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SCHEDULES

SCHEDULE 3

REBATES AND ALLOWANCES: PROCEDURE

PART I

GENERAL

Provisions applying only to allowances

- 12 (1) An authority may require from any person who has applied for or who is in receipt of an allowance evidence—
- (a) of his interest in the house in respect of which his application was made or the allowance is paid ;
 - (b) of the rent paid for the house in respect of the rental period in which his application was made or any other rental period in the allowance period.
- (2) An authority may terminate an allowance period or pay the allowance to the tenant's landlord for any rental period within the allowance period if they are satisfied that the tenant is not paying rent regularly to his landlord or if the tenant is unable to show the amount of rent paid in respect of any rental period within the allowance period.
- (3) In paying an allowance, an authority—
- (a) shall comply with such general or particular directions as the Secretary of State may from time to time give as to the frequency of payment;
 - (b) shall have regard, subject to sub-paragraph (2) above, to the reasonable needs and convenience of the tenant.
- 13 The authority may withhold an allowance where the landlord of a private tenant is residing with the tenant, or where the landlord is a member of the family of a private tenant and it appears to the authority that the tenancy was created to take advantage of any allowance scheme.
- 14 In ascertaining the amount of an allowance the authority shall have regard, where the rent is registered, to any amount noted on the register in pursuance of section 43(1A) of the Act of 1971.
- 15 (1) In ascertaining the amount of an allowance the authority shall disregard—
- (a) where the rent is payable under a controlled tenancy, any rent paid in excess of the rent limit under Part V of the Act of 1971,
 - (b) 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 or in excess of the amount which is for the time being recoverable under Schedule 13 to the Act of 1971 or under Schedule 6 to this Act,

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- (c) where the rent is payable under such a tenancy as is described in paragraph (b) above, but no rent is registered for the dwelling-house, or where the rent is payable under such a tenancy as is described in paragraph (d) below and the rent limit is determined under section 62(3) of this Act, and the authority are not satisfied that the rent paid is equal to or less than the fair rent, as estimated by the authority, any rent paid in excess of that estimated fair rent,
 - (d) 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,
 - (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 not payable under a regulated or controlled tenancy or a tenancy to which sections 60 to 66 of this Act apply and the authority are not satisfied that the rent is equal to or less than the fair rent as estimated by the authority which would be determined if the tenancy were subject to rent regulation, any rent paid in excess of that estimated rent.
- (2) Nothing in sub-paragraph (1) above shall affect the operation of paragraph 17 of Schedule 2 to this Act.
- (3) Where after paying any rent a tenant becomes entitled, under section 31 of the Act of 1971 or otherwise, to recover part of that rent as being in excess of any such limit as is described in sub-paragraph (1) above, the authority shall ascertain what the amount of the allowance would have been if the tenant had not paid the rent he is entitled to recover ; and the excess of the allowance actually granted over that amount shall be treated for the purposes of paragraph 9 of this Schedule as an allowance which has been wrongly granted.
- (4) Expressions used in this paragraph and in the Act of 1971 have the same meaning in this paragraph as in that Act.