STATUTORY INSTRUMENTS

1974 No. 2019 (S. 188)

HOUSING, SCOTLAND

The Rent Allowance Schemes (Scotland) (No. 2) Regulations 1974

Made - - - -	*28th November* 1974
Laid before Parliament	*6th December* 1974
Coming into Operation	*28th December* 1974

In exercise of the powers conferred on me by Section 17(2) of the Housing (Financial Provisions) (Scotland) Act 1972**(a)** and of all other powers enabling me in that behalf, and having consulted with such associations of local authorities as appear to me to be concerned, I hereby, with the consent of the Treasury, make the following regulations:—

Citation and Commencement

1. These regulations, which may be cited as the Rent Allowance Schemes (Scotland) (No. 2) Regulations 1974, shall come into operation on 28th December 1974.

Interpretation

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

(2) In these regulations—

"the Act" means the Housing (Financial Provisions) (Scotland) Act 1972 and

"Schedule 2" means Schedule 2 to the Act.

(3) In these regulations, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment 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 Variations of Schedule 2

3. Without prejudice to the making at any time before 28th December 1974 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 2 made by these regulations, the said variations shall take effect on that date and not before.

(a) 1972 c.46 (b) 1889 c. 63.

Variations of paragraph 12 *of Schedule* 2

4. In relation to any week in an allowance period, being a week commencing after 28th December 1974, paragraph 12 of Schedule 2 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 paragraph 17(3) of this Schedule by virtue of regulations for the time being in force under the said paragraph 17(3), 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 student" has the meaning assigned to it by any regulations for the time being in force under paragraph 17(3) of this Schedule."

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

St Andrew's House,
Edinburgh,

28th November 1974.

We consent.

M. Cocks,
J. Dormand,
Two of the Lords Commissioners of Her Majesty's Treasury.

28th November 1974.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which apply to Scotland, further vary Schedule 2 to the Housing (Financial Provisions) (Scotland) Act 1972, as amended by the Furnished Lettings (Rent Allowances) Act 1973 c.6 and the Rent Act 1974c. 51 with which, subject to the other provisions of the 1972 Act, every rent allowance scheme under Part II of that Act must conform.

Paragraph 12 of Schedule 2 is varied so that where there resides in a house 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 rent on the basis of which any rent allowance under Part II of the 1972 Act may be payable (by virtue of paragraph 17(3) of Schedule 2 to the 1972 Act (added by Section 12(5)(*b*) of the Rent Act 1974)), the tenant's rent allowance is reduced for each of those weeks by either £1 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 Allowance Schemes (Students) (Scotland) Regulations 1974 S.I. 1974/1504.

The effective date for the variations made by these regulations is 28th December, although schemes taking account of them and expressed to come into force on 28th December 1974 may be made before that date.

SI 1974/2019
ISBN 0-11-042019-5

