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SCHEDULES

SCHEDULE 2

COMPUTATION OF REBATES AND ALLOWANCES

PART I

GENERAL

Introductory

- 1 (1) The rebate or allowance to which a tenant is entitled under a scheme shall be a weekly amount calculated in accordance with this Schedule by reference to—
- (a) an amount to be allowed for the needs of the tenant and of any spouse of the tenant or dependent child of the tenant or his spouse ("the needs allowance");
 - (b) the income of the tenant and of any such spouse ;
 - (c) the amount of the rent;
 - (d) a minimum weekly rent;
 - (e) a minimum and maximum rebate or allowance ;
 - (f) amounts to be deducted for non-dependants.
- (2) The amounts listed in sub-paragraph (1) above (other than the amount of the rent) shall be ascertained in accordance with this Schedule.
- (3) A scheme shall not apply to rent payable in respect of any part of a rental period before the date on which the scheme is made or, if it is expressed to come into force after that date, before the date on which it is expressed to come into force.
- (4) No person shall be entitled to benefit under more than one scheme.

- 2 In this Schedule—

"dependent child" means a person who resides in the house occupied by the tenant and whose requirements are provided for, in whole or in part, by the tenant or his spouse and who is either under the age of sixteen or of or over that age but receiving full-time instruction at any university, college or other educational establishment;

"full-time instruction at an educational establishment" includes a reference to a person undergoing training for any trade, profession or vocation in such circumstances that he is required to devote the whole of his time to the training for a period of not less than two years ;

"married couple" includes a man and a woman who lives with him as his wife, but does not include a man and wife who are living apart, and "wife" and, subject to paragraph 9(2)(j) below, "spouse" shall be construed accordingly;

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" non-dependant " means, in relation to a tenant, any person who resides in the house occupied by the tenant, other than the tenant himself, except a spouse of the tenant and a dependent child of the tenant or his spouse.

- 3 (1) Where any sum which is payable or calculated otherwise than as a weekly amount falls to be taken into account for the purposes of this Schedule, it shall be converted into the weekly amount which represents it, and that amount shall be treated as the relevant amount for those purposes ; and accordingly in this Schedule references to " weekly rent " and " weekly income " are references to the amount which represents the rent or the income as so converted.
- (2) Where an authority for administrative convenience arrange for the year's rent to be paid irregularly, or so that no rent is payable for or collected in certain periods, or so that rent for different periods in the year is of different amounts, the provisions of this Schedule shall be applied, and all calculations shall be made, by reference to the rent which would have been paid if the arrangements had not been made.
- 4 (1) An authority may treat as a sole tenant for the purposes of this Schedule one of two or more joint tenants, and in that case, subject to sub-paragraph (2) below, every joint tenant who resides in the tenant's house and is not so treated shall be treated as a non-dependant for those purposes.
- (2) Neither the spouse nor a dependent child of a tenant shall be treated as a non-dependant by virtue of sub-paragraph (1) above.
- 5 (1) If some person who resides in the house occupied by the tenant appears to an authority to have a higher income than the tenant and the authority have grounds for considering that in the special circumstances of the case it would be reasonable to make their calculations under this Schedule by reference to the income of that other person and not of the tenant, they may treat that other person as the tenant and make such payments of rebate or allowance (if any) as ought to be made on that basis.
- (2) Where an authority exercise the power conferred on them by sub-paragraph (1) above, the tenant shall be treated as a non-dependant for the purposes of this Schedule, but neither the spouse nor a dependent child of the person who is treated as the tenant shall be treated as a non-dependant for those purposes.
- 6 In the following provisions of this Schedule " tenant" includes a person treated as a tenant under paragraph 4 or 5 above or paragraph 1 of Schedule 3 below.
- 7 Any question whether a person is a sub-tenant of the tenant or a non-dependant shall be determined, for the purposes of any scheme, by the authority who made the scheme.

Needs allowance

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

(a) for an individual person who has no dependent	£10.50
(b) for a married couple	£14.75
(c) for an individual person who has a dependent child	£14.75

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(d) for each dependent child of a tenant or his spouse	£2.75
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(2) The needs allowance for each week is—

(a) for an individual person who has no dependent children and who is a chronically sick or disabled	£11.75
(b) for a married couple, one of whom is a chronically sick or disabled person	£16.00
(c) for an individual person who is a chronically sick or disabled person and who has a dependent child or	£16.00
(d) for a married couple, both of whom are chronically	£16.75

(3) In sub-paragraph (2) above, any reference to a chronically sick or disabled person is a reference to a person in need under section 12 of the Social Work (Scotland) Act 1968 as read with section 1 of the Chronically Sick and Disabled Persons (Scotland) Act 1972.

