
STATUTORY INSTRUMENTS

1998 No. 562

SOCIAL SECURITY

**The Income-related Benefits
(Subsidy to Authorities) Order 1998**

<i>Made</i>	- - - -	<i>4th March 1998</i>
<i>Laid before Parliament</i>		<i>10th March 1998</i>
<i>Coming into force</i>	- -	<i>31st March 1998</i>

The Secretary of State for Social Security, with the consent of the Treasury^{M1}, in exercise of the powers conferred upon her by sections 140B, 140C(1), (2) and (4), 140E and 189(1) and (4) to (7) of the Social Security Administration Act 1992^{M2}, section 122(4) of and paragraph 5 of Schedule 12 to the Housing Act 1996^{M3} and of all other powers enabling her in that behalf, after consultation, in accordance with section 176(1)(b) of the Social Security Administration Act 1992^{M4}, with organisations appearing to her to be representative of the authorities concerned, hereby makes the following Order:

Marginal Citations

- M1** See section 189(8) of the [Social Security Administration Act 1992 \(c.5\)](#); amended by paragraph 3(5) of Schedule 13 to the [Housing Act 1996 \(c.52\)](#).
- M2** [1992 c.5](#) ; sections 140B, 140C and 140E were inserted by section 121 of and paragraph 4 of Schedule 12 to the Housing Act 1996; section 140B was amended by section 10 of, paragraph 7 of Schedule 1 and Schedule 2 to the [Social Security Administration \(Fraud\) Act 1997 \(c.47\)](#) ; Section 140C(4) gives it retrospective effect.
- M3** [1996 c.52](#) ; section 189(3) to (7) of the Social Security Administration Act is applied to paragraph 5 of Schedule 12 to the Housing Act by paragraph 5(3) of that Schedule.
- M4** Section 176(1)(b) was amended by paragraph 3(4) of Schedule 13 to the Housing Act 1996.

PART I **E+W+S**

GENERAL

Citation, commencement and interpretation **E+W+S**

1.—(1) This Order, which may be cited as the Income-related Benefits (Subsidy to Authorities) Order 1998, shall come into force on 31st March 1998 and shall have effect in relation to any relevant year.

(2) In this Order, unless the context otherwise requires —

“the Act” means the Social Security Administration Act 1992;

“authority” means a billing, housing or, as the case may be, local authority;

“a 1997 authority” means a successor authority, whose reorganisation date was 1st April 1997;

“a 1998 authority” means a successor authority, whose reorganisation date was 1st April 1998;

“new authority” means

(i) in England, a successor authority, whose reorganisation date was 1st April 1996;

(ii) in Wales, an authority constituted under sections 20 and 21 of the Local Government Act 1972 ^{M5}, and

(iii) in Scotland, an authority constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ^{M6};

“the English Regulations” means the Local Government Changes for England (Housing Benefit and Council Tax Benefit) Regulations 1995 ^{M7};

^{F1}
...

“the previous Orders” means the 1989 Order, the 1990 Order, the 1991 Order, the 1992 Order, the 1993 Order, the 1994 Order, the 1995 Order, the 1996 Order and the 1997 Order;

^{F2}
...

“following year” means the year following the relevant year;

“relevant year” means the year, commencing on 1st April 1997 or on the 1st April in any year thereafter, in respect of which a claim for subsidy is made;

“the 1989 Order” means the Housing Benefit (Subsidy) Order 1989 ^{M8};

“the 1990 Order” means the Housing Benefit (Subsidy) Order 1990 ^{M9};

“the 1991 Order” means the Housing Benefit and Community Charge Benefit (Subsidy) Order 1991 ^{M10};

“the 1992 Order” means the Housing Benefit and Community Charge Benefit (Subsidy) Order 1992 ^{M11};

“the 1993 Order” means the Housing Benefit and Community Charge Benefit (Subsidy) (No.2) Order 1993 ^{M12};

“the 1994 Order” means the Housing Benefit and Council Tax Benefit (Subsidy) Order 1994 ^{M13};

“the 1995 Order” means the Housing Benefit and Council Tax Benefit (Subsidy) Order 1995 ^{M14};

“the 1996 Order” means the Housing Benefit and Council Tax Benefit (Subsidy) Order 1996 ^{M15}, and

"the 1997 Order" means the Housing Benefit and Council Tax Benefit (Subsidy) Order 1997
M16 .

(3) In paragraph (2), "successor authority" and "reorganisation date" have the same meanings as in regulation 2(1) of the English Regulations.

(4) In this Order, unless the context otherwise requires, a reference—

- (a) to a numbered Part in this Order or a Schedule to this Order, is to the Part in this Order, or that Schedule, as the case may be, bearing that number;
- (b) to a numbered article in or Schedule to this Order, is to the article in or Schedule to this Order, as the case may be, bearing that number;
- (c) in an article or a Schedule to a lettered or numbered paragraph is to the paragraph bearing that letter or number in that article or that Schedule; and
- (d) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

Textual Amendments

F1 Words in art. 1(2) omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2005 \(S.I. 2005/369\)](#) , arts. 1(1) , 2

F2 Words in art. 1(2) omitted (31.10.2021) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#) , art. 1(1), **Sch. 5 para. 1**

Marginal Citations

M5 [1972 c.70](#) ; sections 1 and 2 of the [Local Government \(Wales\) Act 1994 \(c.19\)](#) substituted sections 20 and 21 of the Local Government Act 1972 and made other consequential amendments to that Act.

M6 [1994 c.59](#) .

M7 [S.I. 1995/531](#) ; amended by [S.I. 1996/547](#) .

M8 [S.I. 1989/607](#) .

M9 [S.I. 1990/785](#) .

M10 [S.I. 1991/587](#) .

M11 [S.I. 1992/739](#) .

M12 [S.I. 1993/935](#) .

M13 [S.I. 1994/523](#) .

M14 [S.I. 1995/872](#) .

M15 [S.I. 1996/1217](#) .

M16 [S.I. 1997/1004](#) .

PART II **E+W+S**

CLAIMS FOR AND PAYMENT OF SUBSIDY

Interpretation of Parts II and IV **E+W+S**

2. In this Part and also in Part IV, unless the context otherwise requires—

F3
...

F4
...

- “claim” means an initial claim, mid-year claim [^{F5}or a final claim], as the case may be;
- “claim form” means the form supplied by the Secretary of State pursuant to article 4(2)(a), (b) or (c)^{F6} ..., as the case may be;
- [^{F7}“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000]
- ^{F8} ...
- “final claim” means a claim for subsidy pursuant to article 4(2)(c);
- “final subsidy” means any subsidy which is not interim subsidy [^{F9}or an amount paid, withheld or deducted pursuant to article 8A];
- [^{F10}“HBAP” means the Housing Benefit Assurance Process published by the Department for Work and Pensions on 29th March 2017 and last updated on [^{F11}17th April 2023] ;]
- “initial claim” means a claim for subsidy pursuant to article 4(2)(a);
- “interim subsidy” means subsidy pursuant to articles ^{F12}... 8(1) or 9(4), as the case may be;
- “mid-year claim” means a claim for subsidy pursuant to article 4(2)(b);
- “the form” means a printed document or any other format upon which a claim may be set out, or any combination of such formats or alternative formats, as the Secretary of State determines; and
- “the relevant office” means such office as may be designated by the Secretary of State.
- [^{F10}“report of factual findings” means the report completed by the reporting accountant in accordance with HBAP setting out the details of, and the relevant matters arising from, the test;]
- [^{F10}“test” means a test of the claim for final subsidy by the authority and the reporting accountant in accordance with HBAP and “tested” shall be construed accordingly.]

Textual Amendments

- F3** Words in art. 2 omitted (31.10.2021) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), [Sch. 5 para. 2\(a\)](#)
- F4** Words in art. 2 omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2005 \(S.I. 2005/369\)](#) , arts. 1(1) , [3\(2\)](#)
- F5** Words in art. 2 substituted (31.10.2021) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), [Sch. 5 para. 2\(b\)](#)
- F6** Words in art. 2 omitted (31.10.2021) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), [Sch. 5 para. 2\(c\)](#)
- F7** Words in art. 2 inserted (5.2.2007) by [Income-related Benefits \(Subsidy to Authorities\) \(Miscellaneous Amendments and Electronic Communications\) Order 2007 \(S.I. 2007/26\)](#), arts. 1(1) , [2\(2\)](#)
- F8** Words in art. 2 omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2005 \(S.I. 2005/369\)](#) , arts. 1(1) , [3\(2\)](#)
- F9** Words in art. 2 inserted (with effect in accordance with art. 1(2) of the commencing S.I.) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#) , arts. 1(1) , [2\(2\)](#)
- F10** Words in art. 2 inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), [5\(1\)](#)

- F11** Words in art. 2 substituted (6.11.2023) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2023 \(S.I. 2023/1040\)](#), arts. 1(1), 3 (with art. 2(2))
- F12** Words in art. 2 omitted (14.12.1998) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 1998 \(S.I. 1998/2865\)](#), arts. 1(1), 2

Conditions for payment of subsidy **E+W+S**

3. Subject to articles 9(3) and 10, no final subsidy shall be paid unless the conditions specified in the following provisions of this Part have been complied with.

[^{F13}Electronic communications **E+W+S**

3A.—(1) The Secretary of State, an authority [^{F14}a reporting accountant or an auditor] may use an electronic communication in connection with any claim, [^{F15}test,] audit or payment of subsidy provided it is made in accordance with the provisions set out in Part 2 of Schedule 6.

(2) Any reference to an electronic communication in this Order means an electronic communication made in accordance with those provisions.

