STATUTORY INSTRUMENTS

1979 No. 1308 (S. 110)

HOUSING, SCOTLAND

The Rent Rebate and Rent Allowance Schemes (Scotland) Regulations 1979

Made - - -	*17th October 1979*
Laid before Parliament	*23rd October 1979*
Coming into Operation	*12th November 1979*

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 concerned and with any local authority as appear 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 1979 and shall come into operation on 12th November 1979.

Interpretation

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

Variation of paragraph 2 of schedule 2

3. In paragraph 2 of Schedule 2 to the Act, for the definition of "dependent child" there shall be substituted the following:—

> " "dependent child" means a person who resides in the house occupied by the tenant and whose requirements are provided for, in whole or in part, by the tenant or his spouse and who is either under the age of 16 or of or over that age but receiving full-time instruction at any university, college or other educational establishment, and in determining whether a person receiving full-time education or instruction is residing in the house occupied by the tenant, no account shall be taken of that person's absences during term-time;"

(**a**) 1972 c. 46.

Variation of paragraph 8 of schedule 2

4. In relation to any week in a rebate period or allowance period, being a week commencing after 11th November 1979 the following sub-paragraphs shall be substituted for sub-paragraphs (1) and (2) of paragraph 8 of Schedule 2 to the Act(**a**):—

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

(*a*) for an individual person who has no dependent children	£31.05
(*b*) for a married couple	£45.55
(*c*) for an individual person who has a dependent child or children	£45.55
(*d*) for each dependent child of a tenant or his spouse	£7.70

(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	£34.60
(*b*) for a married couple, one of whom is a chronically sick or disabled person	£49.10
(*c*) for an individual person who is a chronically sick or disabled person and who has a dependent child or children	£49.10
(*d*) for a married couple both of whom are chronically sick or disabled persons	£50.80"

Variation of paragraph 9 of schedule 2

5. In relation to any week in a rebate period or allowance period, being a week commencing after 11th November 1979, paragraph 9 of Schedule 2 to the Act(**a**) shall be varied as follows:—

(*a*) After sub-paragraph 1 the following new sub-paragraph shall be added:—

"(1A) In so far as maintenance payments are paid to a dependent child under the age of 16, such payments shall be regarded as the income of the tenant:"

(*b*) For sub-paragraph 2(c) there shall be substituted the following:—

"(2)(c) £5.00 of the earnings of the tenant, and, where applicable, £5.00 of the earnings of the tenant's spouse."

(*c*) At the end of sub-paragraph (2) the following shall be added:—

"(m) an amount equal to maintenance payments made by a tenant or his spouse to his or her former spouse or to his or her children (other than dependent children) where the authority is satisfied that payments are being duly made."

Variation of paragraph 12 of schedule 2

6. In relation to any week in a rebate period or allowance period, being a week commencing after 11th November 1979, the following sub-paragraphs shall be substituted for sub-paragraphs (1) and (1A) of paragraph 12 of Schedule 2 to the Act(**a**):—

(**a**) The relevant amending instrument is S.I. 1978/1392.

"(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	£1.85
(*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	£2.80
(*c*) for each person in receipt of supplementary benefit ..	£1.10
(*d*) for each person of pensionable age not in receipt of supplementary benefit, except in the case mentioned in paragraph (e) below	£1.10
(*e*) for a married couple where the husband is of pensionable age and not in receipt of supplementary benefit.	£1.10

(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 ...	£1.85
(*b*) for each person aged 21 years or more but under pensionable age and not in receipt of supplementary benefit	£2.80"

7. In paragraph 4(2)(b) of Schedule 3 to the Act(**a**) for the words "March or April 1978" there shall be substituted "March or April 1979".

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.
11th October 1979

We consent,
17th October 1979

J. A. Douglas-Hamilton,
Peter Morrison,
Two of the Lords Commissioners
of Her Majesty's Treasury.

(**a**) The relevant amending instrument is S.I. 1978/1392.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are concerned with variations of Schedules 2 and 3 to the Housing (Financial Provisions) (Scotland) Act 1972 with which, subject to other provisions of the Act, every rent rebate scheme and every rent allowance scheme must conform.

Regulation 3 varies paragraph 2 of Schedule 2 to provide that a person undergoing full-time education will not cease to be within the definition of "dependent child" solely by reason of his absence from the tenant's household during term-time.

Regulation 4 varies paragraph 8 of Schedule 2 to increase the needs allowances by reference to which entitlement to rent rebates and allowances is calculated in relation to any week of a rebate period or allowance period being a week commencing after 11th November 1979. The amounts of the needs allowances were last increased by Regulation 3 of the Rent Rebate and Rent Allowance Schemes (Scotland) Regulations 1978.

Regulation 5 varies paragraph 9 of Schedule 2 which relates to the ascertainment of income for the purpose of calculating the amount of rebate or allowance. It provides that there shall be added to the income of the tenant or his spouse any maintenance payment made to a dependent child under the age of 16 of either the tenant or his spouse. The regulation further provides that in ascertaining income for the purposes of a rebate or allowance there shall be disregarded (a) £5.00 of the earnings of the tenant and, where applicable, £5.00 of the earnings of the spouse and (b) any maintenance payment made by the tenant or his spouse.

Regulation 6 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 11th November 1979.

Regulation 7 amends 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 1979.

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