

GUERNSEY STATUTORY INSTRUMENT

2005 No. 7

**The States Housing (Rent and Rebate Scheme)
(Guernsey) Regulations, 2005**

<i>Made</i>	<i>3 May, 2005</i>
<i>Coming into operation</i>	<i>7 May, 2005</i>
<i>Laid before the States</i>	<i>, 2005</i>

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The States Housing (Rent and Rebate Scheme) (Guernsey) Regulations, 2005

THE HOUSING DEPARTMENT, in exercise of the powers conferred on it by section 3(1) of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004^a and all other powers enabling it in that behalf, hereby makes the following regulations:-

PART I

RENTS FOR QUALIFYING STATES TENANCIES

Method of determination of standard weekly rent for qualifying States tenancy.

1. (1) The standard weekly rent payable in respect of the occupation of a property under the terms and conditions of a qualifying States tenancy shall be determined by the Department, with reference to and, in accordance with the States Rental Formula set out in the First Schedule.

(2) The Department shall publish at least once in each year, in such manner as it thinks fit, a statement containing details of the variable elements of the States Rental Formula.

Obligation to review.

2. The Department shall, at least once during each successive period of 5 years (the first of such periods commencing upon the coming into force of these regulations) -

(a) review the operation of -

(i) the States Rental Formula, and

^a Order in Council No. ** of 2005.

- (ii) such other aspects of the rent and rebate scheme established under these regulations as it thinks fit, and
- (b) report its findings to the States, together with any recommendations the Department thinks fit.

PART II
REBATES

Applications for rebate

Applications for rent rebate.

3. A qualifying tenant may, at any time, apply to the Chief Officer for a rent rebate in respect of his occupation of a qualifying property.

Determination of applications.

4. (1) An application for a rent rebate shall be considered and determined by the Chief Officer in accordance with the provisions of these regulations.

(2) The Chief Officer shall be under no obligation to consider an application for a rent rebate unless -

- (a) he has received an application in such form as he may approve for the purpose, fully completed by or on behalf of the qualifying tenant, and
- (b) there is supplied with the application or produced to the Chief Officer, such information and evidence of the means and expenditure of the tenant and any other person, as may reasonably be required by the Chief

Officer to determine the application.

(3) For the avoidance of doubt and without limiting the power of the Chief Officer under paragraph (2)(b), evidence of means and expenditure includes documents such as bank statements, wage slips and returns and assessments submitted to or issued by the Administrator referred to in section 205 of the Income Tax (Guernsey) Law, 1975^b.

Eligibility for, amount and payment of rebate

Eligibility for rebate.

5. A qualifying tenant -

- (a) in respect of whom an application has been received in accordance with regulation 4, and
- (b) the amount of whose weekly assessed rent is less than the amount of weekly rent payable in respect of his occupation as the tenant of a qualifying property,

shall be eligible for a rent rebate.

Amount of rebate.

6. (1) Subject to the provisions of regulations 7 and 8, the amount of a rent rebate to which an eligible tenant is entitled, shall be such amount -

- (a) in excess of one pound, and
- (b) determined by the Chief Officer on a weekly basis,

^b Ordres en Conseil Vol. XXV, p. 124.

by which his weekly assessed rent falls short of the weekly rent payable in respect of his occupation as the tenant of a qualifying property.

(2) A qualifying tenant, who is not an eligible tenant solely because no application has been received from him in accordance with regulation 4(2)(a), may be treated as an eligible tenant for the purposes of entitlement under paragraph (1), for such period -

- (a) not exceeding one month, and
- (b) ending on such day as an application is received in accordance with regulation 4(2)(a),

as the Chief Officer may determine.

Entitlement to rebate for one qualifying property only.

7. (1) The entitlement of an eligible tenant, or a qualifying tenant treated as such, under regulation 6 is limited to his occupation as the tenant of one qualifying property only.

(2) Where the entitlement of an eligible tenant, or a qualifying tenant treated as such, under regulation 6, save for the provisions of paragraph (1) of this regulation, would arise in relation to more than one qualifying property, the Department may determine the qualifying property in respect of which entitlement shall arise.

Suspension of entitlement to and reduction in amount of rebate.

