



# Housing Act 1996

## 1996 CHAPTER 52

### PART IV

#### HOUSING BENEFIT AND RELATED MATTERS

#### **120 Payment of housing benefit to third parties**

- (1) In section 5 of the Social Security Administration Act 1992 (regulations about claims for and payments of benefit), after subsection (5) insert—

“(6) As it has effect in relation to housing benefit subsection (1)(p) above authorises provision requiring the making of payments of benefit to another person, on behalf of the beneficiary, in such circumstances as may be prescribed.”

- (2) The above amendment shall be deemed always to have had effect; and provision corresponding to that made by the amendment shall be deemed to have had effect at all material times in relation to corresponding earlier enactments.

#### **121 Administration of housing benefit, &c**

Part VIII of the Social Security Administration Act 1992 (arrangements for housing benefit and council tax benefit and related subsidies) is amended in accordance with Schedule 12.

#### **122 Functions of rent officers in connection with housing benefit and rent allowance subsidy**

- (1) The Secretary of State may by order require rent officers to carry out such functions as may be specified in the order in connection with housing benefit and rent allowance subsidy.
- (2) Without prejudice to the generality of subsection (1), an order under this section may contain provision—

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*Status: This is the original version (as it was originally enacted).*

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- (a) enabling a prospective landlord to apply for a determination for the purposes of any application for housing benefit which may be made by a tenant of a dwelling which he proposes to let;
  - (b) as to the payment of a fee by the landlord for that determination;
  - (c) requiring the landlord to give a copy of the determination to the appropriate local authority; and
  - (d) enabling the appropriate local authority to seek a redetermination when a claim for housing benefit or rent allowance subsidy is made.
- (3) Regulations under section 130(4) of the Social Security Contributions and Benefits Act 1992 (housing benefit: manner of determining appropriate maximum benefit) may provide for benefit to be limited by reference to determinations made by rent officers in exercise of functions conferred under this section.
- (4) In relation to rent allowance subsidy, the Secretary of State may by order under section 140B of the Social Security Administration Act 1992—
- (a) provide for any calculation under subsection (2) of that section to be made,
  - (b) specify any additions and deductions as are referred to in that subsection, and
  - (c) exercise his discretion as to what is unreasonable for the purposes of subsection (4) of that section,
- by reference to determinations made by rent officers in exercise of functions conferred on them under this section.
- (5) The Secretary of State may by any such regulations or order as are mentioned in subsection (3) or (4) require a local authority in any prescribed case—
- (a) to apply to a rent officer for a determination to be made in pursuance of the functions conferred on them under this section, and
  - (b) to do so within such time as may be specified in the order or regulations.
- (6) An order under this section—
- (a) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament;
  - (b) may make different provision for different cases or classes of case and for different areas; and
  - (c) may contain such transitional, incidental and supplementary provisions as appear to the Secretary of State to be desirable.
- (7) In this section “housing benefit” and “rent allowance subsidy” have the same meaning as in Part VIII of the Social Security Administration Act 1992.

## **123 Consequential amendments: Part IV**

The enactments mentioned in Schedule 13 have effect with the amendments specified there which are consequential on the provisions of this Part.