STATUTORY INSTRUMENTS

1980 No. 341

HOUSING, ENGLAND AND WALES

The Rent Rebate (Transfer of Greater London Council Housing Accommodation) Regulations 1980

Made - - - -	*6th March* 1980
Laid before Parliament	*17th March* 1980
Coming into Operation	*1st April* 1980

The Secretary of State for the Environment in exercise of his powers under section 102 of the Housing Finance Act 1972(a) and of all other powers enabling him in that behalf, hereby makes the following regulations—

Citation and commencement

1. These regulations may be cited as the Rent Rebate (Transfer of Greater London Council Housing Accommodation) Regulations 1980 and shall come into operation on 1st April 1980.

Interpretation

2. In these regulations, unless the context otherwise requires—

"the Act" means the Housing Finance Act 1972;

"existing rebate" means the weekly amount of rebate granted by the Greater London Council under the provisions of Part II of the Act to a tenant of a dwelling immediately before the transfer date;

"the Order" means the Greater London Council (Transfer of Land and Housing Accommodation) Order 1980(b);

"rent rebate" includes rent allowance;

"scheme" means a rebate or allowance scheme under Part II of the Act;

"transferee authority", in relation to a transferred dwelling, means the London borough council or district council to whom that property is transferred under the Order; and

"transferred" means—

(*a*) transferred by the Order, or

(*b*) transferred pursuant to section 104(1) of the Housing Act 1957(c) after 31st March 1980 and before 1st April 1981 by the Greater London Council to a transferee authority,

and the expressions "transfer date" and "transferred dwelling" shall be construed accordingly.

Rent rebates

3. Where a tenant of a transferred dwelling was the tenant of that dwelling immediately before the transfer date and was in receipt of rent rebate, a

(a) 1972 c. 47. (b) S.I. 1980/320. (c) 1957 c. 56.

transferee authority may until 12 months from that date, instead of the rent rebate which would be granted to the tenant in accordance with the provisions of the authority's scheme, grant to the tenant the appropriate amount specified in regulation 4 where that amount is greater.

4. The appropriate amount is—

(*a*) where after the transfer date there is a change of circumstances such that had the tenant been receiving rent rebate under the transferee authority's model scheme a deduction would have been made from his rent rebate, the existing rebate less the amount of that deduction;

(*b*) in any other case, the existing rebate.

Standard amounts

5. For the purposes of ascertaining a transferee authority's standard amount of rent rebates or standard amount of rent allowances under section 20(8) of the Act for any period, any amounts granted by a transferee authority for that period under regulation 3 shall be deemed to have been paid under the model scheme.

Michael R. D. Heseltine,
6th March 1980. Secretary of State for the Environment.

EXPLANATORY NOTE

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

These Regulations are consequent on the transfer of certain dwellings from the Greater London Council to local authorities. Most of these dwellings are transferred under the Greater London Council (Transfer of Land and Housing Accommodation) Order 1980.

The Regulations enable local authorities to continue to pay to a tenant of a transferred dwelling the amount of the rent rebate (subject to modification in the case of a change of circumstances) which was formerly granted by the Greater London Council until—

(*a*) such time as the tenant would be entitled to a greater rebate under the local authority's rebate scheme, or

(*b*) one year from the transfer,

whichever is the earlier.

Corresponding provision is made for tenants of transferred dwellings who receive rent allowances under section 19(8A) and (10) of the Housing Finance Act 1972.

Payments made under the Regulations are to be eligible for subsidy (Regulation 5).