8. (1) The Chief Officer may -
- (a) suspend or revoke the entitlement of an eligible tenant, or of a qualifying tenant treated as such, under regulation 6, or

- (b) reduce the amount of rent rebate to which such a person is entitled for such period as he may think fit,

in any of the circumstances indicated in paragraphs (3)(a) to (e).

(2) The Chief Officer may revoke a suspension or reduction under paragraph (1) at any time and with retroactive effect.

(3) The circumstances for the purposes of paragraph (1) are -

- (a) where the tenant is in material breach of any of the terms and conditions of the statutory tenancy or tenancy agreement relating to the occupation of the qualifying property,
- (b) where the tenant unreasonably refuses an offer, made by the Department or an approved landlord, of the grant of a tenancy in respect of a qualifying property (other than that in which he resides) which is adequate for the tenant's circumstances,
- (c) where, in the case of a tenant under a qualifying States tenancy, the tenant fails to deliver to the Department, a housing needs declaration, within such period as the Chief Officer may reasonably require,
- (d) where the tenant ceases to reside in the qualifying property, in respect of which entitlement to a rent rebate arises, otherwise than in the circumstances and for the periods of time described in the Second Schedule, and

- (e) where the tenant has, or appears to the Chief Officer to have, obtained the benefit of a rent rebate by fraudulent means.

Payment of rebate.

9. A rent rebate to which an eligible tenant, or a qualified tenant treated as such, is entitled under regulation 6, may be paid or applied as the Chief Officer thinks fit, including, without limiting the power of the officer, in the following ways

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- (a) in the case of a tenant under a qualifying States tenancy, by setting off the payment against the amount of rent due from the tenant, or
- (b) by payment to the landlord of the tenant, on the basis that the payment is applied by the landlord against the amount of rent due from the tenant.

Special rebate payment.

10. (1) Irrespective of the other provisions of Parts I and II, where the Chief Officer is satisfied that exceptional circumstances exist in relation to any qualifying tenant, he may determine that a special rebate payment is paid -

- (a) in such manner,
- (b) for, or in respect of, such period (commencing no more than 12 months prior to the date upon which the Chief Officer has satisfied himself that such exceptional circumstances do exist), and
- (c) subject to such conditions,

as he thinks fit.

(2) The Chief Officer may vary or revoke a determination under paragraph (1) at any time.

PART III OFFENCES

Failure to notify change in circumstances.

11. (1) An eligible tenant who, without reasonable excuse, fails to inform the Chief Officer or any other member of the Department of any change in the tenant's circumstances which would effect -

- (a) his eligibility for a rent rebate, or
- (b) the amount of any rebate to which he is entitled,

within 7 days of the occurrence of the change, is guilty of an offence.

(2) A person who is guilty of an offence under paragraph (1) is liable

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- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both, or
- (b) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding level 5 on the uniform scale, or to both.

Making a false statement.

12. (1) A person who, for the purpose of obtaining a rent rebate under any provision of these regulations, whether for himself or some other person, or for any other purpose connected with these regulations -

(a) knowingly makes a false statement or false representation, or

(b) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,

is guilty of an offence.

(2) A person who is guilty of an offence under paragraph (1) is liable

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(a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding level 5 on the uniform scale, or to both.

(3) Nothing in this regulation shall prevent the Department from recovering by civil proceedings any sums due to the States.

PART IV MISCELLANEOUS

Recovery of overpayments.

13. Any rent rebate paid or applied by the Department under these regulations to or on behalf of a tenant in circumstances where the tenant has no entitlement to that rebate, may be recovered from the tenant by the Department as a civil debt due to the States from the tenant.

Delegation of functions.

14. (1) The Department or the Chief Officer may, by an instrument in writing, either generally or otherwise as specified in the instrument, arrange for any of its or his functions under these regulations to be carried out in its or his name by any person named or described in the instrument.

(2) A function carried out by a delegate pursuant to an arrangement made under this paragraph is for all purposes carried out by the Department or the Chief Officer as the case may be; and every decision taken or other thing done by a delegate pursuant to such an arrangement has the same effect as if taken or done by the Department or the Chief Officer.

(3) An arrangement made under this paragraph for the carrying out of a function by a delegate -

(a) may be varied or terminated at any time by the Department or Chief Officer, as the case may be, but without prejudice to anything done pursuant to the arrangement or to the making of a new arrangement, and

(b) does not prevent the carrying out of the function by the Department or the Chief Officer while the arrangement subsists.

