STATUTORY INSTRUMENTS

1972 No. 1203

HOUSING, ENGLAND AND WALES

The Rent Rebate and Rent Allowance (Services etc.) Regulations 1972

Made - - -	*7th August* 1972
Laid before Parliament	*7th August* 1972
Coming into Operation	*10th August* 1972

The Secretary of State for the Environment as respects England (excluding Monmouthshire) and the Secretary of State for Wales as respects Wales and Monmouthshire, in exercise of their powers under section 25(3) of the Housing Finance Act 1972(**a**) and of all other powers enabling them in that behalf, hereby make the following regulations:—

1.—(1) These regulations may be cited as the Rent Rebate and Rent Allowance (Services etc.) Regulations 1972 and shall come into operation on 10th August 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—
"the Act" means the Housing Finance Act 1972; and
"section 25" means section 25 of the Act.

(4) Any reference in these regulations to a numbered regulation shall be construed as a reference to the regulation bearing that number in these regulations.

2. Subject to regulation 3, the circumstances set out in the Schedule to these regulations are hereby prescribed as those in which amounts are not to be reckoned for the purposes of section 25 as payable for the provision of services.

3.—(1) Where amounts fairly attributable to the use of furniture and the provision of services in aggregate constitute a negligible proportion of the rent, these amounts are not to be reckoned for the purposes of section 25 as payable for the use of furniture or the provision of services, as the case may be.

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

(2) In this regulation—

"the provision of services" excludes any matter falling within regulation 2; and

"rent" excludes any sum attributable to rates and includes amounts which by virtue of regulation 4 are to be treated for the purposes of section 25 as rent and also amounts fairly attributable to the use of furniture and the provision of services which are not to be so treated.

4. Where amounts payable by the tenant are expressed to be something other than rent but they are not to be reckoned as payable for the use of furniture or the provision of services by virtue of the foregoing provisions of these regulations, those amounts are to be treated for the purposes of section 25 as rent.

Regulation 2

SCHEDULE

PART I

CIRCUMSTANCES RELATING TO THE PROVISION OF SERVICES

1. Where the tenant enjoys any general communal facility.

2. Where the tenant, being a qualifying person, enjoys any special communal facility with other qualifying persons.

3. Where there is provided any privilege or facility connected with the occupancy of a dwelling which is not a communal facility, but which is requisite for the purposes of access, cold water supply or sanitary accommodation.

4.—(1) In this Schedule—

"communal facility" means any privilege or facility connected with the occupancy of a dwelling which is enjoyed by the tenant in common with other tenants by reason of the said occupancy and not as the result of the exercise of any option on his part;

"general communal facility" means a communal facility listed in Part II of this Schedule;

"qualifying person" means a person of pensionable age or a person registered in pursuance of arrangements under section 29(1) of the National Assistance Act 1948(a) (welfare arrangements for handicapped persons); and

"special communal facility" means a communal facility listed in Part III of this Schedule.

(2) In this Schedule any reference to access or to premises requisite for the purposes of access includes passenger lifts, halls, corridors and staircases.

PART II

GENERAL COMMUNAL FACILITIES

1. Access (including the lighting and cleaning of premises requisite for the purposes of access).
2. Cold water supply.
3. Sanitary accommodation.

(a) 1948 c.29.

4. Service lifts.
5. Laundry and drying facilities.
6. Gardens and play areas.
7. Garaging or parking of motor cars or other vehicles.
8. Removal of refuse.
9. Storage of articles belonging to any tenant or any member of his household.
10. Radio or television relay (excluding any television or radio receiver).
11. Caretaking.

PART III

SPECIAL COMMUNAL FACILITIES

1. Warden services.
2. Communal telephone service.
3. Communal rooms.
4. Space heating of communal rooms and premises requisite for the purposes of access.

Peter Walker,
Secretary of State for the Environment.

7th August 1972.

Peter Thomas,
Secretary of State for Wales.

7th August 1972.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

Section 25 of the Housing Finance Act 1972 defines rent which is eligible to be met by a rent rebate or rent allowance. Where no part of a dwelling is sub-let it means the occupational element of the rent, that is the amount of the rent exclusive of any sum attributable to rates (including water rates and charges) and subject to any regulations made under section 25, exclusive of any sum attributable to the use of furniture or the provision of services.

These regulations, which are made under section 25, prescribe circumstances in which amounts are not to be reckoned for the purposes of that section as payable for the use of furniture or the provision of services and in which amounts which are expressed to be something other than rent are to be treated for the purposes of that section as rent. In the circumstances prescribed amounts will be regarded as part of the occupational element of the rent and therefore will be part of the rent eligible to be met by a rent rebate or rent allowance.

The circumstances prescribed relate mainly to the provision of services which are regarded as general communal facilities, with the addition in the case of persons of pensionable age and certain handicapped persons of other special communal facilities (including in particular warden services). Amounts payable for the provision of services relating to access, cold water supply and sanitary accommodation, although not communal facilities, are additionally not to be reckoned for the purposes of section 25 as so payable. Disregarded also are amounts payable for the use of furniture and the provision of other services where those amounts in total form only a negligible proportion of the rent.

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