

1974 No. 1097 (S.91)

HOUSING, SCOTLAND

**The Rent Rebate and Rent Allowance Schemes (Scotland) (No. 2)
Regulations 1974**

<i>Made</i>	- - -	<i>25th June 1974</i>
<i>Laid before Parliament</i>	.	<i>28th June 1974</i>
<i>Coming into Operation</i>		<i>19th July 1974</i>

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 Rebate and Rent Allowance Schemes (Scotland) (No. 2) Regulations 1974 and shall come into operation on 19th July 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 3” means Schedule 3 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.

(a) 1972 c. 46.

(b) 1889 c. 63.

Effective date for variation of Schedule 3

3. Without prejudice to the making at any time before 22nd July 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 paragraph 5 of Schedule 3 made by these regulations, the said variations shall take effect on that date and not before.

Variations of Schedule 3

4. Paragraph 5 of Schedule 3 shall have effect with the following variations—

(a) in sub-paragraphs (1), (2) and (3) there shall be inserted, at the beginning in each case, the words “Subject to sub-paragraph (4) below”.

(b) after sub-paragraph (3) there shall be inserted the following new sub-paragraph—

“(4)(a) Where before 22nd July 1974—

(i) an application for a rebate or an allowance or for a further rebate or further allowance has been made to an authority but they have not before that date made any determination thereon, or a tenant has been granted a rebate or an allowance or a further rebate or further allowance, and

(ii) the applicant or the tenant or any spouse of the applicant or tenant was entitled before that date (whether or not his entitlement had then been determined) to a relevant payment as defined in paragraph (b) below,

any increase in the income of the applicant or the tenant or any spouse of the applicant or tenant which is attributable to a relevant increase as defined in paragraph (c) below shall be deemed for the duration of any week (being a week commencing after 21st July 1974) in the rebate period or allowance period in which fell the date of 21st July 1974, and of any week in any subsequent rebate period or allowance period, being in each case a week in relation to which the needs allowance is that specified in paragraph 8 of Schedule 2 above, as substituted by the Rent Rebate and Rent Allowance Schemes (Scotland) (No. 2) Regulations 1973(a), not to constitute income or, as the case may be, a change of circumstances for the purposes of paragraph 3(1) above or of any of the preceding provisions of this paragraph.

(b) In paragraph (a) above, “relevant payment” means a payment by way of benefit, pension or allowance under—

(i) the National Insurance Acts 1965 to 1974;

(ii) the National Insurance (Industrial Injuries) Acts 1965 to 1974;

(iii) the Industrial Injuries and Diseases (Old Cases) Acts 1967 to 1974;

(iv) the Family Income Supplements Act 1970(b); or

(v) any Personal Injuries Scheme, Service Pensions Instrument or 1914–1918 War Injuries Scheme;

and also means any payment which the Secretary of State accepts as being analogous to a payment by way of benefit, pension or allowance under any such scheme or instrument.

(a) S.I. 1973/1517 (1973 II, p. 4601).

(b) 1970 c. 55.

(c) In paragraph (a) above, "relevant increase" means an increase in the rate or amount of any payment—

- (i) by way of benefit or allowance consequent upon the provisions of the National Insurance Act 1974(a) or of regulations to which paragraphs 2(1)(a) or (2) of Schedule 5 to that Act applies;
- (ii) by way of benefit, pension or allowance consequent upon any Personal Injuries Scheme, Service Pensions Instrument or 1914–1918 War Injuries Scheme which provides for an increase in the rate or amount of such benefit, pension or allowance to take effect during the period beginning with 21st July 1974 and ending with 31st July 1974;
- (iii) which the Secretary of State accepts as being analogous to a payment by way of benefit, pension or allowance consequent upon any such scheme or instrument as is mentioned in (ii) above;
- (iv) or by way of benefit under the Family Income Supplements Act 1970 consequent upon the Family Income Supplements (Computation) Regulations 1974(b).

(d) In paragraphs (b)(v) and (c)(ii) above, "Personal Injuries Scheme", "Service Pensions Instrument" and "1914–1918 War Injuries Scheme" have the meanings assigned to them by regulation 1(2) of the National Insurance (Overlapping Benefits) Regulations 1972(c), as amended (d).

(e) The Secretary of State may accept a payment as being analogous to a payment mentioned in paragraph (b) or (c) above—

- (i) by directing authorities in general to regard payments of that description as analogous for the purposes of this Schedule; or
- (ii) by notifying an authority that he accepts such a payment as analogous for those purposes."

St Andrew's House,
Edinburgh.
21st June 1974.

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

We consent.
25th June 1974.

Donald R. Coleman,
James A. Dunn,
Two of the Lords Commissioners
of Her Majesty's Treasury.

(a) 1974 c. 14.

(b) S.I. 1974/905 (1974 II, p. 3530).

(c) S.I. 1972/604 (1972 I, p. 1994)

(d) The relevant amending instrument is S.I. 1973/1478 (1973 II, p. 4516).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which apply to Scotland, further vary the provisions of Schedule 3 to the Housing (Financial Provisions) (Scotland) Act 1972, as amended by the Furnished Lettings (Rent Allowances) Act 1973 (1973 c. 6), with which, subject to the other provisions of the Act of 1972, every rent rebate scheme and every rent allowance scheme under Part II of that Act must conform.

They provide that where tenants have been granted a rent rebate or rent allowance or a further rebate or further allowance before 22nd July 1974, or persons have made applications for a rebate or allowance or for a further rebate or further allowance on which no determination has been made before that date, being tenants or persons who were entitled before 22nd July 1974, whether or not their entitlement had then been determined, to any benefit, pension or allowance specified in the regulations, any increase in the income of such tenants or applicants or their spouses which is attributable to increases (which will take effect during July 1974) in any of those benefits, pensions or allowances shall not rank as income or as a change of circumstances for the purposes of certain provisions of Schedule 3 to the Act of 1972, so that the rebates or allowances, or further rebates or further allowances, for which they have applied or which they have been granted will not fall to be reduced on account of their increased income while the existing needs allowance remains unaltered.

The variations have effect from 22nd July 1974, although schemes taking account of them, and expressed to come into force then, may be made in advance.

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