STATUTORY INSTRUMENTS

1973 No. 788 (S.64)

HOUSING, SCOTLAND

The Rent Allowances (Qualified Persons) (Scotland) Regulations 1973

Made - - - -	17*th April* 1973
Laid before Parliament	2*nd May* 1973
Coming into Operation	22*nd May* 1973

In exercise of the powers conferred upon me by section 16(8) of the Housing (Financial Provisions) (Scotland) Act 1972(**a**), as read with section 2 of and paragraph 4 of Schedule 2 to the Furnished Lettings (Rent Allowances)Act 1973(**b**), 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 make the following regulations:—

1. These regulations, which may be cited as the Rent Allowances (Qualified Persons) (Scotland) Regulations 1973, apply to Scotland and shall come into operation on 22nd May 1973.

2.—(1) In these regulations—

"the Act" means the Housing (Financial Provisions) (Scotland) Act 1972 and any expression used in these regulations, which is also used in Part II of or Schedule 2 to the Act, shall, unless the context otherwise requires, have the same meaning in these regulations as it has in that Part or that Schedule.

(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, 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.

3.—(1) Subject to paragraph (2) below, a person is a qualified person for the purposes of section 16(8)(*b*) of the Act if he falls within any of the following descriptions:—

(**a**) 1972 c. 46.
(**b**) 1973 c. 6.
(**c**) 1889 c. 63.

(*a*) he or his spouse has been resident in the district of the local authority for the three months immediately preceding the receipt by that local authority of his application for an allowance 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 house occupied by him a non-dependant who has attained pensionable age; or

(*b*) he or his spouse has been resident in the district of the local authority for the six months immediately preceding the receipt by that local authority of his application for an allowance and he or his spouse has attained the age of 30 years; or

(*c*) he or his spouse, is or either of them has a dependent child who is, or there is residing in the house occupied by him a non-dependant who is, chronically sick or disabled within the meaning of paragraph 8(3) of Schedule 2 to the Act or is entitled—

(i) to an attendance allowance or

(ii) to an invalidity pension under section 3 of the National Insurance Act 1971**(a)** or

(iii) to an unemployability supplement or allowance within the meaning of section 1(3) of the National Insurance Act 1972**(b)**.

(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**(c)** with those of another person who is in receipt of supplementary benefit, shall not be qualified person by virtue of 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 as a qualified person:

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

Gordon Campbell,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

17th April 1973.

(a) 1971 c. 50.
(b) 1972 c. 57.
(c) 1966 c. 20.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The Furnished Lettings (Rent Allowances) Act 1973 amended the Housing (Financial Provisions) (Scotland) Act 1972 to provide for the extension of local authorities' rent allowance schemes to certain tenants of furnished accommodation, who are qualified persons within the meaning of section 16(8) of the Act of 1972. A qualified person is described in that section as (*a*) a person who would, in the opinion of the local authority, suffer hardship if an allowance were not granted or (*b*) a person falling within such other category as may be specified in regulations.

These Regulations, which apply to Scotland, specify categories of persons who are qualified persons for the purposes of section 16(8)(*b*) of the Act of 1972.

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