
STATUTORY INSTRUMENTS

1982 No. 906 (C.25)

**HOUSING, ENGLAND AND WALES HOUSING,
SCOTLAND RATING AND VALUATION
LOCAL GOVERNMENT, ENGLAND AND
WALES LOCAL GOVERNMENT, SCOTLAND**

The Social Security and Housing Benefits
Act 1982 (Commencement No. 2) Order 1982

Made - - - -

1st July 1982

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 48(3) and (4) of the Social Security and Housing Benefits Act 1982, and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation and interpretation

1.—(1) This order may be cited as the Social Security and Housing Benefits Act 1982 (Commencement No. 2) Order 1982 .

(2) In this order “the Act” means the Social Security and Housing Benefits Act 1982.

Appointed days

2.—(1) The day appointed for the coming into operation—

- (a) of the provisions of the Act specified in column 1 of Schedule 1 to this order shall be 19th July 1982;
- (b) of the provisions of the Act specified in column 1 of Schedule 2 to this order shall be 22nd November 1982;
- (c) of the provisions of the Act specified in column 1 of Schedule 3 to this order shall be 1st April 1983;
- (d) of the provisions of the Act specified in column 1 of Schedule 4 to this order shall be 4th April 1983.

and of section 28(1) to (4) of the Act shall be in accordance with following paragraphs of this article.

(2) The provisions of section 28(1) to (4) of the Act shall come into operation as follows:—

- (a) on 22nd November in so far as they relate to rate rebate or rent rebate; and in their application to a person and his partner where that person fulfils the following condition:—
 - (i) he or his partner is a tenant of a housing authority and that if he is a joint tenant he is a joint tenant only with his partner,
 - (ii) he is entitled to qualifying supplementary benefit,
 - (iii) his dwelling is occupied as a home only by himself or persons who are members of his assessment unit,
 - (iv) the amount of qualifying supplementary benefit to which he is entitled exceeds his housing requirements, and
 - (v) he is not a person to whom section 8(1) or 9 of the Supplementary Benefits Act 1976⁽¹⁾ (persons affected by or returning to work after a trade dispute) applies;
 - (b) On 1st April 1983 to the extent that they are not then in operation in so far as they relate to rate rebate and in their application to a person, and his partner, where that person is not a tenant of a housing authority;
 - (c) on 4th April 1983 for all other purposes.
- (3) In paragraph (2) of this Article—
- (a) “assessment unit” means an assessment unit, being a claimant, partner and any dependant of his, within the meaning of regulation 2 of the Supplementary Benefit (Requirements) Regulations 1980 ⁽²⁾ (“Requirements Regulations”);
 - (b) the reference to a person's “housing requirements” is to housing requirements assessed under the following provisions of the Requirements Regulations as though they applied to that person:—
 - (i) regulation 15 ,
 - (ii) regulation 19(a),
 - (iii) regulation 19(b) in so far as it relates to sewerage and allied environmental services in Scotland,
 - (iv) regulation 19(e),
 - (v) regulation 19(g) in so far as it relates to the provisions set out in heads (ii) to (iv) above;
 - (c) “partner” means a member of a married couple, being a man and woman who are married to each other and are members of the same household, or of an unmarried couple, being a man and a woman who are not married to each other but are living together as husband and wife as members of the same household;
 - (d) “qualifying supplementary benefit” means supplementary pension or allowance under section 1 of the Supplementary Benefits Act 1976 which is payable to a person who for the purposes of the Requirements Regulations is responsible for housing expenditure except any such pension or allowance which is payable in accordance with section 4 of the Supplementary Benefits Act 1976 for the period to which regulation 5(3)(a) of the Supplementary Benefit (Urgent Cases) Regulations 1981 (first 14 days) applies.

(1) sections 8(1) and 9 were amended by section 6(1) of and paragraphs 7 and 8 of Schedule 2 to the Social Security Act 1980 (c.30).

(2) the relevant amending instruments are S.I. 1980/1774, 1981/1016.

Transitional provision and savings

3.—(1) Where by virtue of Article 2(1)(c) or (2) of this order an enactment mentioned in paragraphs 5, 6, 19, 27, 28 or 35(2) of Schedule 4 to the Act is to be amended with effect from respectively 1st or 4th April 1983 by the substitution, for a reference to any subsidy or scheme under an enactment repealed or to be repealed by or under the Act, of a reference to the corresponding subsidy or scheme under the Act, any reference in the enactment to be so amended to that subsidy or scheme shall be treated until that date as including a reference to any corresponding subsidy payable under the Act or any scheme in force under the Act.

(2) Payment of any subsidy under any enactment repealed with effect from 4th April 1983 by section 32(7) of the Act and Article 2(1) (d) of this order may be made after that date, but only in respect of a period ending before that date, as though the enactment had not been repealed.

Signed by Authority of the Secretary of State for Social Services.

1st July 1982

Hugh Rossi
Minister for Social Security
Department of Health and Social Security

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SCHEDULE 1

Article 2(1)(a)

Provisions of the Act for which 19th July 1982 is appointed as the day of coming into operation.