(3) Schedule 6 makes further provisions relating to electronic communications.]

Textual Amendments

- F13** Art. 3A inserted (5.2.2007) by [Income-related Benefits \(Subsidy to Authorities\) \(Miscellaneous Amendments and Electronic Communications\) Order 2007 \(S.I. 2007/26\)](#), arts. 1(1), 2(3)
- F14** Words in art. 3A(1) substituted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), 5(2)(a)
- F15** Word in art. 3A(1) inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), 5(2)(b)

Requirement of claim **E+W+S**

4.—(1) The first condition is that subsidy shall be claimed in accordance with the provisions of and in the manner specified by this article.

(2) There shall be submitted by an authority to the Secretary of State, at the relevant office, on the form supplied by him to that authority [^{F16}or by means of an electronic communication], the following claims for subsidy, by reference to the amount of [^{F17}housing benefit] that that authority—

- (a) estimates it will pay during the relevant year, by 1st March in the year preceding the relevant year;
- (b) estimates it has up to that time and will by the end of that relevant year have paid, by 31st August in the relevant year;
- (c) has paid in the relevant year, by [^{F18}30th April] in the following year.

(3) [^{F19}Except where an authority submits a claim by means of an electronic communication,] the final claim shall be copied to the authority's auditor,

[^{F20}(a) in the case of an authority in England, the authority's reporting accountant;

(b) in the case of an authority in Wales or Scotland, the authority's auditor,
by 30th April in the following year]

^{F21}(4)
^{F21}(4ZA)
^{F22}^{F23}(4A)

- (4B) An authority in Wales shall—
- (a) if required to do so by the Secretary of State, submit to him, at the relevant office, in any of the above claims or returns, or
 - (b) if required to do so by the Secretary of State or the National Assembly for Wales, submit to him or, as the case may be, to them, at the relevant office, by way of an additional return on such form as is supplied by him or them [^{F24}or by means of an electronic communication] to that authority and not later than such date as he or they may require,

details in relation to subsidy in respect of rebates granted to tenants of dwellings within the authority’s Housing Revenue Account.]

- (5) All claims and returns submitted by an authority consequent upon this article shall be signed [^{F25}or submitted by means of an electronic communication]—
- (a) in the case of an authority in England or Wales, by [^{F26}the authority’s chief finance officer, as defined in section 5(8) of the Local Government and Housing Act 1989, or an officer to whom that officer has made a formal delegation];
 - (b) in the case of an authority in Scotland, by the proper officer pursuant to section 95 of the Local Government (Scotland) Act 1973 ^{M17}.

Textual Amendments

- F16** Words in art. 4(2) inserted (5.2.2007) by [Income-related Benefits \(Subsidy to Authorities\) \(Miscellaneous Amendments and Electronic Communications\) Order 2007 \(S.I. 2007/26\)](#), arts. 1(1), **2(4)(a)**
- F17** Words in art. 4(2) substituted (31.10.2021) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 3**
- F18** Words in art. 4(2)(c) substituted (with effect in accordance with art. 1(3) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2013 \(S.I. 2013/266\)](#), arts. 1(1), **3**
- F19** Words in art. 4(3) inserted (5.2.2007) by [Income-related Benefits \(Subsidy to Authorities\) \(Miscellaneous Amendments and Electronic Communications\) Order 2007 \(S.I. 2007/26\)](#), arts. 1(1), **2(4)(c)**
- F20** Words in art. 4(3) substituted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), **5(3)**
- F21** Art. 4(4)(4ZA) omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2011 \(S.I. 2011/2957\)](#), arts. 1(1), **2(1)(a)**
- F22** Art. 4(4A) omitted (5.2.2007) by virtue of [Income-related Benefits \(Subsidy to Authorities\) \(Miscellaneous Amendments and Electronic Communications\) Order 2007 \(S.I. 2007/26\)](#), arts. 1(1), **2(4)(d)**
- F23** Art. 4(4A)(4B) inserted (1.4.2004) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2004 \(S.I. 2004/646\)](#), art. 1(1), **Sch. 1 para. 2(a)**
- F24** Words in art. 4(4B) inserted (5.2.2007) by [Income-related Benefits \(Subsidy to Authorities\) \(Miscellaneous Amendments and Electronic Communications\) Order 2007 \(S.I. 2007/26\)](#), arts. 1(1), **2(4)(e)**

- F25** Words in art. 4(5) inserted (5.2.2007) by [Income-related Benefits \(Subsidy to Authorities\) \(Miscellaneous Amendments and Electronic Communications\) Order 2007 \(S.I. 2007/26\)](#), arts. 1(1), **2(4)(f)**
- F26** Words in art. 4(5)(a) substituted (1.4.2004) by [Income-related Benefits \(Subsidiary to Authorities\) Amendment Order 2004 \(S.I. 2004/646\)](#) , art. 1(1) , **Sch. para. 2(b)**

Marginal Citations

M17 1973 c.65 .

[^{F27} Requirement to keep records and provide information E+W+S

- 5.—(1) The second condition is that the authority submitting a claim shall—
- (a) provide to the Secretary of State the information referred to in paragraph (2) [^{F28}in written or electronic form]; and
 - (b) keep and, where the Secretary of State requires it or it is otherwise appropriate to do so, produce records [^{F29}in written or electronic form] with a bearing on that claim.
- (2) The information referred to in this paragraph is such information as the Secretary of State requires, or as may otherwise be necessary, to satisfy him that—
- [^{F30}(za) in relation to an authority in England, the claim is in accordance with the report of factual findings and with the relevant articles of this Order;]
 - (a) [^{F31}in relation to an authority in Wales or Scotland,] the claim is [^{F32}fairly stated and in accordance with the relevant articles of this Order]; and
 - (b) any subsidy claimed or paid for the relevant year or for an earlier year has been properly claimed or paid in accordance with the provision of this Order or, as the case may be, the previous Orders.]

Textual Amendments

- F27** Art. 5 substituted (14.12.1998) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 1998 \(S.I. 1998/2865\)](#) , arts. 1(1) , **3**
- F28** Words in art. 5(1)(a) inserted (5.2.2007) by [Income-related Benefits \(Subsidy to Authorities\) \(Miscellaneous Amendments and Electronic Communications\) Order 2007 \(S.I. 2007/26\)](#), arts. 1(1), **2(5)(a)**
- F29** Words in art. 5(1)(b) inserted (5.2.2007) by [Income-related Benefits \(Subsidy to Authorities\) \(Miscellaneous Amendments and Electronic Communications\) Order 2007 \(S.I. 2007/26\)](#), arts. 1(1), **2(5)(b)**
- F30** Art. 5(2)(za) inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), **5(4)(a)**
- F31** Words in art. 5(2)(a) inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), **5(4)(b)**
- F32** Words in art. 5(2)(a) substituted (5.2.2007) by [Income-related Benefits \(Subsidy to Authorities\) \(Miscellaneous Amendments and Electronic Communications\) Order 2007 \(S.I. 2007/26\)](#), arts. 1(1), **2(5)(c)**

[^{F33}Test and reporting requirement: authorities in England E+W+S

5A.—(1) In relation to an authority in England and subject to article 9(4), the third condition is that the authority shall—

- (a) inform the Secretary of State in writing of the identity of the authority’s reporting accountant by 1st March in the year before the relevant year;
 - (b) procure the test of the final claim by the reporting accountant;
 - (c) send the report of factual findings to the Secretary of State by 30th November in the year after the relevant year; and
 - (d) comply with the following provisions of this article.
- (2) The authority shall—
- (a) provide such information in written or electronic form;
 - (b) keep, and where asked to do so, produce records in written or electronic form with a bearing on its claim,

as may be required by the reporting accountant to enable the reporting accountant to test the claim and to complete the report of factual findings.

(3) Where the authority does not inform the Secretary of State in writing of the identity of its reporting accountant by 1st March in the year before the relevant year, the Secretary of State may withhold payment of subsidy until the authority—

- (a) informs the Secretary of State in writing of the identity of its reporting accountant; or
- (b) provides reasons for the delay which the Secretary of State regards as satisfactory.

(4) No final subsidy shall be paid until—

- (a) the authority’s reporting accountant has confirmed in writing that the claim has been tested; and
- (b) the Secretary of State has received the report of factual findings.]

Textual Amendments

F33 [Art. 5A](#) inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), **5(5)**

Requirement of audit^{F34}: authorities in Wales and Scotland] E+W+S

6.—(1) [^{F35}In relation to an authority in Wales or Scotland,] subject to article 9(4), the third condition is that the authority

- ^{F36}(iza)
- ^{F36}(ia)

- (a) shall procure that their final claim is audited by the authority’s auditor by [^{F37}30th November] in the following year; and
- (b) shall comply with the following provisions of this article.

(2) The authority shall—

- (a) provide such information [^{F38}in written or electronic form]; and

^{F39}(b) keep, and where asked to do so, produce records in written or electronic form with a bearing on its claim,

as may be required by the auditor or as may be otherwise required to enable that authority to show and its auditor to check, that that claim is fairly stated and in accordance with the relevant articles of this Order.]

[^{F40}(3) No final subsidy shall be paid until the authority's auditor has certified on the claim for or by means of an electronic communication that the final claim is fairly stated and in accordance with the relevant articles of this Order.]