Decisions etc. to be recorded in writing.

15. A decision or determination relating to a qualifying tenant made by

the Department, or the Chief Officer, under these regulations and the reasons for that decision or determination -

- (a) shall be recorded in writing, and
- (b) as soon as reasonably practicable thereafter, a notice of the written decision or determination and reasons, shall be served upon the tenant.

Service of documents.

16. (1) A notice under regulation 15(b) shall be validly served, or deemed to be validly served, for the purposes of these regulations, if the document constituting the notice -

- (a) is handed to the tenant,
- (b) is handed to an adult member of the tenant's household,
- (c) is handed to a reliable adult who undertakes to bring the notice to the attention of the tenant, or
- (d) is sent by post or transmitted to the tenant's usual or last known place of abode.

(2) A document sent by post shall, unless the contrary is shown, be deemed for the purposes of these regulations to have been received on the third day after the day of posting any non-business day within the meaning of section 1(1) of the Bills of Exchange (Guernsey) Law, 1958, as amended^c.

^c Ordres en Conseil Vol. XVII, p. 384; Vol. XXIV, p. 84; No. XI of 1993; and No. XIV of 1994.

(3) Service of any document sent by post shall be proved by showing the date of posting, the address thereon and the fact of prepayment.

(4) For the purposes of this regulation, the expressions -

(a) "**by post**" means by registered post, recorded delivery service or ordinary letter post, and

(b) "**transmitted**" means transmitted by electronic communication, facsimile transmission or other similar means which produce a document containing the text of the communication: in which event the document shall be regarded as served when it is received.

PART V

INTERPRETATION & GENERAL PROVISIONS

References to tenant.

17. For the avoidance of doubt, and unless the context requires otherwise, any reference in these regulations to a tenant includes all individuals who are joint tenants in respect of the property to which the tenancy relates

Interpretation.

18. (1) In these regulations, unless the context requires otherwise -

"**approved landlord**" means a landlord approved by the Department,

"**benefit**" means any benefit of any sort, entitlement to which arises under statute or otherwise, within or outside Guernsey,

"**Chief Officer**" means the Chief Officer of the Department,

"**child**" means a person under the age of 18 years,

"**child care allowance**" means the allowance described in the Third Schedule and Part II of the appendix to that schedule,

"**the child of a tenant**" means the natural or adopted child of the tenant or a child treated as such by the tenant,

"**co-habitee**" means a person who is living with a person to whom he is not married, in a relationship which is, or is deemed by the Chief Officer to be, equivalent to the relationship of husband and wife and irrespective of whether or not the person is of the same or the opposite sex,

"**couple**" means a person and that person's partner,

"**Department**" means the Housing Department,

"**dependent child allowance**" means the allowance described in the Third Schedule and Part IV of the appendix to that schedule,

"**determined**" means as determined by the Chief Officer,

"**document**" includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its production, however expressed, include references to the production of a copy of the information in legible form,

"**eligible tenant**" means a qualifying tenant who is eligible for a rent rebate under regulation 5,

"**housing needs declaration**" means a declaration of the financial resources of a tenant, the composition of his household and the financial

resources of the members of his household in such form as the Chief Officer may determine,

"Law" means the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004,

"net weekly assessed income" means the amount of weekly income resulting from the calculation "(A - B)" in the formula set out in the Third Schedule,

"partner" means a husband, wife or co-habitee,

"qualifying property" means a property in respect of which there exists a qualifying States tenancy and any other property or class thereof prescribed in writing by the Department,

"qualifying States tenancy" means a statutory tenancy and any States housing tenancy or class thereof prescribed in writing by the Department,

"qualifying tenant" means a tenant under a qualifying States tenancy and any other tenant or class thereof prescribed in writing by the Department and includes a person who is likely to become such a tenant,

"reinstatement value" in relation to a property means the amount, as determined by the Chief Officer, needed to reinstate the property to its original dimensions and design in the event of its total destruction, using the most suitable up to date materials and methods of construction,

"relevant tariff" is the tariff described in the Third Schedule and Part III of the appendix to that schedule

"rent rebate" means a rent rebate payable under these regulations,

"standard weekly rent" means, the weekly rent payable in respect of a qualifying States tenancy in accordance with the provisions of regulation 1,

