STATUTORY INSTRUMENTS

1975 No. 1723 (S.241)

HOUSING, SCOTLAND

Housing (Rent Income Subsidy) (Scotland) Regulations 1975

Made - - - -	22*nd October* 1975
Laid before Parliament	3*rd November* 1975
Coming into Operation	24*th November* 1975

In exercise of the powers conferred on me by section 46 of the Housing (Scotland) Act 1974**(a)**, as amended by paragraph 5 of Part II of Schedule I to the Housing Rents and Subsidies (Scotland) Act 1975**(b)** and of all other powers enabling me in that behalf, I hereby, with the consent of the Treasury, make the following regulations:—

Citation and commencement

1. These regulations, which may be cited as the Housing (Rent Income Subsidy) (Scotland) Regulations 1975 shall come into operation on 24th November 1975.

Interpretation

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

(2) In these regulations, unless otherwise expressly provided or the context otherwise requires—

"former local authority" means the council of a county, county of city, large burgh or small burgh which ceased to exist on 16 May 1975 under section 1(5) of the Local Government (Scotland) Act 1973**(d)**;

"local authority" means the council of an islands area or district within the meaning of section 2 of the Local Government (Scotland) Act 1973;

"the 1972 Act" means the Housing (Financial Provisions) (Scotland) Act 1972**(e)**;

"the Counter-Inflation Act" means the Counter-Inflation Act 1973**(f)**;

"the Counter-Inflation Order" means the Counter-Inflation (Residential Rents-Public Sector) (Scotland) Order 1974**(g)** as amended by the Counter-Inflation (Residential Rents-Public Sector) (Scotland) (No. 2) Order 1974**(h)**;

"the 1975 Act" means the Housing Rents and Subsidies (Scotland) Act 1975;

"rent income subsidy" has the meaning assigned to it by section 46 of the Housing (Scotland) Act 1974;

(a) 1974 c. 45.
(b) 1975 c. 28.
(c) 1889 c. 63.
(d) 1973 c. 65.
(e) 1972 c. 46.
(f) 1973 c. 9.
(g) S.I. 1974/383 (1974 I, p. 1223).
(h) S.I. 1974/1482 (1974 III, p.5678).

"year" has the meaning which a financial year had under section 174 of the Local Government (Scotland) Act 1947(a) or in the case of the year 1975-76 means the period commencing on 16 May 1975 and ending on 31 March 1976 of a local authority's first financial year;

and any expression used in these regulations which is also used in the 1972 Act or in the Counter-Inflation Act shall have the same meaning in these regulations as it has in the 1972 Act or in the Counter-Inflation Act.

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

(4) In these regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to the regulation bearing that number in these regulations.

Entitlement to rent income subsidy

3. Subject to the provisions of these regulations, a local authority shall be entitled to rent income subsidy for the year 1975-76 in any case where, but for the making of the Counter-Inflation Order, the former local authorities all or part of whose areas comprise the area of the said local authority, would have been required to increase standard rents in the year 1974-75 in accordance with the provisions of section 28 of the 1972 Act.

Amount of rent income subsidy

4. Subject to the provisions of regulation 5, the amount of rent income subsidy payable to each local authority shall be—

(*a*) the sum of the amounts of subsidy calculated as below in respect of each of the former local authorities all of whose areas comprise the area of the said local authority, and

(*b*) where the area of a former local authority has been split among two or more local authorities the amount of subsidy calculated as below in respect of the said former local authority divided among the said two or more local authorities in proportion to the number of houses to which the housing revenue account related and which were transferred on 16 May 1975 from the said former local authority to the said local authorities.

In respect of each former local authority there shall be calculated an amount of rent income subsidy comprising 65% of 321/366ths of a full year's equivalent of the amount by which the income which would have been receivable from standard rents by the said former local authority in the year 1974-75 if the Counter-Inflation Order had not been made exceeds the income receivable by the said former local authority from standard rents in that year.

5. Where the amount of income receivable from standard rents together with the amount of rent income subsidy which would otherwise be payable in terms of these regulations, and all other items specified to be credited to the housing revenue account for the year 1975-76 in terms of Schedule 4 to the 1972 Act would exceed the amount of expenditure specified as to be debited to that account, after excluding any working balance debited under section 1(5) of the 1975 Act, then the amount of rent income subsidy shall be restricted to the amount required to balance the housing revenue account calculated as aforesaid.

(a) 1947 c. 43.

Payment of rent income subsidy and accounting provisions

6.—(1) Rent income subsidy shall be payable by the Secretary of State at such times and in such manner as he may direct and subject to such conditions as to records, certificates, audit or otherwise, as he may impose.

(2) Without prejudice to the generality of paragraph (1) above the making of any such payment shall be subject to the making of a claim for payment in such form, and containing such particulars, as the Secretary of State may from time to time determine.

(3) The aggregate amount of rent income subsidy payable to a local authority shall be calculated to the nearest pound by disregarding an odd amount of 50 pence or less and by treating an odd amount exceeding 50 pence as a whole pound.

William Ross,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
20th October 1975.

We consent,

James A. Dunn,
M. Cocks,
Two of the Lords Commissioners
of Her Majesty's Treasury.

22nd October 1975.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make provision for the payment of rent income subsidy to local authorities for the year 1975-76. Rent income subsidy is payable where an order was made under the Counter-Inflation Act 1973 preventing former local authorities from increasing standard rents in 1974-75.

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