Textual Amendments

- F34** Words in art. 6 heading inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), **5(6)(a)**
- F35** Words in art. 6(1) inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), **5(6)(b)(i)**
- F36** Art. 6(1)(ia)(iza) omitted (with effect in accordance with art. 1(4) of the amending S.I.) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), **5(6)(b)(ii)**
- F37** Words in art. 6(1)(a) substituted (with effect in accordance with art. 1(3) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2009 \(S.I. 2009/30\)](#), arts. 1(1), **2**
- F38** Words in art. 6(2)(a) inserted (5.2.2007) by [Income-related Benefits \(Subsidy to Authorities\) \(Miscellaneous Amendments and Electronic Communications\) Order 2007 \(S.I. 2007/26\)](#), arts. 1(1), **2(6)(b)**
- F39** Art. 6(2)(b) substituted (5.2.2007) by [Income-related Benefits \(Subsidy to Authorities\) \(Miscellaneous Amendments and Electronic Communications\) Order 2007 \(S.I. 2007/26\)](#), arts. 1(1), **2(6)(c)**
- F40** Art. 6(3) substituted (5.2.2007) by [Income-related Benefits \(Subsidy to Authorities\) \(Miscellaneous Amendments and Electronic Communications\) Order 2007 \(S.I. 2007/26\)](#), arts. 1(1), **2(6)(d)**

Final condition for the payment of subsidy **E+W+S**

7. Subject to article 9(4), the fourth condition is that an authority shall satisfy the Secretary of State that its claim—

- (a) is true and complete;
- (b) is supported and, if appropriate, supplemented by all the information the Secretary of State requires; and
- (c) fairly represents the expenditure in relation to [^{F41}housing benefit] incurred or likely to be incurred, as the case may be, by the authority in the relevant year.

Textual Amendments

- F41** Words in art. 7(c) substituted (31.10.2021) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 4**

In year instalments of subsidy **E+W+S**

8.—(1) Where an authority has submitted, by the due date—

- (a) the initial claim [^{F42}and mid-year claim], as the case may be, in accordance with the requirements of this Part; and
- (b) the conditions of this Part in relation to such claims have been complied with,

the Secretary of State shall pay each month, to each such authority that has submitted such claims as are by that date due, instalments of subsidy, in accordance with paragraph (2).

(2) The instalments payable by way of interim subsidy to an authority under paragraph (1) shall be such amounts as the Secretary of State considers appropriate in the circumstances of the case, but the total amount of such instalments paid in the relevant year shall not exceed the amount which, in his estimation, is likely to be payable by way of final subsidy, taking account of any withholding, reducing or deducting of subsidy by him, following the submission and audit of that authority's final claim.

Textual Amendments

- F42** Words in art. 8(1)(a) substituted (31.10.2021) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), [Sch. 5 para. 5](#)

[^{F43}Payment of subsidy before [^{F44}test or] audit complete **E+W+S**

8A.—(1) Where an authority has submitted the final claim by the due date in accordance with article 4(2)(c) but the claim has not yet been [^{F45}tested in accordance with article 5A or] audited in accordance with article 6 and—

- (a) the Secretary of State estimates that the final subsidy will exceed the amount of interim subsidy that was paid to the authority in the relevant year, taking account of any withholding, reducing or deducting of subsidy by him, following the [^{F44}test or] audit of that authority's final claim, he may pay subsidy in accordance with paragraph (2); or
- (b) the Secretary of State estimates that the interim subsidy that was paid to the authority in the relevant year will exceed the amount of final subsidy, taking account of any withholding, reducing or deducting of subsidy by him, following the [^{F44}test or] audit of that authority's final claim, he may withhold or deduct subsidy in accordance with paragraph (2).

(2) The amounts that may be paid to, withheld or deducted from an authority under paragraph (1) shall be equal to the amount which the Secretary of State estimates is likely to be payable by way of final subsidy, taking account of any withholding, reducing or deducting of subsidy by him, following the [^{F44}test or] audit of that authority's final claim.]

Textual Amendments

- F43** Art. 8A inserted (with effect in accordance with art. 1(2) of the commencing S.I.) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#), arts. 1(1), [2\(4\)](#)
- F44** Words in art. 8A inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), [5\(7\)\(a\)](#)
- F45** Words in art. 8A(1) inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), [5\(7\)\(b\)](#)

Payment of subsidy for the relevant year **E+W+S**

9.—(1) Subject to paragraphs (2) and (3) and to any subsidy withheld, reduced or deducted in accordance with sections 140B(4) or 140C(3), as the case may be, where he is satisfied that—

- (a) the authority has submitted its final claim;

- [^{F46}(aa) in the case of an authority in England, the report of factual findings has been properly completed;]
- (b) [^{F47}in the case of an authority in Wales or Scotland,] the auditor has audited and certified that claim; and
- (c) the conditions of this Part have been complied with,

the Secretary of State shall pay to that authority final subsidy calculated in accordance with Part III.

[^{F48}(2) Any payment pursuant to paragraph (1) shall only be in respect of the balance of subsidy due after the Secretary of State—

- (a) has deducted any interim subsidy paid during or in respect of the relevant year; [^{F49}and]
- (b) has added or deducted, as the case may be, any amount paid, recovered or withheld pursuant to article 8A in respect of the relevant year;

^{F50}(c)

^{F50}(d)]

(3) The Secretary of State may pay subsidy under paragraph (1) once that submission, audit or certification, as the case may be, has occurred [^{F51}or, as the case may be, once the report of factual findings has been sent to the Secretary of State], despite it occurring after the time required in this Part.

(4) In a case where the third or fourth condition, as the case may be, are not met in relation to any authority, the Secretary of State may pay such amount of subsidy as he is satisfied will be due when that condition is met.

[^{F52}(5) In paragraph (1), a reference to paying final subsidy calculated in accordance with Part III may also be a reference to deducting or withholding subsidy, as the case may be.]

Textual Amendments

- F46** Art. 9(1)(aa) inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), **5(8)(a)(i)**
- F47** Words in art. 9(1)(b) inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), **5(8)(a)(ii)**
- F48** Art. 9(2) substituted (with effect in accordance with art. 1(2) of the commencing S.I.) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#), arts. 1(1), **2(5)(a)**
- F49** Word in art. 9(2) inserted (with effect in accordance with art. 1(2) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2011 \(S.I. 2011/2957\)](#), arts. 1(1), **2(1)(b)(i)**
- F50** Art. 9(2)(c)(d) omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2011 \(S.I. 2011/2957\)](#), arts. 1(1), **2(1)(b)(ii)**
- F51** Words in art. 9(3) inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), **5(8)(b)**
- F52** Art. 9(5) inserted (with effect in accordance with art. 1(2) of the commencing S.I.) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#), arts. 1(1), **2(5)(b)**

Transitional Protection Adjustments **E+W+S**

^{F53}9A

Textual Amendments

- F53** Art. 9A omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2011 \(S.I. 2011/2957\)](#), arts. 1(1), 2(1)(c)

Estimating subsidy **E+W+S**

10. If an authority has not, at the time specified in articles 4 or 6(1), as the case may be, complied with any condition specified in this Part, the Secretary of State may estimate the amount of any subsidy, including any interim subsidy, payable to that authority and he may employ for that purpose such criteria as he considers relevant.

PART III **E+W+S**

CALCULATION OF SUBSIDY

Interpretation of Part III **E+W+S**

11.—(1) In this Part, unless the context otherwise requires—

“allowance” means a rent allowance;

[^{F54}“appeal tribunal” has the meaning it bears in section 39(1) of the Social Security Act 1998;]

“board and lodging accommodation” means—

- (a) accommodation provided for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which are both cooked or prepared and consumed in that accommodation or associated premises; or
- (b) accommodation provided in a hotel, guest house, lodging house or some similar establishment,

but it does not include accommodation in a residential care home or nursing home within the meaning of regulation 19(3) of the Income Support (General) Regulations 1987^{M18} nor in a hostel within the meaning of [^{F55}regulation 14 of the Housing Benefit Regulations or, as the case may be, regulation 14 of the Housing Benefit (State Pension Credit) Regulations];

[^{F56}“Commissioner” has the meaning it bears in section 39(1) of the Social Security Act 1998;]

^{F57}
...

[^{F58}“the Consequential Provisions Regulations” means the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006;]

^{F59}
...

^{F59}
...

[^{F60}“the Housing Benefit Regulations” means the Housing Benefit Regulations 2006;]

[^{F61}“the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;]

“overpayment” includes ^{F62}... ^{F63}... overpayments under the Housing Benefit Regulations and any reference in this Order to “overpayment” in relation to any of the previous Orders shall bear the meaning it has in this Order;

F59
...

“rebate” means a rent rebate ^{F64} ... ^{M19};

“the Rent Officers Order” means the Rent Officers (Housing Benefits Functions) Order 1997 ^{M20} or the Rent Officers (Housing Benefits Functions) (Scotland) Order 1997 ^{M21}, as the case may be;

“the Rent Officers Order 1995” means the Rent Officers (Additional Functions) Order 1995 ^{M22} or the Rent Officers (Additional Functions) (Scotland) Order 1995 ^{M23}, as the case may be;

“scheme” means the housing benefit scheme ^{F65} ... as prescribed under section 123(1) of the Social Security [^{F66}Contributions and Benefits Act 1992];

F67
...

and other expressions used in this Part and in [^{F68}the Housing Benefit Regulations [^{F69}or the Housing Benefit (State Pension Credit) Regulations], as the case may be, shall have the same meanings in this Part as they have in those Regulations.

(2) In this Part

“qualifying expenditure” means, in relation to an authority, the total of [^{F70}housing benefit], including any payments under [^{F71}regulation 93] of the Housing Benefit Regulations [^{F72}and regulation 74 of the Housing Benefit (State Pension Credit) Regulations] (payments on account of a rent allowance) ^{M24} and any extended payments, lawfully paid [^{F73}or treated as lawfully paid under paragraph (3)] by the authority during the relevant year, less—

- (a) the deduction, if any, calculated for that authority in article 15 [^{F74}or 15A];
- (b) any deductions specified in article 19 relevant to that authority, and
- (c) where, under [^{F75}section 134(8) (arrangements for housing benefit) of the Act], the authority has modified any part of a scheme it administers, any amount by which the total of [^{F70}housing benefit] paid under that scheme during the relevant year by it exceeds the total it would have paid if the scheme had not been so modified.

