

## 1973 No. 614

## HOUSING, ENGLAND AND WALES

**The Rent Rebate and Rent Allowance Schemes (England and Wales) Regulations 1973**

<i>Made</i>	- - -	29th March 1973
<i>Laid before Parliament</i>		29th March 1973
<i>Coming into Operation</i>		30th March 1973

The Secretary of State for the Environment as respects England (excluding Monmouthshire) and the Secretary of State for Wales as respects Wales and Monmouthshire, having referred their proposals to make regulations under section 20(2) of the Housing Finance Act 1972(a) to the Advisory Committee on Rent Rebates and Rent Allowances pursuant to section 20(3) of that Act, and with the consent of the Treasury, in exercise of their powers under the said section 20(2) and of all other powers enabling them in that behalf, hereby make the following regulations:—

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Rent Rebate and Rent Allowance Schemes (England and Wales) Regulations 1973 and shall come into operation on 30th March 1973.

(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;

“Schedule 3” means Schedule 3 to the Act, and

“Schedule 4” means Schedule 4 to the Act.

(4) In these regulations, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, varied, extended or applied by or under any other enactment, or by these regulations.

*Effective date for variation of Schedules 3 and 4*

2.—(1) Subject to paragraph (2) below and without prejudice to the making at any time before 29th April 1973 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 Schedule 3 and Schedule 4 made by these regulations, those variations shall take effect on that date and not before.

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(a) 1972 c. 47.

(b) 1889 c. 63.

(2) The variation of Schedule 4 made in Regulation 4(b)(ii) shall take effect on the coming into operation of these regulations.

### *Variations of Schedule 3*

3. The provisions of Schedule 3 shall be varied as follows—

(a) in paragraph 1—

(i) for sub-paragraph (3) there shall be substituted the following sub-paragraph—

“(3) Subject to sub-paragraphs (3A) and (3B) below and paragraph 4(1) of Schedule 4 to this Act, a scheme shall not apply to rent payable in respect of any rental period which begins before the date on which the scheme is made or, if expressed to come into operation after that date, before the date on which it is expressed to come into operation.”;

(ii) after sub-paragraph (3) there shall be inserted the following sub-paragraphs—

“(3A) A scheme revoking an earlier scheme shall contain provisions designed to preserve existing entitlements to rebates and allowances and other existing rights acquired, liabilities or duties incurred, applications, determinations, assessments, computations and estimates made, notices served, decisions taken, directions or authorisations given or other things done under or in relation to a provision of the earlier scheme.

“(3B) A scheme in so far as it applies to a private tenant under a Part VI letting shall apply to rent payable in respect of any rental period which begins on or after 1st April 1973.”;

(b) In relation to any week in a rebate period or allowance period, being a week commencing after 28th April 1973 (or, in the case of a private tenant under a Part VI letting, after 31st March 1973), Schedule 3 shall have effect with the substitution of the following paragraph for paragraph 8—

“8.—(1) Subject to sub-paragraph (2) below, the needs allowance for each week is—

(a) for an individual person who has no dependent children	... ..	£14·00
(b) for a married couple	... ..	£18·25
(c) for an individual person who has a dependent child or children	... ..	£18·25
(d) for each dependent child of a tenant or his spouse	... ..	£2·75

(2) The needs allowance for each week is—

(a) for an individual person who has no dependent children and who is registered in pursuance of arrangements made under section 29(1) of the National Assistance Act 1948(a) (welfare arrangements for handicapped persons)	... ..	£15·25
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(b) for a married couple one of whom is so registered	... ..	£19.50
(c) for an individual person who is so registered and who has a dependent child or children	...	£19.50
(d) for a married couple both of whom are so registered	... ..	£20.25";

- (c) in paragraph 9(5), in the definition of "special widow's pension", after the word "granted" where first occurring there shall be inserted the words "in respect of a death due to service or war injury".

#### *Variations of Schedule 4*

#### 4. The provisions of Schedule 4 shall be varied as follows—

##### (a) in paragraph 2—

- (i) in sub-paragraph (1), for the words "subject to sub-paragraph (2)" there shall be substituted the words "subject to sub-paragraphs (2), (2A) and (2B)";

- (ii) after sub-paragraph (2) there shall be added the following sub-paragraphs—

"(2A) Where it appears to an authority in the case of an application for an allowance by a person claiming to be a private tenant under a Part VI letting that the applicant on the date when the authority receive the application is not a qualified person for the purposes of section 19 of this Act, but that he is likely to be such a person not later than one month after that date, the authority shall not make any determination on that application until the expiration of such period, not exceeding one month, as the authority consider appropriate in the circumstances.

(2B) Where an authority determine that an applicant is a qualified person for the purposes of section 19 of this Act on an application in respect of which a determination was postponed pursuant to sub-paragraph (2A) above, that application shall for the purposes of the following provisions of this Schedule be treated as an application received at the end of the period referred to in that sub-paragraph.";

##### (b) in paragraph 4—

- (i) in sub-paragraph (2)(b), for the word "six" there shall be substituted the word "seven";

- (ii) after sub-paragraph (2) there shall be inserted the following sub-paragraph—

"(2A) Any rebate period or allowance period which commenced before 29th April 1973 may, whether or not it has expired by effluxion of time before that date and without any alteration in the terms of any scheme, be treated by the authority as ending on such date as the authority may determine, falling not later than seven months after the said period commenced.";

- (c) in paragraph 10, after sub-paragraph (4) there shall be added the following sub-paragraph—

“(4A) Where a rebate period or allowance period is extended by virtue of paragraph 4 (2A) of this Schedule, any reference in this paragraph to ‘the current period’, however expressed, shall be construed as a reference to the rebate period or allowance period as so extended :

Provided that where an application would have been required to have been entertained pursuant to sub-paragraph (2) above had the rebate period or the allowance period not been so extended, that application shall, notwithstanding the said extension, be entertained by the authority.”.

Signed by authority of Secretary of State.

*Paul Channon,*  
Minister for Housing and Construction,  
Department of the Environment.

29th March 1973.

*Peter Thomas,*  
Secretary of State for Wales.

29th March 1973.

We consent .

*V. H. Goodhew,*  
*P. L. Hawkins,*  
Two of the Lords Commissioners  
of Her Majesty's Treasury.

29th March 1973.

## EXPLANATORY NOTE

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

These regulations, which apply to England and Wales, vary the provisions of Schedules 3 and 4 to the Housing Finance Act 1972, as amended by the Furnished Lettings (Rent Allowances) Act 1973 (1973 c. 6), with which, subject to the other provisions of the Housing Finance Act, every rent rebate scheme and rent allowance scheme under Part II of that Act must conform.

They provide for an increase of £3·50 in the needs allowances (except that for a dependent child, which remains at £2·75) by reference to which entitlement to rent rebates and rent allowances is calculated. The increased needs allowances will apply for any week in a rebate period or allowance period commencing after 28th April 1973, except for private tenants under Part VI lettings, for whom they will apply for any week in an allowance period beginning on or after 1st April 1973.

The regulations also increase the maximum rent rebate period or rent allowance period in the case of persons other than those of pensionable age from six to seven months and make provision for extending existing periods.

The regulations additionally make provision for early applications by tenants under Part VI lettings who are not qualified persons for the purposes of rent allowances when their applications are received by authorities, but who seem likely to become qualified persons within one month.

SI 1973/614  
ISBN 0-11-030614-7

