STATUTORY INSTRUMENTS

1973 No. 676

HOUSING, ENGLAND AND WALES

The Rent Allowances (Qualified Persons) Regulations 1973

Made - - -	*3rd April* 1973
Laid before Parliament	*3rd April* 1973
Coming into Operation	*4th April* 1973

The Secretary of State for the Environment as respects England (excluding Monmouthshire) and the Secretary of State for Wales as respects Wales and Monmouthshire, having referred their proposals to make regulations under section 19(12) of the Housing Finance Act 1972(**a**) to the Advisory Committee on Rent Rebates and Rent Allowances pursuant to section 19(13) of that Act, in exercise of the powers conferred on them by the said section 19(12) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Title and commencement

1. These regulations may be cited as the Rent Allowances (Qualified Persons) Regulations 1973 and shall come into operation on 4th April 1973.

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 Finance Act 1972;

"section 19" means section 19 of the Act;

"allowance scheme" has the meaning given by section 26 of the Act;

"allowance period" and "rebate period" have the same meaning as in paragraph 4 of Schedule 4 to the Act;

"authority" means in relation to an allowance scheme under Part II of the Act a local authority within the meaning of section 19 or the Greater London Council, and

other expressions used in these regulations which are also used in Schedule 3 to the Act shall, unless the context otherwise requires, have the same meaning in these regulations as they have in that Schedule.

(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.

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

Qualified persons

3.—(1) Subject to paragraph (2) below, a person is a qualified person for the purposes of section 19 if he falls within any of the following descriptions—

(*a*) he or his spouse has been resident in the area of the authority or in a dwelling of the authority outside their area for the three months immediately preceding the receipt by the authority of his application for an allowance or a rebate, and—

(i) he or his spouse has attained pensionable age, or

(ii) he or his spouse has a dependent child, or

(iii) there is residing in the dwelling occupied by him a non-dependant who has attained pensionable age; or

(*b*) he or his spouse has been resident in the area of the authority or in a dwelling of the authority outside their area for the six months immediately preceding the receipt by the authority of his application for an allowance or a rebate and he or his spouse has attained the age of 30 years but is not of pensionable age; or

(*c*) he or his spouse is, or either of them has a dependent child who is, or there is residing in the dwelling occupied by him a non-dependant who is, registered in pursuance of arrangements made under section 29(1) of the National Assistance Act 1948(**a**) (welfare arrangements for handicapped persons), or is entitled to attendance allowance, to an invalidity pension under section 3 of the National Insurance Act 1971(**b**) or to an unemployability supplement or allowance (within the meaning of section 1(3) of the National Insurance Act 1972)(**c**).

(2) A person who is in receipt of supplementary benefit, or whose resources fall to be aggregated under paragraph 3(1) of Schedule 2 to the Ministry of Social Security Act 1966(**d**) with those of another person who is in receipt of supplementary benefit, is not a qualified person under paragraph (1) above, unless the amount of supplementary benefit either falls to be reduced under paragraph 5 (adjustment of benefit to normal earnings) of the said Schedule 2 or would fall to be so reduced were he not granted an allowance or a rebate as a qualified person:

Provided that where a period of supplementary benefit begins after the commencement of an allowance period or a rebate period, a person shall not cease to be a qualified person by virtue of this paragraph until the beginning of the ninth week in the period of supplementary benefit.

(3) In this regulation any reference to the date of receipt of an application for an allowance includes the date on which any application is treated as so received by an authority pursuant to any provision of an allowance scheme.

Geoffrey Rippon,
Secretary of State for the Environment.

3rd April 1973.

Peter Thomas,
Secretary of State for Wales.

3rd April 1973.

(**a**) 1948 c. 29.
(**b**) 1971 c. 50.
(**c**) 1972 c. 57.
(**d**) 1966 c. 20.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

As from 29th April 1973 rent allowance schemes under Part II of the Housing Finance Act 1972, as amended by the Furnished Lettings (Rent Allowances) Act 1973 (c.6), are to extend rent allowances (subject to certain modifications) to persons who occupy as their homes dwellings under contracts to which Part VI of the Rent Act 1968 (c.23) (furnished lettings) applies and who are qualified persons within the meaning of section 19(12) of the Act of 1972. Similar provision is made with regard to local authority tenants.

These Regulations, which apply to England and Wales, set out descriptions of persons who are qualified persons for the purposes of such rent allowance schemes.

Persons who do not fall within any of these specified descriptions will nevertheless be qualified persons if they fall within section 19(12)(*a*) of the Act of 1972; that is where in the opinion of the authority (arrived at in accordance with such guidance as may be given by the Secretary of State) they would suffer hardship if rent allowances (or, as the case may be, rebates) were not granted.

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