[^{F76}(3) An amount of [^{F77}housing benefit] which—

- (a) would fall to be paid in the relevant year for a period in a preceding year; and
- (b) is not paid by virtue of [^{F78}regulation 98 or 102 of the Housing Benefit Regulations or, as the case may be, regulation 79 or 83 of the Housing Benefit (State Pension Credit) Regulations] (offsetting and method of recovery) on the ground that an overpayment of benefit was made in that preceding year for that period,

shall be treated as lawfully paid in the relevant year for that period.]]

Textual Amendments

- F54** Words in art. 11(1) inserted (25.9.2000) by The Income-related Benefits (Subsidy to Authorities) Amendment (No. 2) Order 2000 (S.I. 2000/2340, art. 1, 2(a)(i))
- F55** Words in art. 11(1) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 13(2)(a)(i)** (with regs. 2, 3, Schs. 3, Sch. 4)
- F56** Words in art. 11(1) inserted (25.9.2000) by The Income-related Benefits (Subsidy to Authorities) Amendment (No. 2) Order 2000 (S.I. 2000/2340, art. 1, 2(a)(i))
- F57** Words in art. 11 omitted (9.11.2015) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2015 \(S.I. 2015/1784\)](#), arts. 1(1), **5(2)(a)**

- F58** Words in art. 11(1) inserted (with effect in accordance with art. 1(3) of the commencing S.I.) by The Income-related Benefits (Subsidy to Authorities) Amendment Order 2011 (S.I. 2011/2957), arts. 1(1), **4(2)**
- F59** Words in art. 11(1) omitted (31.10.2021) by virtue of The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031), art. 1(1), **Sch. 5 para. 6(a)(i)**
- F60** Words in art. 11(1) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 13(2)(a)(iv)** (with regs. 2, 3, Schs. 3, Sch. 4)
- F61** Words in art. 11(1) inserted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 13(2)(a)(v)** (with regs. 2, 3, Schs. 3, Sch. 4)
- F62** Words in art. 11 omitted (9.11.2015) by virtue of The Income-related Benefits (Subsidy to Authorities) Amendment Order 2015 (S.I. 2015/1784), arts. 1(1), **5(2)(b)**
- F63** Words in art. 11(1) omitted (31.10.2021) by virtue of The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031), art. 1(1), **Sch. 5 para. 6(a)(ii)**
- F64** Words in art. 11(1) omitted (1.4.2004) by virtue of Income-related Benefits (Subsidiary to Authorities) Amendment Order 2004 (S.I. 2004/646), art. 1(1), **Sch. 1 para. 4**
- F65** Words in art. 11(1) omitted (31.10.2021) by virtue of The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031), art. 1(1), **Sch. 5 para. 6(a)(iii)**
- F66** Words in art. 11(1) substituted (10.5.2000 with effect in accordance with art. 1(3)) by The Income-related Benefits (Subsidy to Authorities) Amendment Order 2000 (S.I. 2000/1091), arts. 1, **4(1)**
- F67** Words in art. 11(1) omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of Income-related Benefits (Subsidy to Authorities) Amendment Order 2006 (S.I. 2006/54), arts. 1(1), **3(2)(a)**
- F68** Words in art. 11(1) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 13(2)(a)(vi)** (with regs. 2, 3, Schs. 3, Sch. 4)
- F69** Words in art. 11 substituted (31.10.2021) by The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031), art. 1(1), **Sch. 5 para. 6(a)(iv)**
- F70** Words in art. 11(2) substituted (31.10.2021) by The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031), art. 1(1), **Sch. 5 para. 6(b)(i)**
- F71** Words in art. 11(2) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 13(2)(b)** (with regs. 2, 3, Schs. 3, Sch. 4)
- F72** Words in art. 11(2) inserted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 13(2)(b)** (with regs. 2, 3, Schs. 3, Sch. 4)
- F73** Words in art. 11(2) inserted (25.9.2000) by The Income-related Benefits (Subsidy to Authorities) Amendment (No. 2) Order 2000 (S.I. 2000/2340, art. 1, 2(a)(ii))
- F74** Words in art. 11(2) inserted (with effect in accordance with art. 1(2) of the commencing S.I.) by Income-related Benefits (Subsidy to Authorities) Amendment Order 2006 (S.I. 2006/54), arts. 1(1), **3(2)(b)**
- F75** Words in art. 11(2) substituted (31.10.2021) by The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031), art. 1(1), **Sch. 5 para. 6(b)(ii)**
- F76** Art. 11(3) inserted (25.9.2000) by The Income-related Benefits (Subsidy to Authorities) Amendment (No. 2) Order 2000 (S.I. 2000/2340, art. 1, 2(a)(iii))

- F77** Words in art. 11(3) substituted (31.10.2021) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), [Sch. 5 para. 6\(c\)](#)
- F78** Words in art. 11(3) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#) , reg. 1(1) , [Sch. 2 para. 13\(2\)\(c\)](#) (with regs. 2 , 3 , Schs. 3 , Sch. 4)

Marginal Citations

- M18** [S.I. 1987/1967](#) ; relevant amending instruments are [S.I. 1988/663](#) , 1445, 2022, 1989/1678, 1992/3147 and 1993/2119.
- M19** See the meaning of “relevant benefit” in section 140B(2) of the Social Security Administration Act 1992, inserted by paragraph 4 of Schedule 12 to the [Housing Act 1996 \(c.52\)](#).
- M20** [S.I. 1997/1984](#) .
- M21** [S.I. 1997/1995](#) .
- M22** [S.I. 1995/1642](#) , amended by [S.I. 1995/2365](#) , 3148, 1996/959, 1997/1000 and 1984.
- M23** [S.I. 1995/1643](#) , amended by [S.I.1995/2361](#) , 3185, 1996/975, 1997/1003 and 1995.
- M24** Regulation 91 was amended by [S.I. 1995/2868](#) .

Amount of subsidy E+W+S

12.—^[F79](1) Subject to paragraph (2), the amount of an authority’s subsidy for the relevant year is the sum of the following—

- (a) the amount of subsidy calculated in accordance with article 13;
- (b) for an authority identified in column (1) of Schedule 1 (sums to be used in the calculation of subsidy), the amount in respect of the costs of administering the ^[F80]housing benefit] specified in column (2) of that Schedule for that authority;
- ^[F81](bza) the additional amount specified by Schedule 1ZB (additional amount of subsidy: verify earnings and pension alerts service); and]
- ^[F82](bzb) any additional amount specified by Schedule 1ZC (additional amount of subsidy: Housing Benefit Award Accuracy Initiative);]
- ^{F83}(ba)
- ^{F84}(c)
- (d) for an authority which has modified any part of a scheme it administers in recognition of the operation of a local scheme under section 134(8) of the Act (arrangements for housing benefit), the additional amount calculated in accordance with paragraph (4).]

^[F85](2) Subject to paragraph (3), any sum paid after 1st April 1997 by way of subsidy in respect of an overpayment of ^[F86]housing benefit] shall be deducted from any amount of subsidy which would otherwise fall to be paid in respect of any payment of benefit which is treated, in accordance with paragraph 11(3), as made for the same period as that overpayment.

(3) A deduction shall not be made under paragraph (2) where the sum already paid by way of subsidy is greater than the amount which would fall to be paid.]

^[F87](4) For the purposes of sub-paragraph ^[F88](1)(d)], the additional amount will be 0.2 per cent of the amount or total of amounts calculated in accordance with article 13 but will not exceed 75 per cent of the cost of the total of ^[F89]housing benefit] paid under the scheme.]

Textual Amendments

- F79** Art. 12(1) substituted (with effect in accordance with art. 1(3) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2015 \(S.I. 2015/1784\)](#), arts. 1(1), **2(2)(a)**
- F80** Words in art. 12(1)(b) substituted (31.10.2021) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 7**
- F81** Art. 12(1)(bza) inserted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), **3(1)(a)**
- F82** Art. 12(bzb) inserted (with effect in accordance with art. 2(2) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), arts. 1(1), **4(1)**
- F83** Art. 12(1)(ba) omitted (with effect in accordance with art. 1(4) of the amending S.I.) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), **3(1)(b)**
- F84** Art. 12(1)(c) omitted (26.10.2017) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2017 \(S.I. 2017/900\)](#), **art. 2(2)(b)**, reg. 1
- F85** Art. 12(2)(3) inserted (25.9.2000) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment \(No. 2\) Order 2000 \(S.I. 2000/2340\)](#), arts 1, 2(b)(ii)
- F86** Words in art. 12(2) substituted (31.10.2021) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 7**
- F87** Art. 12(4) inserted (with effect in accordance with art. 1(2) of the commencing S.I.) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#) , arts. 1(1) , **3(3)(b)**
- F88** Word in art. 12(4) substituted (with effect in accordance with art. 1(3) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2015 \(S.I. 2015/1784\)](#), arts. 1(1), **2(2)(b)**
- F89** Words in art. 12(4) substituted (31.10.2021) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 7**