Income of tenant and spouse

9 (1) The weekly income of the tenant and any spouse of the tenant shall be ascertained for the purposes of this Schedule by taking the amount which the authority have assessed under Schedule 3 below as likely to be their income during the rebate period or, as the case may be, the allowance period and disregarding any item mentioned in sub-paragraph (2) below which is included in that income.

(2) The items to be disregarded are—

- (a) any amount paid to the tenant by a sub-tenant to whom he has sub-let part of his house in respect of rent payable by the sub-tenant by reason of his occupation of the house;
- (b) any payment made to the tenant or his spouse by a dependent child of his or of his spouse or by a non-dependant;
- (c) in the case of a married couple £2.50 of the earnings of a woman who is either the tenant or the tenant's wife;
- (d) any sums payable under section 49 of the Education (Scotland) Act 1962 (financial assistance for education);
- (e) any attendance allowance ;
- (f) any sums payable to any person as holder of the Victoria Cross or of the George Cross ;
- (g) any benefit under the Ministry of Social Security Act 1966 ;
- (h) £2.00 of any of the following, namely—
 - (i) a war disablement pension ;
 - (ii) industrial disablement benefit;
 - (iii) an old cases allowance ;

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- (iv) any payment which the Secretary of State accepts as being analogous to a payment mentioned in sub-paragraphs (i) to (iii) above ;
 - (i) £200 of so much of—
 - (i) a widow's pension under section 19(3) of the National Insurance (Industrial Injuries) Act 1965 payable by virtue of paragraphs (a) to (e) thereof;
 - (ii) a special widow's pension (not including any allowance in respect of children) ;
 - (iii) any payment which the Secretary of State accepts as being analogous to a payment mentioned in sub-paragraph (i) or (ii) above, as exceeds the rate specified in Schedule 3 to the National Insurance Act 1965 for a widow's pension under that Act;
 - (j) £2.00 of any voluntary payment other than a payment made by a person who is not a non-dependant for the maintenance of his spouse (including a spouse with whom he is not living) or his former spouse or his children.
- (3) The total disregard under paragraphs (h) to (j) of sub-paragraph (2) above shall in no case exceed £200, and where a number of voluntary payments (other than payments for maintenance such as are mentioned in paragraph (j) above) are received, they shall be treated as if they were one payment for the purposes of that paragraph.
- (4) In sub-paragraph (2) above—
- " attendance allowance " and " war disablement pension " have the meanings assigned to them by any regulations for the time being in force under the Family Income Supplements Act 1970;
 - " industrial disablement benefit " means any weekly payment of disablement benefit under the National Insurance (Industrial Injuries) Act 1965 ;
 - " old cases allowance " means a weekly payment made under a scheme having effect by virtue of the Industrial Injuries and Diseases (Old Cases) Act 1967 ;
 - " special widow's pension " means—
 - (a) any widow's pension or allowance granted under powers conferred by or under the Ministry of Pensions Act 1916, the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947, the Home Guard Act 1951 or the Ulster Defence Regiment Act 1969 ;
 - (b) a pension or allowance for a widow granted under any scheme made under the Injuries in War (Compensation) Act 1914, the Injuries in War Compensation Act 1914 (Session 2), or the Injuries in War (Compensation) Act 1915 or under any War Risk Compensation Scheme for the Mercantile Marine.
- (5) The Secretary of State may accept a payment as being analogous to a payment mentioned in sub-paragraph (2) above—
- (a) by directing authorities in general to regard payments of that description as analogous for the purposes of this Schedule; or
 - (b) by notifying an authority that he accepts such a payment as analogous for those purposes.