"States housing tenancy" means any tenancy agreement existing between a tenant and the States (acting by and through the Department) which relates to the occupation of States residential property and, for the avoidance of doubt, excludes a statutory tenancy,

"States Rental Formula" means the formula described in regulation 1 and the First Schedule,

"States residential property" means any residential property an estate of inheritance of which is vested in the States (or in which the States has any other form of property right enabling it to grant or create a States housing tenancy or a statutory tenancy),

"statutory tenancy" means a tenancy which exists in respect of a property by virtue of section 2(2) of the Law where a person is permitted by the States (acting by and through the Department) to occupy any States residential property on terms and conditions prescribed by regulations of the Department under section 2(1)(a) of the Law,

"statutory tenant" means a person who occupies a States residential property under a statutory tenancy and who is the statutory tenant by virtue of regulations under section 2 of the Law,

"surcharged rent" means a rent payable in respect of a States Housing Tenancy on or before 6 May 2005 and the amount of which is, or was, established specifically by reference to the earnings of the tenant, such that it exceeded that which would ordinarily be payable if the tenant had no

earnings,

"**weekly assessed rent**" means the amount of rent applicable in respect of a qualifying tenant, determined by the Chief Officer in accordance with the method described and set out in the Third Schedule, and

"**weekly rent**" means -

- (a) in the case of a qualifying States tenancy, the standard weekly rent payable, and
- (b) in the case of any other tenancy or class thereof, the weekly rent payable, as approved by the Department.

(2) Any reference in these regulations to an enactment is a reference thereto as from time to time amended, replaced or re-enacted (in either case, with or without modification), extended or applied.

(3) The provisions of the Interpretation (Guernsey) Law, 1948^d apply to the interpretation of these regulations as they apply to the interpretation of a Guernsey enactment.

Citation.

19. These regulations may be cited as the States Housing (Rent and Rebate Scheme) (Guernsey) Regulations, 2005.

Commencement.

20. These regulations shall come into force on the 7th May, 2005.

^d Ordres en Conseil Vol. XIII, p. 355.

FIRST SCHEDULE
STATES RENTAL FORMULA

The formula for determining the standard weekly rent payable in respect of the occupation of a property under the terms and conditions of a qualifying States tenancy is -

$$\text{SWR} = \frac{(A + B + C + D) \times 102\%}{52}$$

Where -

"SWR" (subject to the proviso indicated below) is the standard weekly rent payable,

"A" is an amount equivalent to one fiftieth of the reinstatement value of the property which is the subject of the tenancy,

"B" is such amount as the Department may determine as representing an appropriate share of the estimated annual costs of administration of all properties in respect of which a qualifying States tenancy is in existence, or could be granted, during the year in question (adjusted, if necessary, in order to take into account any actual costs incurred during any prior period),

"C" is such amount as the Department may determine as representing an appropriate share of the estimated annual costs of minor repairs carried out or likely to be carried out on all properties in respect of which a qualifying States tenancy is in existence, or could be granted, during the year in question (adjusted, if necessary, in order to take into account any actual costs incurred during any prior period), and

"D" is an amount equivalent to 1.2% of the reinstatement value of the

property which is the subject of the tenancy (this element of the formula being designed to represent a nominal cost to the Department of major repairs and refurbishments to the property),

PROVIDED ALWAYS THAT where the person responsible in law for payment of the standard weekly rent in respect of the relevant property is, at the time in question, the person who was responsible for payment of the weekly rent payable in respect of that property, or another States residential property, on 6 May 2005, the standard weekly rent shall be -

- (a) in respect of the period from 7 May 2005 to 6 May 2006, the lesser of -
 - (i) the amount resulting from the application of the above formula, or
 - (ii) the amount of weekly rent (and, for the avoidance of doubt, "**weekly rent**" in this context includes a surcharged rent) payable in respect of the property on 6 May 2005 plus £20,

- (b) in respect of the period from 7 May 2006 to 6 May 2007, the lesser of -
 - (i) the amount resulting from the application of the above formula, or
 - (ii) the amount of weekly rent (and, for the avoidance of doubt, "**weekly rent**" in this context includes a surcharged rent) payable in respect of the property on 6 May 2005, adjusted in such manner as the Department thinks fit, in order to take account of any increase in the amount of rent that would have been payable had these Regulations never been made, plus

£40, and

- (c) from 7 May 2007 and thereafter, the amount resulting from the application of the above formula.

