STATUTORY INSTRUMENTS

1974 No. 1936

HOUSING, ENGLAND AND WALES

The Rent Allowance Schemes (England and Wales) (No. 2) Regulations 1974

Made - - - -	21*st November* 1974
Laid before Parliament	22*nd November* 1974
Coming into Operation	13*th December* 1974

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 Allowance Schemes (England and Wales) (No. 2) Regulations 1974 and shall come into operation on 13th December 1974.

(2) The Interpretation Act 1889**(b)** 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, and

"Schedule 3" means Schedule 3 to the Act.

(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.

Effective date for variation of Schedule 3

2. Without prejudice to the making at any time before 1st January 1975 of a scheme under Part II of the Act expressed to come into force on that date, being a scheme taking account of the variations of paragraph 12 of Schedule 3 made by these regulations, the said variations shall take effect on that date and not before.

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

Variations of paragraph 12 *of Schedule* 3

3. In relation to any week in an allowance period, being a week commencing after 31st December 1974, paragraph 12 of Schedule 3 shall have effect with the following variations—

(*a*) in sub-paragraph (1)(*a*) and (*b*) there shall be inserted, after "establishment" in each case, the words "(subject in the case of qualifying students to sub-paragraph (1A) below)";

(*b*) after sub-paragraph (1) there shall be inserted the following new sub-paragraphs—

"(1A) In respect of non-dependants who are qualifying students, the deductions from an allowance 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 £1·00;

(*b*) for each person aged 21 years or more, but under pensionable age and not in receipt of supplementary benefit ... ... £1·50.

(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.".

Anthony Crosland,
Secretary of State for the Environment.

20th November 1974.

John Morris,
Secretary of State for Wales.

20th November 1974.

We consent,

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

21st November 1974.

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, as amended by the Furnished Lettings (Rent Allowances) Act 1973 (c. 6) and the Rent Act 1974 (c. 51) with which, subject to the other provisions of the Housing Finance Act, every rent allowance scheme under Part II of that Act must conform.

Paragraph 12 of Schedule 3 is varied so that where there resides in a dwelling occupied by a tenant a person (other than the tenant himself or his spouse or a dependent child) who is a student not in receipt of supplementary benefit and who would, if he were the tenant, be subject for certain weeks to a deduction from the amount of his rent eligible to be met by an allowance by virtue of section 25(3)(*c*) of the Housing Finance Act (added by section 11(7)(*b*) of the Rent Act), which enables such a deduction to be prescribed, the tenant's rent allowance is reduced for each of those weeks by either £1·00 or £1·50, depending on the student's age. The current regulations prescribing the deduction (which applies in the case of students in receipt of certain awards or grants from public funds for the purposes of their further full-time education) and providing for the periods during which it is to be made are the Rent Allowances (Students) (England and Wales) Regulations 1974 (S.I. 1974/1477).

The effective date for the variations made by these regulations is 1st January 1975, although schemes taking account of them, and expressed to come into force on 1st January 1975, may be made before that date.

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