

1974 No. 1505 (S.135)

## HOUSING, SCOTLAND

**The Rent Allowance Schemes (Scotland) Regulations 1974**

<i>Made</i> - - - -	6th September 1974
<i>Laid before Parliament</i>	12th September 1974
<i>Coming into Operation</i>	28th September 1974

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, I hereby, with the consent of the Treasury, make the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Rent Allowance Schemes (Scotland) Regulations 1974 and shall come into operation on 28th September 1974.

*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; and

“Schedule 2” means Schedule 2 to the Act.

(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 other enactment.

*Effective date for variations of Schedule 2*

3. Without prejudice to the making at any time before 28th September 1974 of a scheme under Part II of the Act expressed to come into operation on that date, being a scheme taking account of the variations of the provisions of paragraph 9 of Schedule 2 made by these regulations, the said variations shall take effect on that date and not before.

*Variations of Schedule 2*

4. In relation to any week in an allowance period, being a week commencing after 27th September 1974, paragraph 9 of Schedule 2 shall have effect with the following variations—

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(a) 1972 c.46.

(b) 1889 c.63.

- (a) in sub-paragraph (2) there shall be inserted, at the end, the words “and, where the tenant is a qualifying student—”, and thereafter the following new sub-paragraph—  
“(k) for the purpose of this Schedule in so far as relating to rent allowances, an amount equal to any amount prescribed as a deduction for that week by virtue of paragraph 17(3) of this Schedule”.
- (b) In sub-paragraph (4) there shall be inserted after the definition of “old cases allowance” the following definition—“ ‘qualifying student’ has the meaning assigned to it by regulations for the time being in force under paragraph 17(3) of this Schedule;”.

*William Ross,*  
One of Her Majesty’s Principal  
Secretaries of State.

St. Andrew’s House,  
Edinburgh.  
4th September 1974.

We consent.

*T. Pendry,*  
*M. Cocks,*  
Two of the Lords Commissioners  
of Her Majesty’s Treasury.

6th September 1974.

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#### EXPLANATORY NOTE

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

These Regulations further vary Schedule 2 to the Housing (Financial Provisions) (Scotland) Act 1972, as amended by the Furnished Lettings (Rent Allowances) Act 1973 (1973 c.6) and the Rent Act 1974 (1974 c.51), with which, subject to the other provisions of the Act of 1972, every rent allowance scheme under Part II of that Act must conform.

Paragraph 9(2) of Schedule 2 to the Housing (Financial Provisions) (Scotland) Act 1972 specifies the items of income of a tenant or spouse of a tenant which are to be disregarded in ascertaining their weekly income for the purposes of calculating entitlement to rent allowances. These Regulations add to the items to be disregarded under the said paragraph 9(2) a provision that for any week in an allowance period, a tenant who is a qualifying student and is subject to a deduction from the amount of his rent which may be met by a rent allowance in accordance with the Rent Allowance Schemes (Students) (Scotland) Regulations 1974 (S.I. 1974/1504) made under paragraph 17(3) of Schedule 2 to the Act of 1972 (added by section 12(5)(b) of the Rent Act 1974) shall have a corresponding deduction made from his income.

The effective date for the variations made by these Regulations is 28th September 1974, although schemes taking account of them, and expressed to come into force on 28th September, may be made before that date.

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