[^{F90}Housing benefit] E+W+S

- 13.—[^{F91}(1) [^{F92}The amount of subsidy payable under article 12(1)(a)] shall ^{F93} ... be—
- (a) in the case of any authority to which none of articles 14, 16^{F94}, 17^{F95}, 17A, 17B and 17C] applies, an amount equal to [^{F96}100 per cent. of its qualifying expenditure attributable to expenditure in respect of housing benefit].
 - (b) in the case of any authority to which at least one of those articles applies an amount equal to the aggregate of—
 - (i) [^{F97}100 per cent]. of so much of its qualifying expenditure attributable to expenditure in respect of housing benefit as remains after deducting from that expenditure the amount of expenditure attributable to housing benefit to which each of those articles which is relevant applies; [^{F98}and]
 - ^{F99}(ii)
 - (iii) the appropriate amount calculated ^{F100} ... under each such article,
 plus, in each case, the additions, where applicable, under [^{F101}[^{F102}article 18] but subject, in each case, to the deductions, where applicable, under articles 20 and 20A].]
- ^{F103}(2)

^{F104}(3)

Textual Amendments

- F90** Art. 13 heading substituted (31.10.2021) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 8(2)**
- F91** Art. 13(1) substituted (10.5.2000 with effect in accordance with art. 1(3)) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2000 \(S.I. 2000/1091\)](#), arts. 1, **4(2)**
- F92** Words in art. 13(1) substituted (with effect in accordance with art. 1(3) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2015 \(S.I. 2015/1784\)](#), arts. 1(1), **2(3)**
- F93** Words in art. 13(1) omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2003 \(S.I. 2003/3179\)](#), arts. 1(1), **4(a)**
- F94** Words in art. 13(1)(a) substituted (with effect in accordance with art. 1(4) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2010 \(S.I. 2010/2481\)](#), arts. 1(1), **5(2)**
- F95** Words in art. 13(1)(a) substituted (1.4.2011) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#), arts. 1, **2(2)**
- F96** Words in art. 13(1)(a) substituted (31.10.2021) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 8(3)(a)**
- F97** Words in art. 13(1)(b)(i) substituted (with effect in accordance with art. 1(2) of the commencing S.I.) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#), arts. 1(1), **3(4)(a)**
- F98** Word in art. 13(1)(b)(i) inserted (31.10.2021) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 8(3)(b)(i)**
- F99** Art. 13(1)(b)(ii) omitted (31.10.2021) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 8(3)(b)(ii)**
- F100** Words in art. 13(1)(b)(iii) omitted (31.10.2021) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 8(3)(b)(iii)**
- F101** Words in art. 13(1) substituted (with effect in accordance with art. 1(2) of the commencing S.I.) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2005 \(S.I. 2005/369\)](#), arts. 1(1), **4(3)**
- F102** Words in art. 13 substituted (with effect in accordance with art. 1(2) of the commencing S.I.) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2008 \(S.I. 2008/196\)](#), arts. 1(1), **2(2)**
- F103** Art. 13(2) omitted (2.1.2004 with effect in accordance with art. 1(2)) by virtue of [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2003 \(S.I. 2003/3179\)](#), arts. 1(1), **4(b)**
- F104** Art. 13(3) omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#), arts. 1(1), **3(4)(c)**

Backdated benefit E+W+S

14.—(1) Subject to [^{F105}paragraphs (2) and (3)], where—

- (a) during the relevant year an authority has, under ^{F106}regulation 83(12) of the Housing Benefit Regulations or, as the case may be, regulation 64(13) of the Housing Benefit (State Pension Credit) Regulations ^{F107}...] (time and manner of claiming) ^{M25}, treated any claim as made on a day earlier than that on which it is made; and
 - (b) any part of that authority’s qualifying expenditure is attributable to such earlier period, for the purposes of ^{F108}article 13(1)(b)(iii)], the appropriate amount for the relevant year in respect of such part shall be ^{F109}100 per cent]. of the qualifying expenditure so attributable.
- (2) This article shall not apply in ^{F110}in relation to expenditure to which ^{F111}article 17(2), 17A(2)[^{F112}, 17B(2), 17C(2)] or 18(1)(b)(iii)] or paragraph 6 of Schedule 4 applies.
- ^{F113}(3)

Textual Amendments

F105 Words in art. 14(1) substituted (with effect in accordance with art. 1(3) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment \(No. 2\) Order 2013 \(S.I. 2013/2989\)](#), art. 1, **art. 3(1)(a)**

F106 Words in art. 14(1)(a) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#) , reg. 1(1) , **Sch. 2 para. 13(3)** (with regs. 2 , 3 , Schs. 3 , Sch. 4)

F107 Words in art. 14(1) omitted (31.10.2021) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 9(a)**

F108 Words in art. 14(1) substituted (25.7.2001) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2001 \(S.I. 2001/2350\)](#) , arts. 1(1) , **3**

F109 Words in art. 14(1)(b) substituted (with effect in accordance with art. 1(2) of the commencing S.I.) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#) , arts. 1(1) , **3(5)(a)**

F110 Words in art. 14(2) substituted (with effect in accordance with art. 1(2) of the commencing S.I.) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2005 \(S.I. 2005/369\)](#) , arts. 1(1) , **4(4)**

F111 Words in art. 14(2) substituted (1.4.2010) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2009 \(S.I. 2009/2580\)](#), arts. 1, **2(2)**

F112 Words in art. 14(2) inserted (1.4.2011) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#), arts. 1, **2(3)**

F113 Art. 14(3) omitted (31.10.2021) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 9(b)**

Marginal Citations

M25 Regulations 72(15) and 62(16) were amended by [S.I. 1996/462](#) .

Disproportionate rent increase E+W+S

15.—(1) Except where paragraph (5), (6) or (7) applies, in the case of an authority in Scotland, whose average rent increase differential, as calculated in accordance with paragraph (2) (“the proportion”), has a value greater than zero, the deduction from qualifying expenditure specified in article 11(2)(a) shall be the proportion multiplied by the sum calculated for that authority in accordance with paragraph (4).

(2) The average rent increase differential for each authority shall be calculated by applying the formula—

$$(1 + A) \times \left(\frac{B}{C} \times \frac{D}{E} \right) - 1$$

where A, B, C, D and E each has the value determined in accordance with paragraph (3).

(3) For the purposes of paragraph (2)—

- (a) the value of A shall be the proportion calculated for that authority pursuant to paragraphs (3) and (4) of—
 - (i) in relation to the relevant year commencing on 1st April 1997, article 6 of the 1997 Order, or
 - (ii) in relation to a relevant year commencing on or after 1st April 1998, this article of this Order for the year immediately preceding the relevant year;
- (b) the value of B shall be the average rent charged by the authority in respect of Category 1 dwellings on the final date;
- (c) the value of C shall be the average rent charged by the authority in respect of Category 1 dwellings on the initial date;
- (d) the value of D shall be the average rent charged by the authority in respect of Category 2 dwellings on the initial date; and
- (e) the value of E shall be the average rent charged by the authority in respect of Category 2 dwellings on the final date.

(4) The sum referred to in paragraph (1) shall be that part of qualifying expenditure attributable to rebates granted during the relevant year before any deduction by reason of this article, but less any part of such expenditure to which [^{F114}article 13(1)(b)(iii)] applies.

(5) Subject to paragraph (6), this article shall not apply in the case of an authority—

- (a) which has—
 - (i) set the rent for the relevant year according to the type, condition, class or description of the dwellings and the services, facilities or rights provided to the tenants, where that rent is reasonable having regard to those matters;
 - (ii) not taken account of whether a tenant was a beneficiary when setting rents for the relevant year, and
 - (iii) not let dwellings, either in the relevant year or in either of the two previous years, to beneficiaries irrespective of their housing needs;

or

- (b) where—
 - (i) any increases in rent between the initial date and 1st April in the following year were of the same percentage and applied on the same day to all tenants irrespective of whether they were beneficiaries, and
 - (ii) the average rent increase differential calculated in accordance with—
 - (aa) in relation to the relevant year commencing on 1st April 1997, article 6 of the 1997 Order; or

(bb) in relation to a relevant year commencing on or after 1st April 1998, this article of this Order for the year immediately preceding the relevant year, for that authority had a value which was zero or less than zero.

(6) In the case of a new authority, sub-paragraph (a)(iii) of paragraph (5) shall be modified so that, in relation to the relevant year commencing on 1st April 1997, for the words “or in either of the two previous years” there shall be substituted the words “or in the previous year”.

[^{F115}(7) This article shall not apply in a case to which article 17 or 17A (subsidy in respect of temporary or short term accommodation) applies.]

(8) In this article (and, in the case of the meaning ascribed to the word “beneficiary”, also in article 19(2))—

“average” means the arithmetic mean;

“beneficiary” means a person who is entitled or likely to become entitled to a rebate;

“Category 1 dwellings” means dwellings rented out by the authority, on both the initial date and the final date, in respect of which, on the final date, the persons liable to pay such rent were in receipt of rebates;

“Category 2 dwellings” means dwellings rented out by the authority, on both the initial date and the final date, in respect of which, on the final date, the persons liable to pay such rent were not in receipt of rebates;

“final date” means the last day of the relevant year;

“initial date” means the day before the relevant year; and

“rent” means either—

(a) the payments specified in [^{F116}sub-paragraphs (a) to (j) in paragraph (1) of regulation 12 of the Housing Benefit Regulations or, as the case may be, sub-paragraphs (a) to (j) in paragraph (1) of regulation 12 of the Housing Benefit (State Pension Credit) Regulations]; or

(b) the eligible rent,

as the authority may determine, provided that wherever the expression “rent” occurs in paragraph (3) it has the same meaning throughout in relation to that authority.