SECOND SCHEDULE
DISREGARDED PERIODS OF NON-RESIDENCE

Holidays.

1. Non-residence for an aggregate duration of less than 6 weeks in any period of 12 months for the purposes of holidays taken outside Guernsey.

Hospital treatment.

2. Non-residence for such period as the Department may determine, for the purpose of obtaining treatment for illness at a hospital or similar institution, where the Department is satisfied that the obtaining of the treatment is reasonably necessary in the circumstances.

Visiting or accompanying partner etc. for treatment.

3. Non-residence for such period as the Department may determine, for the purpose of visiting or accompanying a partner, parent, son, daughter or other close relative who is obtaining treatment for illness at a hospital or similar institution, where the Department is satisfied that the obtaining of the treatment is reasonably necessary in the circumstances.

Caring for partner etc.

4. Non-residence for such period as the Department may determine, for the purpose of caring for a partner, parent, son, daughter or other close relative, where the Department is satisfied that the undertaking of such care is reasonably necessary in the circumstances.

Serving of sentence of imprisonment.

5. Non-residence for such period as the Department may determine, for the purpose of serving any term of imprisonment.

Other absences at the discretion of the Chief Officer.

6. Non-residence for such purposes, other than those described in paragraphs 1 to 5, for such period as the Chief Officer may determine as reasonable in the circumstances of the particular case.

THIRD SCHEDULE
WEEKLY ASSESSED RENT

The weekly assessed rent of a qualifying tenant shall be calculated by means of the application of the following formula to his circumstances -

$$\text{WAR} = (((A - B) \times C) - D) + E$$

Where -

"WAR" is the weekly assessed rent,

"A" is the amount of the tenant's weekly income, as determined in accordance with Part I of the appendix to this schedule,

"B" is the amount of any child care allowance, as determined in accordance with Part II of the appendix,

"C" is the relevant tariff, as determined in respect of the tenant and applied to his net weekly assessed income in accordance with Part III of the appendix,

"D" is the amount of any dependent child allowance, as determined in accordance with Part IV of the appendix, and

"E" is the amount of any charge, as determined in accordance with Part V of the appendix.

APPENDIX TO THIRD SCHEDULE

PART I

WEEKLY INCOME

Weekly income.

1. Subject to paragraphs 2 and 3, the weekly income of a qualifying tenant is his and his partner's aggregated weekly income of any type and from all sources, including -

(a) in the case of an employed person, his gross weekly wage, including overtime payments and all other additions and enhancements prior to any deductions,

(b) in the case of a self-employed person, weekly income from self-employment, determined by reference to -

(i) the amount of income as disclosed from any returns and assessments submitted to or issued by the Administrator referred to in section 205 of the Income Tax (Guernsey) Law, 1975,

(ii) the amount of any earnings prescribed under the Social Insurance (Guernsey) Law, 1978^e for the purposes of assessing the liability of a self employed person to social insurance contributions, or

(iii) such other evidence of income as may be determined

^e Ordres en Conseil Vol. XXVI, p. 292 Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; Vol. XXXII, p. 59; Nos. V and XII of 1993; Ordinance No. XIV of 1993; Ordres en Conseil No. V of 1994, Nos. VI and XIII of 1995; No. I of 1998; No. VI of 1999; No. X of 2000; No. IX of 2001; No XXIV of 2003; No. XI of 2004.

having regard to all the circumstances of the case,

- (c) income from those capital assets described in paragraph 4, calculated in accordance with paragraph 14 of the First Schedule to the Supplementary Benefit Implementation Ordinance, 1971,^f and
- (d) any other type or source of weekly income, including, by way of example and not limitation -
 - (i) pensions and annuities,
 - (ii) benefits paid or administered by the Social Security Department including, for the avoidance of doubt those benefits payable under the Public Assistance Law, 1937^g,
 - (iii) investments, and
 - (iv) maintenance payments, whether payable to or for the benefit of a qualifying tenant, his partner or the children of either of them.

Income etc. to be disregarded.

2. The following shall be disregarded for the purposes of calculating the

^f Recueil d'Ordonnances Tome XVII, pp. 139 and 179; Tome XVIII, p. 119; Tome XXI, p. 452; Tome XXIII, p. 314; Ordinance No. XV of 1989; No. XX of 1994; No. XXII of 1995; No. XXXII of 1998; Nos. XIII and XXII of 1999; Nos. IV and XVII of 2000; Nos. XVII and XLVI of 2001; No. XXIV of 2002; Nos. VIII and XXIV of 2003; and No. XXXV of 2004.

