1976 No. 1755 (S.139)

HOUSING, SCOTLAND

The Rent Rebate and Rent Allowance Schemes (Scotland) Regulations 1976

Made - - - -	21*st October* 1976
Laid before Parliament	26*th October* 1976
Coming into Operation	15*th November* 1976

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 may be cited as the Rent Rebate and Rent Allowance Schemes (Scotland) Regulations 1976 and shall come into operation on 15th November 1976.

Interpretation

2.—(1) In these regulations "the Act" means the Housing (Financial Provisions) (Scotland) Act 1972.

(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 unless the context otherwise requires, references to any enactments 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 enactment.

Variation of paragraph 8 of Schedule 2

3. In relation to any week in a rebate period or allowance period, being a week commencing after 14th November 1976 the following sub-paragraphs shall be substituted for sub-paragraphs (1) and (2) of paragraph 8 of Schedule 2 to the Act, as amended(**c**):—

"(1) Subject to sub-paragraph (2) below, the needs allowance for each week is—

(*a*) for an individual person who has no dependent children	£23.05
(*b*) for a married couple	£32.75

(a) 1972 c. 46. (b) 1889 c. 63. (c) S.I. 1975/1725 (1975 III, p. 5860).

(*c*) for an individual person who has a dependent child or children £32.75

(*d*) for each dependent child of a tenant or his spouse ... £5.35

(2) The needs allowance for each week is—

(*a*) for an individual person who has no dependent children and who is a chronically sick or disabled person ... £24.95

(*b*) for a married couple, one of whom is a chronically sick or disabled person £34.65

(*c*) for an individual person who is a chronically sick or disabled person and who has a dependent child or children £34.65

(*d*) for a married couple both of whom are chronically sick or disabled persons ... ... £35.75"

Variation of paragraph 9 of Schedule 2

4. In relation to any week in a rebate period or allowance period, being a week commencing after 14th November 1976, paragraph 9 of Schedule 2 to the Act shall be varied by adding at the end of sub-paragraph (2) the following—

"(*l*) where the tenant is a qualifying student, any amount by which his grant is increased on account of his maintaining a home at a place other than that at which he resides during his course".

Variation of paragraph 12 of Schedule 2

5. In relation to any week in a rebate period or allowance period, being a week commencing after 15th November 1976, the following sub-paragraphs shall be substituted for sub-paragraphs (1) and (1A) of paragraph 12 of Schedule 2 to the Act as amended(**a**):—

"(1) The deductions from a rebate or allowance in respect of non-dependants are for each week—

(*a*) for each person aged 18 years or more, but under 21 years and neither undergoing full-time instruction at an educational establishment (subject in the case of qualifying students to sub-paragraph (1A) below) nor in receipt of supplementary benefit £1.50

(*b*) for each person aged 21 years or more, but under pensionable age and neither undergoing full-time instruction at an educational establishment (subject in the case of qualifying students to sub-paragraph (1A) below) nor in receipt of supplementary benefit £2.25

(*c*) for each person in receipt of supplementary benefit ... £0.90

(**a**) S.I. 1974/723, 2019 (1974 I, p. 2781; III, p. 7056).

(*d*) for each person of pensionable age not in receipt of supplementary benefit, except in the case mentioned in paragraph (*e*) below £0.90

(*e*) for a married couple where the husband is of pensionable age and not in receipt of supplementary benefit £0.90

(1A) In respect of non-dependants who are qualifying students, the deductions 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 £1.50

(*b*) for each person aged 21 years or more, but under pensionable age and not in receipt of supplementary benefit ... £2.25"

Variation of paragraph 4 of Schedule 3

6. In paragraph 4(2)(b) of Schedule 3 to the Act, as amended(**a**) for the words "March or April 1975" there shall be substituted "March or April 1976".

Bruce Millan,
One of Her Majesty's Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
21st October 1976.

We consent
21st October 1976.

Donald R. Coleman,

T. E. Graham,

Two of the Lords Commissioners of Her Majesty's Treasury.

(**a**) S.I. 1975/1725 (1975 III, p. 5860).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Paragraphs 8(1) and (2) of Schedule 2 to the Housing (Financial Provisions) (Scotland) Act 1972 specify the needs allowances by reference to which entitlement to rent rebates and allowances is calculated. The amounts of the needs allowances were last increased by Regulation 3 of the Rent Rebate and Rent Allowance Schemes (Scotland) (No. 3) Regulations 1975.

These Regulations make further increases in the needs allowance in relation to any week of a rebate period or allowance period, being a week commencing after 14th November 1976. The Regulations also amend Paragraph 4(2)(b) of Schedule 3 to the 1972 Act so as to allow local authorities to extend by two months the rebate or allowance period of six months where the period commenced during March or April 1976.

Regulation 4 varies Paragraph 12 of Schedule 2 so as to increase the deductions required to be made from a rebate or allowance in respect of certain non-dependants.

Regulation 5 adds a further item to the items of income to be disregarded for the purposes of calculating the amount of any rebate or allowance. Paragraphs 8 and 9 of Schedule 2 were last varied by the Rent Rebate and Rent Allowance Schemes (Scotland) (No. 3) Regulations 1975 and Paragraph 12 of Schedule 2 by the Rent Rebate and Rent Allowance Schemes Regulations 1974.

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