



# Social Security Contributions and Benefits Act 1992

## 1992 CHAPTER 4

### PART VII

#### INCOME-RELATED BENEFITS

##### *Housing benefit*

#### [<sup>F1</sup>130 Housing benefit.

- (1) A person is entitled to housing benefit if—
  - (a) he is liable to make payments in respect of a dwelling in Great Britain which he occupies as his home;
  - (b) there is an appropriate maximum housing benefit in his case; and
  - (c) either—
    - (i) he has no income or his income does not exceed the applicable amount; or
    - (ii) his income exceeds that amount, but only by so much that there is an amount remaining if the deduction for which subsection (3)(b) below provides is made.
- (2) In subsection (1) above “payments in respect of a dwelling” means such payments as may be prescribed, but the power to prescribe payments does not include power to prescribe—
  - [<sup>F2</sup>(a) payments to a billing authority or to a local authority in Scotland in respect of council tax;]
  - [<sup>F3</sup>(b) mortgage payments, or, in relation to Scotland, payments under heritable securities.]
- (3) Where a person is entitled to housing benefit, then—

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- (a) if he has no income or his income does not exceed the applicable amount, the amount of the housing benefit shall be the amount which is the appropriate maximum housing benefit in his case; and
- (b) if his income exceeds the applicable amount, the amount of the housing benefit shall be what remains after the deduction from the appropriate maximum housing benefit of prescribed percentages of the excess of his income over the applicable amount.

<sup>F4</sup>(4) . . . . .

<sup>F5</sup>(5) . . . . .]

#### Textual Amendments

- F1** Ss. 123-137 repealed (1.4.2013 in relation to council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F2** S. 130(2)(a) substituted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), [Sch. 5 para. 1\(3\)](#)
- F3** Words in s. 130(2) substituted (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 119(2), [Sch. 9 para. 3](#) (with s. 118(1)(2)(4))
- F4** S. 130(4) repealed (7.4.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. 30(1), 70(2), [Sch. 8](#); S.I. 2007/2872, art. 2(1)(a)(c)
- F5** S. 130(5) repealed (with savings) (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), ss. 227, 232(3), [Sch. 19 Pt. 6](#); S.I. 1997/618, [art. 2\(1\)](#) (with [Sch.](#))

#### [<sup>F6</sup>130A Appropriate maximum housing benefit

[<sup>F1</sup>(1) For the purposes of section 130 above, the appropriate maximum housing benefit (in this section referred to as “the AMHB”) is determined in accordance with this section.

(2) Regulations must prescribe the manner in which the AMHB is to be determined.

(3) [<sup>F7</sup>The provision which may be made by the regulations includes provision] for the AMHB to be ascertained in the prescribed manner by reference to rent officer determinations.

(4) The regulations may require an authority administering housing benefit in any prescribed case—

- (a) to apply for a rent officer determination, and
- (b) to do so within such time as may be specified in the regulations.

[<sup>F8</sup>(5) The regulations may, for the purpose of determining the AMHB, provide for the amount of the liability mentioned in section 130(1)(a) above to be taken to be an amount other than the actual amount of that liability (and, without prejudice to the generality of this subsection, may provide for it to be taken to be the amount of a rent officer determination).

(6) The regulations may, for that purpose, make provision for determining the amount of liability under section 130(1)(a) above which a person is treated as having by virtue of regulations under section 137(2)(j) below (and, without prejudice to the generality of this subsection, may provide for that amount to be the amount of a rent officer determination).]

(7) A rent officer determination is a determination made by a rent officer in the exercise of functions under section 122 of the Housing Act 1996.]]

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**Textual Amendments**

- F1** Ss. 123-137 repealed (1.4.2013 in relation to council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F6** S. 130A inserted (1.10.2007 for specified purposes, 7.4.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), [ss. 30\(2\)](#), 70(2); S.I. 2007/2872, art. 2(2)(a)(3) (with arts. 3-5)
- F7** Words in s. 130A(3) substituted (27.11.2012 for specified purposes, 1.1.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 69\(2\)](#), 150(3); S.I. 2012/2946, art. 2(1)(a)(b)
- F8** S. 130A(5)(6) substituted (27.11.2012 for specified purposes, 1.1.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 69\(3\)](#), 150(3); S.I. 2012/2946, art. 2(1)(a)(b)

**<sup>F9</sup>130B Loss of housing benefit following eviction on certain grounds**

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**Textual Amendments**

- F9** Ss. 130B-130G cease to have effect (31.12.2010) by virtue of [Welfare Reform Act 2007 \(c. 5\)](#), [s. 31\(3\)](#)

**<sup>F9</sup>130C Relevant orders for possession**

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**Textual Amendments**

- F9** Ss. 130B-130G cease to have effect (31.12.2010) by virtue of [Welfare Reform Act 2007 \(c. 5\)](#), [s. 31\(3\)](#)

**<sup>F9</sup>130D Loss of housing benefit: supplementary**

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**Textual Amendments**

- F9** Ss. 130B-130G cease to have effect (31.12.2010) by virtue of [Welfare Reform Act 2007 \(c. 5\)](#), [s. 31\(3\)](#)

**<sup>F9</sup>130E Couples**

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**Textual Amendments**

- F9** Ss. 130B-130G cease to have effect (31.12.2010) by virtue of [Welfare Reform Act 2007 \(c. 5\)](#), [s. 31\(3\)](#)

**<sup>F9</sup>130F Information provision**

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**Textual Amendments**

**F9** Ss. 130B-130G cease to have effect (31.12.2010) by virtue of [Welfare Reform Act 2007 \(c. 5\), s. 31\(3\)](#)

**<sup>F9</sup>130G Pilot schemes relating to loss of housing benefit**

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**Textual Amendments**

**F9** Ss. 130B-130G cease to have effect (31.12.2010) by virtue of [Welfare Reform Act 2007 \(c. 5\), s. 31\(3\)](#)

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