^g Ordres en Conseil Vol. XI, p. 91; Vol. XIV, p. 363; Vol. XVI, p. 264; Vol. XVII, p. 255; Vol. XIX, p. 149; Vol. XXI, p. 34; Vol. XXII, p. 521; Vol. XXIX, p. 204; and Vol. XXXII, p. 50.

amount of weekly income under paragraph 1 -

- (a) attendance allowance granted under the Attendance and Invalid Care Allowances (Guernsey) Law, 1984^h,
- (b) family allowance paid under the Family Allowances (Guernsey) Law, 1950ⁱ,
- (c) rent allowance or special allowance paid under the Supplementary Benefit (Guernsey) Law, 1971^j,
- (d) war disability pension,
- (e) any of the following benefits paid under the Social Insurance (Guernsey) Law, 1978 -
 - (i) death grant,
 - (ii) maternity benefit (comprising both maternity grant and maternity allowance), and
 - (iii) bereavement payment,

^h Ordres en Conseil Vol. XXVIII, p. 353; Vol. XXIX, p. 198; No. XIV of 1991; No. X of 1993; No. VI of 1999; and Ordinance No. XIV of 1993 (Tome XXVI, p. 177).

ⁱ Ordres en Conseil Vol. XIV, p. 332; Vol. XVI, p. 280; Vol. XX, p. 63; Vol. XXI, p. 34; Vol. XXIII, pp. 3 and 238; and No. VI of 1999; see also Recueil d'Ordonnances Tome XXI, p. 460 and Tome XXVI, p. 177.

^j Ordres en Conseil Vol. XXIII, p. 26; Vol. XXXI, p. 278; No. XIV of 1993; No. VI of 1999; No. and Recueil d'Ordonnances, Tome XXIV, p. 468 and Tome XXVI, p. 177.

- (f) any fostering allowance, other than the contractual element, paid by the Health and Social Services Department, and
- (g) such amount of weekly income, derived from such types of investments, as the Department may determine.

Taking income into account where tenant has deprived himself etc. of income.

3. Where it is determined that a qualifying tenant has -

- (a) deprived himself of, or
- (b) neglected to claim, waived or abandoned any right to receive,

any type or source of income, for the purposes of decreasing the amount of his weekly assessed rent, that type or source of income may be taken into account as if it were still his or he were in receipt the same.

Capital assets.

4. (1) Capital assets include real property and personal property wherever situated, unless it is determined that they shall be disregarded in whole or in part.

(2) Subject to the following provisions of this paragraph, a person shall be deemed for the purpose of this appendix to own an asset if he is absolutely entitled in possession to the whole beneficial interest therein and not otherwise.

(3) Where two or more persons are beneficially entitled in possession to any asset they shall be treated for the purposes of this appendix as if each of them were entitled in possession to the whole beneficial interest in an equal share in the asset unless it appears that their respective beneficial interests are not equal; and in that case they shall be treated as respectively entitled in possession to the whole beneficial interest in such shares as appear to be just.

PART II
CHILD CARE ALLOWANCE

Child care allowance.

5. Child care allowance is -

- (a) in the case of care provided by a person registered for the purpose with the Health and Social Services Department, the weekly cost of the provision of that care in respect of every dependent child of the tenant under the age of 14 years, or
- (b) in the case of care provided by any other person, such proportion of the weekly cost of the provision of that care in respect of every dependent child of the tenant under the age of 14 years, as the Chief Officer may determine.

PART III
RELEVANT TARIFF

Relevant Tariffs.

6. (1) There are 2 tariffs, which together shall be known as the "**relevant tariffs**" and they shall be known as "**Tariff A**" and "**Tariff B**".

(2) Tariff A applies in respect of a tenant (an "**independent tenant**") who -

- (a) has no partner, and
- (b) has no dependent children,

living with him, in the property to which the tenancy relates.

(3) Tariff B applies in respect of a tenant who is not an independent tenant.

Tariff A.

