

## 1981 No. 368 (S.35)

## HOUSING, SCOTLAND

**The Rent Rebate and Rent Allowance Schemes  
(Scotland) Regulations 1981**

<i>Made - - - -</i>	<i>6th March 1981</i>
<i>Laid before Parliament</i>	<i>13th March 1981</i>
<i>Coming into Operation</i>	<i>1st April 1981</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 and with any local authority with whom consultation appears to me to be desirable, 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) Regulations 1981 and shall come into operation on 1st April 1981.

*Interpretation*

2. In these regulations “the Act” means the Housing (Financial Provisions) (Scotland) Act 1972.

*Variation of paragraph 14 of Schedule 2*

3. In relation to any week in a rebate or allowance period, being a week commencing after 31st March 1981, paragraph 14 of Schedule 2 to the Act shall be varied by substituting for the figure “£23” the figure “£30”.

*Variation of paragraph 15 of Schedule 3*

4. In relation to any week in a rebate or allowance period, being a week commencing after 31st March 1981, paragraph 15 of Schedule 3 to the Act shall be varied as follows:—

For sub-paragraph (1) there shall be substituted the following:—

“(1) In ascertaining the amount of an allowance the authority shall disregard—

- (a) where the rent is payable under a regulated tenancy and a rent is registered for the dwelling-house, any rent paid in excess of the rent limit under Part III of the Act of 1971(b) or in excess of the amount which is for the time being recoverable under either Schedule 2 to the Housing Rents and Subsidies (Scotland) Act

(a) 1972 c. 46.

(b) 1971 c. 28.

1975(a) or section 37(2) of the Tenants' Rights, Etc. (Scotland) Act 1980(b);

- (b) where the rent is payable under a regulated tenancy, but, for whatever reason, no rent is registered for the dwelling-house, and the authority are not satisfied that, having regard to all the circumstances, the rent paid is equal to or less than a reasonable rent, as estimated by the authority, any rent paid in excess of that estimated reasonable rent;
- (c) where the rent is payable under a tenancy to which sections 60 to 66 of this Act apply and the rent limit is not determined under section 62(3) of this Act, any rent paid in excess of the rent limit under those sections;
- (d) where the rent is payable under such a tenancy as is described in paragraph (c) above and the rent limit is determined under section 62(3) of this Act, and the authority are not satisfied that, having regard to all the circumstances, the rent paid is equal to or less than a reasonable rent, as estimated by the authority, any rent paid in excess of that estimated reasonable rent;
- (e) where there is in operation, with respect to the dwelling-house, any such condition relating to rent as is described in section 40(5) of the Act of 1971 (conditions attached to financial assistance for housing), any rent paid in excess of any limit of rent imposed by the conditions;
- (f) where the rent is payable in respect of a furnished letting and the rent for the dwelling-house is registered under section 89 of the Act of 1971, any rent paid in excess of the registered rent and (after making the deduction (if any) required for disregarding that excess), any remaining rent paid in excess of the rent, as estimated by the authority on the basis that furniture, services and board provided under the letting are disregarded except so far as any amount of the rent payable in respect of services falls to be treated as rent by virtue of section 21 of this Act, which would be determined to be a reasonable rent having regard to all the circumstances;
- (g) where the rent is payable in respect of a furnished letting and no rent for the dwelling-house is registered under section 89 of the Act of 1971, and the authority are not satisfied that, having regard to all the circumstances, the rent is equal to or less than a reasonable rent, as estimated by the authority on the basis that furniture, services and board provided under the letting are disregarded except so far as any amount of the rent payable in respect of services falls to be treated as rent by virtue of section 21 of this Act, any rent paid in excess of that estimated reasonable rent;
- (h) where the rent is not payable under a regulated tenancy or a tenancy to which sections 60 to 66 of this Act apply or in respect of a furnished letting, and the authority are not satisfied that, having regard to all the circumstances, the rent is equal to or less than a reasonable rent, as estimated by the authority on the basis that furniture, services and board provided are disregarded except so far as any amount of the rent payable in respect of

---

(a) 1975 c. 28.

(b) 1980 c. 52.

services falls to be treated as rent by virtue of section 21 of this Act, any rent paid in excess of that estimated reasonable rent.”

*George Younger,*  
One of Her Majesty's Principal  
Secretaries of State.

New St. Andrew's House,  
Edinburgh.  
5th March 1981.

We consent,

*John Wakeham,*  
*Robert Boscawen,*  
Two of the Lords Commissioners  
of Her Majesty's Treasury.

6th March 1981.

---

#### EXPLANATORY NOTE

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

These Regulations vary paragraph 14 of Schedule 2 and paragraph 15 of Schedule 3 to the Housing (Financial Provisions) (Scotland) Act 1972. Schedule 2 of that Act provides for the computation of rent rebates and allowances and Schedule 3 provides the procedure for payment of rent rebates and allowances.

Regulation 3 increases the maximum amount of rebate and allowance payable for any week of a rebate or allowance period, being a week commencing after 31st March 1981. Regulation 4 substitutes for sub-paragraph (1) of paragraph 15 of Schedule 3 of the Act a new sub-paragraph which provides that where no statutory rent limit is in force or where the rent is payable in respect of a furnished letting, the authority's own estimate of what, having regard to all the circumstances, is a reasonable rent shall be the rent limit for the purposes of the rent allowance scheme.

SI 1981/368  
ISBN 0-11-016368-0