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Amount of rebate or allowance

- 10 (1) In this Schedule " minimum weekly rent" means, subject to sub-paragraphs (2) and (3) below, £1.00 or 40 per cent. of the weekly rent, whichever is the greater.
- (2) In any case where the weekly income of the tenant and his spouse is less than the needs allowance, " minimum weekly rent" means the amount calculated in accordance with sub-paragraph (1) above less an amount equal to 25 per cent. of the difference between the needs allowance and the weekly income.
- (3) In any case where the reduction under sub-paragraph (2) above would be equal to or greater than £1.00 or 40 per cent. of the weekly rent, whichever is the greater, the minimum weekly rent shall be zero.
- 11 (1) The amount of rebate or allowance to be granted shall be an amount calculated in accordance with this paragraph but less any sum in respect of non-dependants as mentioned in paragraph 12 below, and subject in any event to paragraphs 13, 14 and 16 below.
- (2) If the weekly income of the tenant and his spouse is equal to or less than the needs allowance, the rebate or allowance shall be equal to the amount, if any, by which the weekly rent exceeds the minimum weekly rent.
- (3) In any case where the weekly income exceeds the needs allowance, the rebate or allowance shall be calculated in accordance with sub-paragraphs (4) and (5) below.
- (4) There shall be added—
- (a) an amount equal to the minimum weekly rent;
- (b) an amount equal to 17 per cent. of the difference between the weekly income and the needs allowance.
- (5) If the sum produced under sub-paragraph (4) is less than the weekly rent, the rebate or allowance shall be equal to the difference between the weekly rent and that sum.
- 12 (1) The deductions from a rebate or allowance in respect of non-dependants are for each week—

(a) for each person aged 18 years or more, but under 21 years and neither undergoing full-time instruction at an educational establishment nor in receipt of supplementary benefit	£1.00
(b) for each person aged 21 years or more, but under pensionable age and neither undergoing full-time instruction at an educational establishment nor in receipt of supplementary benefit except in the case mentioned in paragraph (e) below	£1.50
(c) for each person in receipt of supplementary benefit	£0.70
(d) for each person of pensionable age not in receipt of supplementary benefit, except in the case mentioned in paragraph (e) below	£0.70

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(e) for a married couple where the husband is of pensionable age and not in receipt of supplementary benefit	£0.70
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- (2) If any person is in receipt of supplementary benefit for himself and also for his spouse, they shall be treated as one person for the purposes of this paragraph.

Minimum and maximum rebate and allowance

- 13 If the amount of a rebate or allowance as calculated in accordance with this Schedule would be less than 20p, an authority may or may not grant the rebate or allowance, as they think fit.
- 14 If the amount of a rebate or allowance as so calculated would exceed £6.50 the excess shall not be granted.

Treatment of fractional amounts

- 15 The amount of any rebate or allowance shall be calculated to the nearest new penny by disregarding an odd amount of half a new penny or less, and by treating an odd amount exceeding half a new penny as a whole new penny.

Additional rebate

- 16 (1) A local authority may grant to any person an additional rebate of such an amount and for such period and subject to such conditions as the Secretary of State may by general or particular direction provide beginning with the first rental period after their rebate scheme comes into operation if—
- the whole or part of that person's rent under the tenancy was met for the immediately preceding rental period by a rebate granted by virtue of arrangements for such rebates made under section 151(4) of the Act of 1966 ; and
 - the condition mentioned in sub-paragraph (2) below is satisfied in his case.
- (2) The condition which must be satisfied in the case of any person before he is granted an additional rebate by virtue of sub-paragraph (1) above is either—
- that the rent remaining to be met by the tenant after taking account of the amount of any rebate was less during the rental period mentioned in sub-paragraph (1)(a) above than during the first rental period after a rebate scheme in accordance with the provisions of the model scheme came into operation, or—
 - that the rebate granted for the rental period immediately preceding that in which the relevant scheme under this Act came into operation consisted of or included an amount granted under a provision which in the opinion of the Secretary of State was comparable to this paragraph.
- (3) Sub-paragraphs (1) and (2) above shall apply to a development corporation and the Scottish Special Housing Association as they apply to a local authority except that in sub-paragraph (1)(a) the words from " granted by " to " 1966 " shall be omitted.

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Provisions applying only to computation of allowances

- 17 (1) For the purposes of the computation of allowances, the foregoing provisions of this Schedule shall be modified in accordance with sub-paragraph (2) below.
- (2) It shall be the duty of every authority, for the purpose of computing the amount of an allowance—
- (a) if they consider that the tenant is in occupation of a house larger than he reasonably requires, or
 - (b) if they consider that, by virtue of the location of the tenant's house, its rent is exceptionally high by comparison with the rent payable under comparable private tenancies of similar houses in the authority's district,
- to consider whether they ought in all the circumstances to treat the rent as reduced by an appropriate amount, and if in their opinion they ought to treat it as reduced, to grant an allowance only in respect of the rent as so reduced.