7. The rate at which Tariff A is applied to a tenant's net assessed weekly income is as follows -

- (a) where that income is £120 or less, 14%,
- (b) where that income is greater than £120 but less than or equal to £130, 14% plus 0.14% for every whole pound by which the income exceeds £120,
- (c) where that income is greater than £130 but less than or equal to £263, 15.5% plus 0.07% for every whole pound by which that income exceeds £130, and
- (d) where that income is greater than £263, 25%.

Tariff B.

8. The rate at which Tariff B is applied to a tenant's net assessed weekly income is as follows -

- (a) where that income is £200 or less, 14%,
- (b) where that income is greater than £200 but less than or equal to £400, 14% plus 0.04% for every whole pound by which the income exceeds £200,
- (c) where that income is greater than £400 but less than or equal to £450, 22% plus 0.06% for every whole pound by which that income exceeds £400, and

- (d) where that income is greater than £450, 25%.

PART IV
DEPENDENT CHILD ALLOWANCE

Child allowance.

9. The rate of dependent child allowance is -

- (a) for each child, who -
 - (i) is a child of the tenant,
 - (ii) is in full time education,
 - (iii) is a dependent of the tenant, and
 - (iv) is wholly cared for by the tenant,

£5, and

- (b) for each child, who -
 - (i) is a child of the tenant,
 - (ii) is in full time education,
 - (iii) is a dependent of the tenant, and
 - (iv) is not wholly cared for by the tenant,

such amount less than £5, as the Chief Officer may determine

as being reasonable in the circumstances.

PART V
CHARGES

Charges.

10. (1) Charges of the amounts shown in paragraph (2) apply in relation to every person who -

- (a) falls within the description indicated in that paragraph,
- (b) is living with the tenant in the property to which his tenancy relates, and
- (c) is not a dependent of the tenant.

(2) The charges for the purposes of paragraph (1) are, in respect of -

- (a) a person over 18 years of age but under 21 years of age, £15,
- (b) a person aged 21 years or more -
 - (i) £15, or
 - (ii) an amount equivalent to 15 per cent of that person's weekly income before deductions,

whichever is the greater amount and subject to a maximum of £30,

- (c) a person in receipt of a benefit, £15,

- (d) an employed single parent, £15,
- (e) a couple both of whom are under the age of 65 years, £60,
- (f) a couple, where one partner is under the age of 65 years and the other is aged 65 years or more, £45,
- (g) a family with dependent children, £45,
- (h) a single person aged 65 years or more, £15,
- (i) a couple, both of whom are aged 65 years or more, £30.

Dated this 3rd day of May, 2005

Deputy D.B. Jones
Minister of the Housing Department
For and on behalf of the Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations make practical provision for the implementation of a rent and rent rebate scheme in respect of qualifying States tenancies and qualifying tenants under the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004.

Part I of the regulations contains 2 regulations relating to rents for qualifying states tenancies. Regulation 1 prescribes the method for determination of the standard weekly rent for a qualifying States tenancy, by reference to a formula known as the "States Rental Formula", which is set out in the First Schedule to the regulations. Regulation 2 places an obligation upon the Housing Department to review, at least once in every 5 years, the operation of the States Rental Formula, and such other aspects of the rent and rebate scheme established under the regulations as it thinks fit, and report its findings to the States.

Part II contains provisions concerning the rebate scheme, including applications for rent rebate (regulation 3), determination of applications by the Chief Officer of the Housing Department (regulation 4), eligibility for rebate (regulation 5) and the amount of rebate to which an eligible tenant is entitled (regulation 6). Other regulations under this Part provide that entitlement to rebate is limited to occupation by an eligible tenant of one qualifying property only (regulation 7), prescribe the circumstances in which entitlement to rebate may be suspended, revoked or reduced (regulation 8), deal with the payment of rebate (regulation 9) and provide for discretionary payment of special rebate payments.

Part III deals with offences such as, for example, the making of a fraudulent statement for the purposes of claiming a rebate (regulation 12).

Part IV consists of miscellaneous matters, including the recovery of overpayments (regulation 13), the delegation of functions, under the regulations, exercisable by the Department or the Chief Officer (regulation 14), the requirement for decisions of the Department, or the Chief Officer, under the regulations to be recorded in writing and a notice of the decision served upon the tenant (regulation 15) and the service of documents (regulation 16).

Part V comprises the interpretation and general provisions. Under regulation 20, the regulations come into force on 7 May 2005.