Textual Amendments

F114 Words in art. 15(4) substituted (25.7.2001) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2001 \(S.I. 2001/2350\)](#), arts. 1(1), **3**

F115 Art. 15(7) substituted (1.4.2011) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#), arts. 1, **2(4)**

F116 Words in art. 15(8) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 13(4)** (with regs. 2, 3, Schs. 3, Sch. 4)

[^{F117}Disproportionate rent increase – Wales **E+W+S**

15A.—(1) Subject to paragraphs (5) to (7), in the case of an authority in Wales whose average rent increase differential, as calculated in accordance with paragraph (2) (“the proportion”), has a value greater than zero, the deduction from qualifying expenditure specified in article 11(2)(a) shall be the proportion multiplied by the sum calculated for that authority in accordance with paragraph (4).

(2) The average rent increase differential for each authority shall be calculated by applying the formula—

$$(1+A) \times (BC \times DE) - 1$$

where A, B, C, D and E each has the value determined in accordance with paragraph (3).

(3) For the purposes of paragraph (2)—

- (a) the value of A shall be the proportion calculated for that authority pursuant to that paragraph for the year immediately preceding the relevant year;
- (b) the value of B shall be the average rent charged by the authority in respect of Category 1 dwellings on the final date;
- (c) the value of C shall be the average rent charged by the authority in respect of Category 1 dwellings on the initial date;
- (d) the value of D shall be the average rent charged by the authority in respect of Category 2 dwellings on the initial date; and
- (e) the value of E shall be the average rent charged by the authority in respect of Category 2 dwellings on the final date.

(4) The sum referred to in paragraph (1) shall be that part of qualifying expenditure attributable to rebates granted during the relevant year before any deduction by reason of this article, but less any part of such expenditure to which article 13(1)(b)(iii) applies.

(5) This article shall not apply in the case of an authority—

- (a) which has—
 - (i) set the rent for the relevant year according to the type, condition, class or description of the dwellings and the services, facilities or rights provided to the tenants, where that rent is reasonable having regard to those matters,
 - (ii) not taken account of whether a tenant was a beneficiary when setting rents for the relevant year, and
 - (iii) not let dwellings, either in the relevant year or in either of the two previous years, to beneficiaries irrespective of their housing needs; or
- (b) where—
 - (i) any increases in rent between the initial date and 1st April in the following year were of the same percentage and applied on the same day to all tenants irrespective of whether they were beneficiaries, and
 - (ii) the average rent increase differential calculated in accordance with paragraph (2) for the year immediately preceding the relevant year, for that authority had a value which was zero or less than zero.

(6) Where the relevant year is the year beginning on 1st April 2004—

- (a) paragraph (3)(a) shall have effect as if, for the words from “the proportion” to “the relevant year” there were substituted “equal to the value of G calculated for that authority for the purposes of paragraph 6.5.1 of the 2003-04 Determination;” and
- (b) paragraph (5)(b)(ii) shall have effect as if, for the words from “average” to “relevant year” there were substituted “value of G calculated for the purposes of paragraph 6.5.1 of the 2003-04 Determination”.

[^{F118}(7) This article shall not apply in a case to which article 17 or 17A (subsidy in respect of temporary or short term accommodation) applies.]

(8) In this article—

“average” means the arithmetic mean;

- “beneficiary” means a person who is entitled or likely to become entitled to a rebate;
- “Category 1 dwellings” means dwellings rented out by the authority, on both the initial date and the final date, in respect of which, on the final date, the persons liable to pay such rent were in receipt of rebates;
- “Category 2 dwellings” means dwellings rented out by the authority, on both the initial date and the final date, in respect of which, on the final date, the persons liable to pay such rent were not in receipt of rebates;
- “2003-04 Determination” means the Housing Revenue Account Subsidy (Wales) Determination 2003-04;
- “final date” means the last day of the relevant year;
- “initial date” means the day before the first day of the relevant year; and
- “rent” means either—
 - (a) the payments specified in sub-paragraphs (a) to (i) in paragraph (1) of [^{F119} regulation 12 of the Housing Benefit Regulations or, as the case may be, regulation 12 of the Housing Benefit (State Pension Credit) Regulations] (rent); or
 - (b) the eligible rent,
 as the authority may determine, provided that wherever the expression “rent” occurs in paragraph (3) it has the same meaning throughout in relation to that authority.]

Textual Amendments

F117 Art. 15A inserted (with effect in accordance with art. 1(2) of the commencing S.I.) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2005 \(S.I. 2005/369\)](#) , arts. 1(1) , **4(5)**

F118 Art. 15A(7) substituted (1.4.2011) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#), arts. 1, **2(4)**

F119 Words in art. 15A(8) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#) , reg. 1(1) , **Sch. 2 para. 13(5)** (with regs. 2 , 3 , Schs. 3 , Sch. 4)

Treatment of high rents in rent allowance cases E+W+S

16.—(1) Except in a case to which article 14 (backdated benefit)^{F120}, 17B or 17C (subsidy in respect of accommodation provided by a registered housing association as temporary or short term accommodation)] applies, and subject to paragraphs (2), ^{F121}... and (4) and to article 23 (transitional provisions in relation to rent officer determinations), this article applies in a rent allowance case and, where this article applies, the appropriate amount, for the purposes of [^{F122}article 13(1)(b)(iii)], shall be calculated in accordance with Part II of Schedule 4.

- (2) This article shall not apply where a dwelling is an excluded tenancy by virtue of -
 - ^{F123}(a) paragraph 1 and any of paragraphs 3 to 11 of Schedule 2 to the Housing Benefit Regulations (excluded tenancies); or
 - (b) paragraph 1 and any of paragraphs 3 to 11 of Schedule 2 to the Housing Benefit (State Pension Credit) Regulations (excluded tenancies)]

^{F124}(3)

(4) This article shall not apply in a case where a maximum rent has been determined, except where—

^{F125}(a)

^{F126}(b)

(c) [^{F127}regulation 13(14) of the Housing Benefit Regulations or, as the case may be, regulation 13(14) of the Housing Benefit (State Pension Credit) Regulations] (no maximum rent for first 13 weeks) applies, when the appropriate amount shall be calculated in respect of the first 13 weeks in accordance with paragraph 15 of Schedule 4.

(5) Expressions used in this article and in Schedule 4 have the same meanings in this article as they have in that Schedule.

Textual Amendments

- F120** Words in art. 16(1) inserted (1.4.2011) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#), arts. 1, **2(5)**
- F121** Word in art. 16(1) omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#), arts. 1(1), **3(6)(a)**
- F122** Words in art. 16(1) substituted (25.7.2001) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2001 \(S.I. 2001/2350\)](#), arts. 1(1), **3**
- F123** Art. 16(2)(a)(b) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 13(6)(a)** (with regs. 2, 3, Schs. 3, Sch. 4)
- F124** Art. 16(3) omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#), arts. 1(1), **3(6)(c)**
- F125** Art. 16(4)(a) omitted (31.10.2021) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 10**
- F126** Art. 16(4)(b) omitted (with effect in accordance with art. 1(3) of the commencing S.I.) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2011 \(S.I. 2011/2957\)](#), arts. 1(1), **4(3)**
- F127** Words in art. 16(4)(c) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 13(6)(b)(ii)** (with regs. 2, 3, Schs. 3, Sch. 4)

^{F128}^{F129}**Subsidy in respect of non self-contained licensed accommodation, and board and lodging accommodation, provided by an authority as temporary or short term accommodation] **E+W+S****

17.—(1) [^{F130}This article applies where—

- (a) a rent rebate is payable by an authority;
- (b) a person (“P”) is required to pay the authority for—
 - (i) board and lodging accommodation; or
 - (ii) accommodation which is not self-contained and which the authority has a right to use under an agreement, other than a lease, with a third party; and
- (c) the authority makes the accommodation available to P—
 - (i) to discharge any of its functions under Part 3 of the Housing Act 1985, Part 7 of the Housing Act 1996^{F131}, Part 2 of the Housing (Wales) Act 2014] or Part 2 of the Housing (Scotland) Act 1987, as the case may be; or

- (ii) to prevent P being or becoming homeless within the meaning of Part 7 of the Housing Act 1996^{F132}, Part 2 of the Housing (Wales) Act 2014 or] Part 2 of the Housing (Scotland) Act 1987^{F133}, as the case may be] .]
- (2) Where this article applies the appropriate amount is ^{F134}the lowest] of—
- the amount of housing benefit entitlement in a week or part week, as the case may be; or
 - the maximum amount determined in accordance with paragraph (3); ^{F135}or
 - ^{F136} ... £500 where the dwelling is located in a broad rental market area listed in Schedule 8 (broad rental market areas in London) or £375 where the dwelling is located in any other broad rental market area.]
- (3) The maximum amount referred to in paragraph (2) is the local housing allowance for January ^{F137}2011] for the category specified in paragraph 1(1)(b) of Schedule 3B to the Rent Officers Order which is applicable to the broad rental market area in which the accommodation is situated.
- ^{F138}(3A)
- (4) For the purposes of this article and ^{F139}articles 17A, 17B and 17C], accommodation is self-contained if P’s household is not required to share one or more of the following with another household—
- a kitchen;
 - a toilet;
 - a bathroom.
- (5) In this article and ^{F140}articles 17A, 17B and 17C]—
- “broad rental market area” has the meaning specified in paragraph 4 of Schedule 3B to the Rent Officers Order; and
- “local housing allowance” means an allowance determined in accordance with paragraph 2 of Schedule 3B to the Rent Officers Order.

