

1974 No. 723 (S.65)

HOUSING, SCOTLAND

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

<i>Made</i>	- - -	18th April 1974
<i>Laid before Parliament</i>		24th April 1974
<i>Coming into Operation</i>		16th May 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 which may be cited as the Rent Rebate and Rent Allowance Schemes (Scotland) Regulations 1974 shall come into operation on 16th May 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;

“Schedule 2” means Schedule 2 to the Act; 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 amended varied extended or applied by or under any other enactment or by these regulations.

Effective date for variation of Schedules 2 and 3

3. Without prejudice to the making at any time before the beginning of the year 1974-75 of a scheme under Part II of the Act expressed to come into

(a) 1972 c. 46.

(b) 1889 c. 63.

operation from the beginning of that year, being a scheme taking account of the variations of the provisions of Schedule 2 and Schedule 3 made by these regulations, the said variations shall take effect from the beginning of that year and not before.

Variation of Schedule 2

4. In relation to any week in a rebate period or allowance period, being a week commencing after the beginning of the year 1974-75, paragraph 12(1)(c), (d) and (e) of Schedule 2 shall have effect with the substitution for each of the references therein to £0·70 of a reference to £0·60.

Variation of Schedule 3

5. In relation to any application for a further rebate or allowance made after the end of the year 1973-74, paragraph 10 of Schedule 3 shall have effect with the substitution for sub-paragraph (4) thereof of the following sub-paragraph—

“(4) If the application is made at any later date, the new rebate period or allowance period shall commence at the commencement of the rental period in which the application for a further rebate or allowance was received (“the relevant rental period”):

Provided that—

- (i) Where a rebate period or allowance period terminates during the relevant rental period, the new rebate period or allowance period shall commence with the first rental period after the end of the former rebate period or allowance period; and
- (ii) Where the commencement of the relevant rental period is later than the commencement of the first rental period after the end of the former rebate period or allowance period, the authority may, if in their opinion the circumstances are exceptional—
 - (a) allow the new period to commence at the commencement of the first rental period after the end of the former rebate or allowance period, or
 - (b) allow the new period to commence at such later date (not being a date later than the commencement of the relevant rental period) as they may determine.

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

St. Andrew's House,
Edinburgh.
11th April 1974.
We consent.

Donald R. Coleman,
T. Pendry,
Two of the Lords Commissioners
of Her Majesty's Treasury.

18th April 1974.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further vary the provisions of Schedules 2 and 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 1972 Act, every rent rebate scheme and rent allowance scheme under Part II of that Act must conform.

They provide firstly for a reduction of 10 pence per week in the deductions required to be made from a rebate or allowance for each week in respect of certain non-dependants.

They provide secondly for the substitution of a new sub-paragraph (4) in paragraph 10 (Application for further rebate or allowance) of Schedule 3, so that where applications for further rebates or allowances are made later than one month after the end of the former rebate period of allowance period, the further rebates or allowances will normally be granted from the commencement of the rental period in which the applications were made—as is the case where rebates or allowances are first granted. Provision is also made for backdating to an earlier date in certain cases, at the discretion of authorities, if in their opinion the circumstances are exceptional.

The variations have effect from the beginning of the local authority financial year 1974-75, although schemes taking account of them, and expressed to come into force then, may be made in advance.

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