<i>Provision of the Act</i> 1	<i>Subject matter</i> 2
Section 32(1)–(6)	Subsidies to authorities
Section 33	Administration of subsidies
Section 34	Rate fund contributions and rate support grant
Section 35	Interpretation
Section 36(1)–(3)	Other supplementary provisions
The following paragraph of Schedule 4, and section 48(5) so far as it relates to that paragraph— paragraph 35(1)	Amendment of section 54 of the Local Government, Planning and Land Act 1980 (rate support grant)

SCHEDULE 2

Article 2(1)(b)

Provisions of the Act for which 22nd November 1982 is appointed as the day of coming into operation.

<i>Provision of the Act</i> 1	<i>Subject matter</i> 2
Section 29	Up-rating of needs allowances

SCHEDULE 3

Article 2(1)(c)

Provisions of the Act for which 1st April 1983 is appointed as the day of coming into operation.

<i>Provision of the Act</i> 1	<i>Subject matter</i> 2
Section 30	Local schemes for housing benefits
Section 31	Publicity for housing benefits schemes
The following paragraphs of Schedule 4 and section 48(5) so far as it relates to those paragraphs:— Paragraphs 19, 27 and 28	Amendments to legislation consequential upon or connected with housing benefits.

SCHEDULE 4

Article 2(1)(d)

Provisions of the Act for which 4th April 1983 is appointed as the day of coming into operation.

<i>Provision of the Act</i> 1	<i>Subject matter</i> 2
Section 28(5)	Repeal of legislation
Section 32(7)	Repeal of legislation
Section 36(4)	Other supplementary provision
The following paragraphs of Schedule 4, and section 48(5) so far as it relates to those paragraphs— Paragraphs 5, 6, 22, 29, 35(2) and (3), 36	Amendments to legislation consequential upon or connected with housing benefits
The following repeals in Schedule 5, and section 48(6) so far as it relates to those repeals— The repeal of entries in section 1(2) and of sections 1(3), 5, 6 and 11, Part II of and Schedules 2 and 3 to the Housing (Financial Provisions) Scotland Act 1972	Repeal of legislation consequential upon or connected with housing benefits
The repeal of entries in section 1(2) and words in section 104(1) and in paragraph 1 of Schedule 1, of section 17(2) and Part II of and Schedules 3 and 4 to the Housing Finance Act 1972	
The repeal of the Furnished Lettings (Rent Allowances) Act 1973	
The repeal of sections 112 to 115 of and paragraph 23 of Schedule 12 to the Local Government (Scotland) Act 1973	
The repeal of sections 8(1) and (4), 11–14 and of words in section 8(3) of the Local Government Act 1974	
The repeal of sections 11 and 12 of and paragraphs 4 to 6 of Schedule 3 to the Rent Act 1974	
The repeal of words in section 1(1) and in section 16(1), and of sections 3, 12 of and paragraphs 3 to 5 and 8(3) of Schedule 5 to the Housing Rents and Subsidies Act 1975	
The repeal of paragraphs 6 and 8 of Schedule 3 to the Housing Rents and Subsidies (Scotland) Act 1975	

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<i>Provision of the Act</i>	<i>Subject matter</i>
<i>1</i>	<i>2</i>
The repeal of section 12(3) of and paragraphs 26–28 and 32 of Schedule 7 to the Supplementary Benefits Act 1976	
The repeal of sections 19 and 20 and of words in section 22 of, and of Part III of Schedule 5 to, the Development of Rural Wales Act 1976	
The repeal of section 32 of and Schedule 7 to the Rent (Agriculture) Act 1976	
The repeal of paragraphs 52–54, 56–57 of Schedule 23 to the Rent Act 1977	
The repeal of section 12 and 13 of and paragraphs 8–10 and 34–36 of Schedule 2 to the Housing (Financial Provisions) (Scotland) Act 1978	
The repeal of section 117–119 of and Schedule 15 to the Housing Act 1980	
The repeal of section 78–79 of the Tenants' Rights Etc. (Scotland) Act 1980	
The repeal of section 45 and of, and relating to, 54(6)(c) of the Local Government, Planning and Land Act 1980	

EXPLANATORY NOTE

This Order brings into force those provisions of the Social Security and Housing Benefits Act 1982 concerned with housing benefits and related matters. Those provisions which relate to subsidies to authorities are to come into force on 19th July 1982. Those provisions relating to the duty of the Secretary of State to review the needs allowances for the purposes of housing benefits are brought into force on 22nd November 1982. The provisions concerned with rate rebates and rent rebates are brought into operation, for certain housing authority tenants who are in receipt of supplementary benefit, on 22nd November 1982 and for all other purposes on 4th April 1983, apart from the provisions for rate rebates for people who are not housing authority tenants, which are brought into operation on 1st April 1983. The remaining provisions are also brought into force on 1st April 1983 where they are relevant to the provision of rate rebates or on 4th April 1983 where they relate to other purposes of repeals. The order contains a transitional provision and savings relating to payments of subsidies to housing authorities.

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NOTE AS TO EARLIER COMMENCEMENT ORDER

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:—

<i>Provision</i>	<i>S.I. No.</i>
The following paragraphs of Schedule 4, and section 48(5) so far as it relates to those paragraphs— Paragraphs 18(1) and (2) and 20	1982/893
The following repeals in Schedule 5, and section 48(6) so far as it relates to those repeals— the repeal of words in section 4(2) of the Social Security Act 1975 the repeal of paragraph 2 of Schedule 11 to that Act	1982/893