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STATUTORY INSTRUMENTS

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**1996 No. 677**

**SOCIAL SECURITY**

**The Housing Benefit (Permitted Totals) Order 1996**

*Made* - - - - *7th March 1996*  
*Laid before Parliament* *11th March 1996*  
*Coming into force* - - *1st April 1996*

The Secretary of State for Social Security, in exercise of powers conferred on him by sections 134(12) and 189(1) and (3) to (6) of the Social Security Administration Act 1992<sup>(1)</sup> and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned<sup>(2)</sup>, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Housing Benefit (Permitted Totals) Order 1996 and shall come into force on 1st April 1996.

(2) In this Order—

“the Act” means the Social Security Administration Act 1992<sup>(3)</sup>;

“housing benefit” means either rent rebate or rent allowance as the circumstances may require;

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987<sup>(4)</sup>;

“increase in housing benefit” means the difference between—

(a) the amount of housing benefit granted in a case in which an authority makes a determination under regulation 61(2) of the Housing Benefit Regulations (increase in the appropriate maximum housing benefit)<sup>(5)</sup>, and

(b) the amount of housing benefit which would have been granted in that case if the authority had not made a determination under regulation 61(2) of those Regulations; and

“increase above maximum rent” means the difference between—

(a) the amount of housing benefit granted in a case in which an authority makes a determination under regulation 61(3) of the Housing Benefit Regulations<sup>(6)</sup>, and

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(1) 1992 c. 5.

(2) See section 176(1)(b) of the Social Security Administration Act 1992.

(3) 1992 c. 5.

(4) S.I.1987/1971.

(5) Regulation 61(2) was added by S.I. 1994/578.

(6) Regulation 61(3) was added by S.I. 1995/1644.

- (b) the amount of housing benefit which would have been granted in that case if the authority had not made a determination under regulation 61(3) of those Regulations.

### **Permitted total of benefit awarded in exercise of a discretion**

2. For the purpose of section 134(11) of the Act, the permitted total of housing benefit for the year commencing on 1st April 1996 in relation to an authority shall be the total of the amounts obtained by the calculations set out in articles 3 and 4 below.

### **Increase in housing benefit**

3. The calculation referred to in article 2 above shall be the amount obtained by deducting 100% of any increases in housing benefit in cases in which that authority has during that year made a determination under regulation 61(2) of the Housing Benefit Regulations from the total housing benefit granted by that authority during that year, after deduction of any increase above maximum rent, and multiplying the resulting figure by 100.1%.

### **Increase above maximum rent**

4.—(1) The calculation referred to in article 2 above shall be the amount obtained by deducting 100% of any increases above maximum rent in cases in which that authority has during that year made a determination under regulation 61(3) of the Housing Benefit Regulations from the total housing benefit granted by that authority during that year, less the deductions specified in paragraph (2) below, and multiplying the resulting figure by 100.9%.

(2) The deductions referred to in paragraph (1) above are—

- (a) all rent rebates granted during that year;
- (b) subject to paragraph (3) below, all rent allowances granted during that year in cases where the local authority did not refer a claim for housing benefit, in relation to the dwelling in respect of which that allowance was granted, to the rent officer pursuant to regulation 12A of the Housing Benefit Regulations(7); and
- (c) any increase in housing benefit.

(3) No rent allowance shall be deducted pursuant to paragraph (2)(b) above, if that case was not referred to the rent officer by reason of paragraph (2)(a) of regulation 12A of those Regulations.

### **Permitted total of benefit in modified schemes**

5. For the purpose of section 134(9) of the Act (modifications other than war disablement pension or war widows pension within the Act), the permitted total of housing benefit for the year commencing on 1st April 1996 in relation to an authority shall be the total of the amounts obtained by deducting 100% of any housing benefit awarded as a consequence of any determination to disregard made by that authority during that year pursuant to a modification adopted by them under section 134(8)(b) of the Act (power to modify housing benefit schemes as prescribed) and regulation 7 of the Income-related Benefits Schemes Amendment (No. 2) Regulations 1995(8) (power to modify in respect of certain pensions to war widows) from the total housing benefit granted by that authority during that year and multiplying the resulting figure by 100.7%.

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(7) Regulation 12A was added by S.I. 1990/546 and amended by S.I. 1993/317, 1995/560/1644 and 2868.

(8) S.I. 1995/2792 as amended by S.I. 1995/3282.

**Revocation**

6. The Housing Benefit (Permitted Totals) Order 1995(9) is hereby revoked.

Signed by authority of the Secretary of State for Social Security.

Department of Social Security  
7th March 1996

*Roger Evans*  
Parliamentary Under-Secretary of State,

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

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order sets out the basis for calculating the permitted totals of rebates or allowances for the year 1996/1997 for authorities granting rebates or allowances under Part VIII of the Social Security Administration Act 1992. The Order limits the amount by which the housing benefit payments may be increased on the exercise of the discretions provided by regulation 61(2) and (3) of the Housing Benefit (General) Regulations 1987, and to war widows through modified schemes.

This Order does not impose a charge on businesses.