STATUTORY INSTRUMENTS

1982 No. 303

HOUSING, ENGLAND AND WALES

The Rent Rebate (Transfer of Greater London Council Housing Accommodation) Regulations 1982

Made - - - -	*5th March* 1982
Laid before Parliament	*10th March* 1982
Coming into Operation	*1st April* 1982

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 1982 and shall come into operation on 1st April 1982.

Interpretation

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

"the Act" means the Housing Finance Act 1972;

"notified rebate" means the weekly amount of rebate notified by the Greater London Council before the transfer date as having been granted to a tenant of a transferred dwelling under Part II of the Act in respect of a rebate period ending after the transfer date;

"the Order" means the Greater London Council (Transfer of Land and Housing Accommodation) (No 2) Order 1981(**b**) or the Greater London Council (Transfer of Land and Housing Accommodation) Order 1982(**c**) as the case may be;

"scheme" means a rebate 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(**d**) after 31st March 1982 and before 1st April 1983 by the Greater London Council to a transferee authority,

(**a**) 1972 c. 47. (**b**) S.I. 1981/536. (**c**) S.I. 1982/301.
(**d**) 1957 c. 56; section 104(1) was substituted by the Housing Act 1980 (c. 51), section 91.

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 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 notified rebate less the amount of that deduction;

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

Standard amounts

5. For the purpose of ascertaining a transferee authority's standard amount of rent rebates 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,

5th March 1982. 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) (No 2) Order 1981, or the Greater London Council (Transfer of Land and Housing Accommodation) Order 1982. Under regulation 3, a tenant of a transferred dwelling may be paid a rent rebate calculated on a different basis from that which he would be paid under the local authority's own scheme, for a period not exceeding 12 months, so long as that results in the payment of a greater amount.

Regulation 4 sets out the basis for calculating the rent rebate. It is to be the amount notified by the Greater London Council as the amount granted in respect of a rebate period ending after the transfer date, subject to modifications for any changes of circumstances.

Payments made under the regulations are to be eligible for subsidy (regulation 5).

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