Textual Amendments

- F128** Arts. 17-17A substituted for art. 17 (1.4.2010) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2009 \(S.I. 2009/2580\)](#), arts. 1, **2(3)**
- F129** Art. 17 heading substituted (1.4.2011) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#), arts. 1, **2(6)**
- F130** Art. 17(1) substituted (1.4.2011) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#), arts. 1, **2(7)(a)**
- F131** Words in art. 17(1)(c)(i) inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2016 \(S.I. 2016/986\)](#), arts. 1(1), **4(2)(a)**
- F132** Words in art. 17(1)(c)(ii) substituted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2016 \(S.I. 2016/986\)](#), arts. 1(1), **4(2)(b)(i)**
- F133** Words in art. 17(1)(c)(ii) inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2016 \(S.I. 2016/986\)](#), arts. 1(1), **4(2)(b)(ii)**
- F134** Words in art. 17(2) substituted (with effect in accordance with art. 1(4) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2010 \(S.I. 2010/2481\)](#), arts. 1(1), **5(4)(a)(i)**

- F135** Art. 17(2)(c) and word added (with effect in accordance with art. 1(4) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2010 \(S.I. 2010/2481\)](#), arts. 1(1), [5\(4\)\(a\)\(ii\)](#)
- F136** Words in art. 17(2)(c) omitted (1.4.2011) by virtue of [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#), arts. 1, [2\(7\)\(b\)](#)
- F137** Word in art. 17(3) substituted (1.4.2011) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#), arts. 1, [2\(7\)\(c\)](#)
- F138** Art. 17(3A) omitted (1.4.2011) by virtue of [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#), arts. 1, [2\(7\)\(d\)](#)
- F139** Words in art. 17(4) substituted (1.4.2011) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#), arts. 1, [2\(7\)\(e\)](#)
- F140** Words in art. 17(5) substituted (1.4.2011) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#), arts. 1, [2\(7\)\(f\)](#)

[^{F141}Subsidy in respect of self-contained licensed accommodation, and leased accommodation, provided by an authority as temporary or short term accommodation] E+W+S

17A.—^{F142}(1) This article applies where—

- (a) a rent rebate is payable by an authority;
- (b) a person (“P”) is required to pay the authority—
 - (i) for self-contained accommodation which the authority has a right to use under an agreement, other than a lease, with a third party;
 - (ii) in England, for accommodation outside that authority’s Housing Revenue Account which the authority holds on a lease granted for a term not exceeding 10 years; or
 - (iii) in Wales and Scotland, for accommodation which the authority holds on a lease; and
- (c) the authority makes the accommodation available to P—
 - (i) to discharge any of its functions under Part 3 of the Housing Act 1985, Part 7 of the Housing Act 1996^{F143}, Part 2 of the Housing (Wales) Act 2014] or Part 2 of the Housing (Scotland) Act 1987, as the case may be; or
 - (ii) to prevent P being or becoming homeless within the meaning of Part 7 of the Housing Act 1996^{F144}, Part 2 of the Housing (Wales) Act 2014 or] Part 2 of the Housing (Scotland) Act 1987^{F145}, as the case may be] .]

(2) Where this article applies, the appropriate amount is [^{F146}the lowest] of—

- (a) the amount of housing benefit entitlement in a week or part week, as the case may be; or
- (b) the maximum amount determined in accordance with paragraph (3); [^{F147}or
- (c) ^{F148} ..., £500 where the dwelling is located in a broad rental market area listed in Schedule 8 (broad rental market areas in London) or £375 where the dwelling is located in any other broad rental market area.]

(3) [^{F149}The maximum amount referred to in paragraph (2) is 90% of the local housing allowance for January 2011 for the category specified in paragraphs 1(1)(b) to (f) of Schedule 3B to the Rent Officers Order (as in force on 1st January 2011) which applies to the accommodation and is applicable to the broad rental market area in which the accommodation is situated.]

^{F150}(3A)

(4) [^{F151}For the purposes of determining the applicable local housing allowance in paragraph (3)—

- (a) for accommodation which is not self-contained, the applicable local housing allowance is the local housing allowance specified in paragraph 1(1)(b) of Schedule 3B to the Rent Officers Order; and
- (b) for accommodation which is self-contained—
 - (i) where the total number of rooms suitable for living in and bedrooms in the accommodation is between two and five, at least one of those rooms is to be treated as a room suitable for living in; and
 - (ii) where the total number of rooms suitable for living in and bedrooms in the accommodation is six or more, at least two of those rooms are to be treated as rooms suitable for living in.]]

Textual Amendments

- F128** Arts. 17-17A substituted for art. 17 (1.4.2010) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2009 \(S.I. 2009/2580\)](#) , arts. 1 , **2(3)**
- F141** Art. 17A heading substituted (1.4.2011) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#) , arts. 1 , **2(8)**
- F142** Art. 17A(1) substituted (1.4.2011) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#) , arts. 1 , **2(9)(a)**
- F143** Words in art. 17A(1)(c)(i) inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2016 \(S.I. 2016/986\)](#) , arts. 1(1) , **4(3)(a)**
- F144** Words in art. 17A(1)(c)(ii) substituted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2016 \(S.I. 2016/986\)](#) , arts. 1(1) , **4(3)(b)(i)**
- F145** Words in art. 17A(1)(c)(ii) inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2016 \(S.I. 2016/986\)](#) , arts. 1(1) , **4(3)(b)(ii)**
- F146** Words in art. 17A(2) substituted (with effect in accordance with art. 1(4) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2010 \(S.I. 2010/2481\)](#) , arts. 1(1) , **5(4)(a)(i)**
- F147** Art. 17A(2)(c) and word added (with effect in accordance with art. 1(4) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2010 \(S.I. 2010/2481\)](#) , arts. 1(1) , **5(4)(a)(ii)**
- F148** Words in art. 17A(2)(c) omitted (1.4.2011) by virtue of [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#) , arts. 1 , **2(9)(b)**
- F149** Art. 17A(3) substituted (26.10.2017) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2017 \(S.I. 2017/900\)](#) , **art. 5(1)** , reg. 1
- F150** Art. 17A(3A) omitted (1.4.2011) by virtue of [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#) , arts. 1 , **2(9)(d)**
- F151** Art. 17A(4) substituted (1.4.2011) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#) , arts. 1 , **2(9)(e)**

^{F152}**Subsidy in respect of non self-contained licensed accommodation, and board and lodging accommodation, made available by a registered housing association as temporary or short term accommodation** **E+W+S**

17B.—(1) This article applies where—

- (a) a rent allowance is payable by an authority;
- (b) a person (“P”) is required to pay a registered housing association for—

- (i) board and lodging accommodation; or
 - (ii) accommodation which is not self-contained and which the registered housing association has a right to use under an agreement, other than a lease, with a third party; and
- (c) the registered housing association makes the accommodation available to P in pursuance of arrangements made with it by the authority—
- (i) to discharge any of the authority’s functions under Part 3 of the Housing Act 1985, Part 7 of the Housing Act 1996^{F153}, Part 2 of the Housing (Wales) Act 2014] or Part 2 of the Housing (Scotland) Act 1987, as the case may be; or
 - (ii) to prevent P being or becoming homeless within the meaning of Part 7 of the Housing Act 1996^{F154}, Part 2 of the Housing (Wales) Act 2014 or] Part 2 of the Housing (Scotland) Act 1987^{F155}, as the case may be]; ^{F156}and
- (d) the accommodation is not exempt accommodation within the meaning given by paragraph 4(10) of Schedule 3 (transitional and savings provisions) to the Consequential Provisions Regulations.]
- (2) Where this article applies the appropriate amount is the lowest of—
- (a) the amount of housing benefit entitlement in a week or part week, as the case may be;
 - (b) the maximum amount determined in accordance with paragraph (3); or
 - (c) £500 where the dwelling is located in a broad rental market area listed in Schedule 8 (broad rental market areas in London) or £375 where the dwelling is located in any other broad rental market area.
- (3) The maximum amount referred to in paragraph (2) is the local housing allowance for January 2011 for the category specified in paragraph 1(1)(b) of Schedule 3B to the Rent Officers Order which is applicable to the broad rental market area in which the accommodation is situated.

Textual Amendments

- F152** Art. 17B - Art. 17C inserted (1.4.2011) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#), arts. 1, **2(10)**
- F153** Words in art. 17B(1)(c)(i) inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2016 \(S.I. 2016/986\)](#), arts. 1(1), **4(4)(a)**
- F154** Words in art. 17B(1)(c)(ii) substituted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2016 \(S.I. 2016/986\)](#), arts. 1(1), **4(4)(b)(i)**
- F155** Words in art. 17B(1)(c)(ii) inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2016 \(S.I. 2016/986\)](#), arts. 1(1), **4(4)(b)(ii)**
- F156** Art. 17B(1)(d) and word added (1.4.2011) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2011 \(S.I. 2011/2957\)](#) arts. , 4(5)

Subsidy in respect of self-contained accommodation, or owned or leased accommodation, made available by a registered housing association as temporary or short term accommodation **E+W+S**

- 17C.**—(1) This article applies where—
- (a) a rent allowance is payable by an authority; and

