STATUTORY INSTRUMENTS

1978 No. 1392 (S. 126)

HOUSING, SCOTLAND

The Rent Rebate and Rent Allowance Schemes (Scotland) Regulations 1978

Made - - - -	21*st September* 1978
Laid before Parliament	3*rd October* 1978
Coming into Operation	13*th November* 1978

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 and with any local authority with whom consultation appears to me to be desirable, 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 1978 and shall come into operation on 13th November 1978.

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.

(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 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 12th November 1978 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)**:—

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

(c) The relevant amending instrument is S.I. 1977/1581.

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

(*a*) for an individual person who has no dependent children	£27·25
(*b*) for a married couple	£39·45
(*c*) for an individual person who has a dependent child or children	£39·45
(*d*) for each dependent child of a tenant or his spouse ...	£6·55

(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	£30·15
(*b*) for a married couple, one of whom is a chronically sick or disabled person	£42·35
(*c*) for an individual person who is a chronically sick or disabled person and who has a dependent child or children	£42·35
(*d*) for a married couple both of whom are chronically sick or disabled persons	£44·00"

Variation of paragraph 12 *of Schedule* 2

4. In relation to any week in a rebate period or allowance period, being a week commencing after 12th November 1978, 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	£1·60
(*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 except in the case mentioned in paragraph (*e*) below	£2·40
(*c*) for each person in receipt of supplementary benefit ...	£0·95
(*d*) for each person of pensionable age not in receipt of supplementary benefit, except in the case mentioned in paragraph (*e*) below	£0·95
(*e*) for a married couple where the husband is of pensionable age and not in receipt of supplementary benefit	£0·95

(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) The relevant amending instrument is S.I. 1976/1755.

(*a*) for each person aged 18 years or more, but under 21 years and not in receipt of supplementary benefit ... ... £1·60

(*b*) for each person aged 21 years or more but under pensionable age and not in receipt of supplementary benefit £2·40"

Variation of paragraph 3 *of Schedule* 3

5. In relation to any application for a rebate or an allowance, not being an application for a further rebate or allowance, made after 12th November 1978, sub-paragraph (1) of paragraph 3 of Schedule 3 to the Act, as amended **(a)** shall be varied by inserting at the beginning the words "Subject to paragraph 4(1)(A) below".

Variations of paragraph 4 *of Schedule* 3

6. In relation to any application for a rebate or an allowance, not being an application for a further rebate or allowance, made after 12th November 1978, paragraph 4 of Schedule 3 to the Act as amended(**b**) shall have effect with the following variations—

(*a*) in sub-paragraph (1), at the beginning there shall be inserted the words "Subject to sub-paragraph (1A) below";

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

"(1)(A)(*a*) Where a rebate or an allowance is first granted in relation to an application made to the authority and:—

(i) the authority is satisfied that had the applicant made an application for a rebate or an allowance at any time within the 12 months preceding the receipt of the current application he would have been entitled to such rebate or allowance (whether or not he would have been entitled to it continuously until the receipt of the current application); and

(ii) the authority considers that the personal or domestic circumstances of the applicant are exceptional;

the authority may allow the rebate period or the allowance period to commence at the beginning of any rental period within the 12 months preceding the receipt of the current application:

Provided that the authority shall not grant the applicant a rebate or allowance for any week in the rebate period or allowance period before the rental period in which the current application was received if they would not have done so under their rebate scheme or allowance scheme in operation in that week;

(*b*) where under paragraph (*a*) above a rebate period or an allowance period commences earlier than it would otherwise have done, then:—

(i) the information and evidence which the applicant is required to supply under paragraph 2(1) above may additionally include such information and evidence as to the matters specified in that paragraph and as to the applicant's circumstances in the first part of the period as the authority may reasonably require; and

(ii) the rebate or allowance for any week in the first part of the period shall be calculated, subject to paragraph (iii) below, in accordance with the authority's rebate scheme or allowance scheme in operation in that week; and

(**a**) The relevant amending instrument is S.I. 1977/1581.

(**b**) The relevant amending instrument is S.I. 1977/1581.

(iii) notwithstanding anything in paragraph 3 above, it shall be the authority's duty to assess the income of the applicant and any spouse of his during the first part of the period on such basis as appears to them to be appropriate in the circumstances of the particular case".

7. In paragraph 4(2)(*b*) of Schedule 3 to the Act as amended **(a)** for the words "March or April 1977" there shall be substituted "March or April 1978".

New St. Andrew's House,
Edinburgh.

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

12th September 1978.

We consent.
21st September 1978.

T. M. Cox,
A. W. Stallard,
Two of the Lords Commissioners
of Her Majesty's Treasury.

(a) The relevant amending instrument is S.I. 1977/1581.

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) Regulations 1977.

These Regulations make further increases in the needs allowances in relation to any week of a rebate period or allowance period being a week commencing after 12th November 1978. The Regulations also amend Paragraph 4(2)(*b*) of Schedule 3 to the 1972 Act so as to allow local authorities to extend by 2 months the rebate or allowance period of 6 months where the period commenced during March or April 1978.

Regulation 4 varies Paragraph 12 of Schedule 2 to increase the deductions in respect of non-dependants (to be used in calculating the amount of rebate or allowance) for any week in a rebate or allowance period beginning after 12th November 1978.

Regulation 6 varies Paragraph 4 of Schedule 3 to enable authorities, where the personal or domestic circumstances of a first-time applicant are considered exceptional, to grant him a rebate or an allowance for a period which may include up to 12 months before receipt of the application. Regulation 5 makes consequential variations to Paragraph 3 of Schedule 3.

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