **(a)**.
(c) added by the general directions referred to in footnote **(a)**.

25th September 1975.

Anthony Crosland,
Secretary of State for the Environment.

22nd September 1975.

John Morris,
Secretary of State for Wales.

We consent

24th September 1975.

T. Pendry,
M. Cocks,
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, specify for the purposes of section 19A of the Housing Finance Act 1972 ("the Act") exceptions and modifications relating to Part II (rent rebates and rent allowances) of, and Schedules 3 and 4 to, the Act and instruments made thereunder. The Act has been amended by the Furnished Lettings (Rent Allowances) Act 1973 (c. 6), the Rent Act 1974 (c. 51) and the Housing Rents and Subsidies Act 1975. Schedules 3 and 4 have also been varied from time to time by regulations made under section 20(2) of the Act.

Under section 19A it shall be the duty of every local authority, subject to the provisions of the section, on and after a date to be appointed to treat as private tenants (as defined in the Act) persons ("almspeople") who occupy as their homes almshouse accommodation in the authority's area, and accordingly to make provision in their allowance scheme for granting them allowances, calculated in accordance with the scheme by reference to their needs and their resources, towards their almshouse contributions. The date of 17th November 1975 has been appointed by the Housing Rents and Subsidies Act 1975 (Allowances for Almspeople) Appointed Day Order 1975 (S.I. 1975/1565).

The exceptions and modifications specified in these regulations, which come into operation on 20th October 1975, are primarily directed to the fact that almspeople, who are to be treated as private tenants, are not actually tenants and do not pay rent, but instead may make contributions (not exceeding the maximum from time to time authorised or approved by the Charity Commissioners) towards the cost of maintaining the almshouses of the almshouse charity which provides the accommodation they occupy and essential services in those almshouses. It is these contributions ("almshouse contributions") towards which allowances may be granted, on and after the appointed date, in cases where the person concerned is eligible having regard to his needs and his resources. Among other points, the regulations also provide for the publicity to be given to authorities' allowance schemes, as varied to make provision for almspeople.

The various enabling powers for the various instruments mentioned in Schedule 3 to the regulations are sections 20(5) and (9) and 24(4) and (8) of the Act, paragraph 16 of Schedule 3 to the Act and paragraphs 12(3), 16 and 17(1), (5) and (6) of Schedule 4 to the Act.

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