- (b) a person (“P”) is required to pay a registered housing association for—
- (i) accommodation which is not self-contained and which the registered housing association owns or holds on a lease; or
 - (ii) accommodation which is self-contained; and
- (c) the registered housing association makes the accommodation available to P in pursuance of arrangements made with it by the authority—
- (i) to discharge any of the authority’s functions under Part 3 of the Housing Act 1985, Part 7 of the Housing Act 1996^{F157}, Part 2 of the Housing (Wales) Act 2014] or Part 2 of the Housing (Scotland) Act 1987, as the case may be; or
 - (ii) to prevent P being or becoming homeless within the meaning of Part 7 of the Housing Act 1996^{F158}, Part 2 of the Housing (Wales) Act 2014 or] Part 2 of the Housing (Scotland) Act 1987^{F159}, as the case may be]; ^{F160}and
- (d) the accommodation is not exempt accommodation within the meaning given by paragraph 4(10) of Schedule 3 (transitional and savings provisions) to the Consequential Provisions Regulations.]
- (2) Where this article applies the appropriate amount is the lowest of—
- (a) the amount of housing benefit entitlement in a week or part week, as the case may be;
 - (b) the maximum amount determined in accordance with paragraph (3); or
 - (c) £500 where the dwelling is located in a broad rental market area listed in Schedule 8 (broad rental market areas in London) or £375 where the dwelling is located in any other broad rental market area.
- ^{F161}(3) The maximum amount referred to in paragraph (2) is 90% of the local housing allowance for January 2011 for the category specified in paragraphs 1(1)(b) to (f) of Schedule 3B to the Rent Officers Order (as in force on 1st January 2011) which applies to the accommodation and is applicable to the broad rental market area in which the accommodation is situated.]
- (4) For the purposes of determining the applicable local housing allowance in paragraph (3)—
- (a) for accommodation which is not self-contained, the applicable local housing allowance is the local housing allowance specified in paragraph 1(1)(b) of Schedule 3B to the Rent Officers Order; and
 - (b) for accommodation which is self-contained—
 - (i) where the total number of rooms suitable for living in and bedrooms in the accommodation is between two and five, at least one of those rooms is to be treated as a room suitable for living in; and
 - (ii) where the total number of rooms suitable for living in and bedrooms in the accommodation is six or more, at least two of those rooms are to be treated as rooms suitable for living in.]

Textual Amendments

F152 Art. 17B - Art. 17C inserted (1.4.2011) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#), arts. 1, **2(10)**

F157 Words in art. 17C(1)(c)(i) inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2016 \(S.I. 2016/986\)](#), arts. 1(1), **4(5)(a)**

F158 Words in art. 17C(1)(c)(ii) substituted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2016 \(S.I. 2016/986\)](#), arts. 1(1), **4(5)(b)(i)**

- F159** Words in art. 17C(1)(c)(ii) inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2016 \(S.I. 2016/986\)](#), arts. 1(1), **4(5)(b)(ii)**
- F160** Art. 17C(1)(d) and word inserted (1.4.2011) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2011 \(S.I. 2011/2957\)](#) arts. 1, 4(6)(a)
- F161** Art. 17C(3) substituted (26.10.2017) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2017 \(S.I. 2017/900\)](#), **art. 5(2)**, reg. 1

Additions to subsidy E+W+S

- 18.—(1) Subject to ^{F162}paragraph (8)], the additions referred to in article 13(1) are—
- (a) where following the loss, destruction or non-receipt, or alleged loss, destruction or non-receipt of original instruments of payment of ^{F163}housing benefit], an authority makes duplicate payments and the original instruments have been or are subsequently encashed, an amount equal to 25 per cent. of the amount of the duplicate payments;
 - ^{F164}(b) subject to paragraphs (2) and (3), where, during the relevant year, it is discovered that an overpayment of ^{F165}... ^{F166}housing benefit] has been made and an amount is to be deducted under article 19 in relation to that overpayment, an amount equal to—
 - (i) in the case of a departmental error overpayment ^{F167}..., ^{F168}100 per cent.] of so much of the overpayment as has not been recovered by the authority;
 - ^{F169}(ii)]
 - ^{F170}(iia)]
 - (iii) ^{F171}except where ^{F172}head (i) above applies], 40 per cent. of the overpayment;]
 - ^{F173}(iv)]
 - (c) where, during the relevant year, it is discovered that an overpayment in respect of which a deduction was made under article 11 or 19 of the 1994 Order, the 1995 Order, the 1996 Order or the 1997 Order (other than a deduction under article 11(1)(g) or 19(1)(c) of the 1994 Order or 11(1)(f) or 19(1)(c) of the 1995, 1996 or 1997 Orders) or, in respect of a year earlier than the relevant year, under article 19 (other than a deduction under article 19(1)(f)), as the case may be, was a fraudulent overpayment, the amount, if any, by which ^{F174}... ^{F175}40 per cent.] of any such overpayment exceeds the amount of any subsidy that has been paid in respect of that overpayment;
 - ^{F176}(d) where, during the relevant year, it is discovered that an overpayment in respect of which a deduction was made—
 - (i) under article 19 (other than a deduction under article 19(1)(ea)); and
 - (ii) in respect of a year which begins after 31st March 2001 and which is earlier than the relevant year,

was a claimant error overpayment, the amount, if any, by which 40 per cent. of any such overpayment exceeds the amount of any subsidy that has been paid in respect of that overpayment.]
 - ^{F177}(e) where, during the relevant year, it is discovered that any overpayments of ^{F178}housing benefit] have been made which were authority error overpayments or administrative delay overpayments, the following amounts—
 - (i) i)where the total of the authority error overpayments and administrative delay overpayments is less than or equal to 0.48% of the total specified subsidy, 100% of the total of those overpayments;

- (ii) where the total of the authority error overpayments and administrative delay overpayments is greater than 0.48% but less than or equal to 0.54% of the total specified subsidy, 40% of the total of those overpayments; and
- (iii) where the total of the authority error overpayments and administrative delay overpayments is greater than 0.54% of the total specified subsidy, nil.]

[^{F179}(f) where, during the relevant year, it is discovered that an overpayment in respect of which a deduction was made under article 19 (deductions made in calculating subsidy) was a payment on account overpayment, 100 per cent. of so much of the overpayment as has not been recovered by the authority.]

(2) The amount under paragraph (1)(b) shall not include an amount in relation to—

- (a) an authority error overpayment;
- (b) any technical overpayment; or

^{F180}(c)

[^{F181}(d) an administrative delay overpayment;]^{F182}or

(e) a payment on account overpayment.]

(3) In the case of a departmental error overpayment, where some or all of that overpayment is recovered by the authority, no addition shall be applicable to the authority in respect of the amount so recovered.

[^{F183}(4) In paragraphs (1)(b)(i) and (3) and in article 19(1)(e), “departmental error overpayment” means [^{F184}an overpayment of a kind to which paragraph (4ZA) [^{F185}or (4ZB)] applies or] an overpayment caused by a mistake made, whether in the form of an act or omission—

- [^{F186}(a) by an officer of the Department for Work and Pensions [^{F187}or of the Inland Revenue], acting as such, or a person providing services to that Department [^{F188}or to the Inland Revenue];]
- (b) in a decision of an appeal tribunal or a Commissioner,

where the claimant, a person acting on his behalf or any other person to whom the payment is made did not cause or materially contribute to that mistake but excludes any mistake of law which is shown to have been an error only by virtue of a subsequent decision of a Commissioner or a court.]

[^{F189}(4ZA) This paragraph applies to an overpayment where—

- (a) the overpayment was made during the period beginning with 5th April 2003 and ending with 13th June 2003 (“the specified period”);
- (b) the overpayment would, but for paragraph (4), fall to be regarded as an authority error overpayment on the ground that it was made as a result of a failure by the authority to take account of information about the amount of any tax credit payable to the claimant; and
- (c) the Secretary of State is satisfied that the authority took reasonable steps to avoid making overpayments of the kind described in sub-paragraph (b) during the specified period.]

[^{F190}(4ZB) This paragraph applies to an overpayment where—

- (a) during the period beginning on 9th April 2012 and ending on 19th April 2012 (the “specified period”) an authority received a notification through the Automated Transfers to Local Authority System used by the Department for Work and Pensions to provide award data to relevant authorities in respect of a claimant (“the notification”);
- (b) the notification received during the specified period was sufficient to require an authority to make a revision or supersession decision on a claimant’s award;

- (c) the authority failed to make a revision or supersession decision on the basis of the notification received during the specified period before the next day on which the claimant's benefit was paid;
- (d) the authority's failure to make a revision or supersession decision before the next day on which the claimant's benefit was paid resulted in the overpayment; and
- (e) the authority made a revision or supersession decision on the claimant's award, based on the notification received during the specified period, on or before 10th July 2012.]

[^{F191}(4A) In paragraph [^{F192}(1)(d) and in article 19(1)(ea)], "claimant error overpayment" means an overpayment [^{F193}which]—

- [^{F194}(a) is caused by the claimant, or a person acting on the claimant's behalf under regulation 82 of the Housing Benefit Regulations (who may claim housing benefit), failing to provide information in accordance with regulation 83, 86 or 88 of, or paragraph 5 of Schedule A1 to, those Regulations (duties on claimant to provide information); and]
- (b) is not a fraudulent overpayment.]

[^{F195}(5) In paragraphs (1)(c) and (4A), and in article 19(1)(f), "fraudulent overpayment" means an overpayment in respect of a period falling wholly or partly after 31st March 1993 where the claimant has in respect of the overpayment—

- (a) been found guilty of an offence whether under a statute or otherwise;
- (b) made an admission after caution of deception or fraud for the purpose of obtaining [^{F196}housing benefit]; or
- (c) agreed to pay a penalty under section 115A of the Act (penalty as an alternative to prosecution) and has not withdrawn that agreement.

(5A) In paragraph (5)(b) "admission after caution" means—

- (a) in England and Wales, an admission after a caution has been administered in accordance with a Code issued under the Police and Criminal Evidence Act 1984;
- (b) in Scotland, an admission after a caution has been administered, such admission being duly witnessed by two persons.]

[^{F197}(6) [^{F198}In paragraphs (1)(e) and (2)(a)], "authority error overpayment" means an overpayment caused by a mistake made, whether in the form of an act or omission, by an authority where the claimant, a person acting on his behalf or any other person to whom the payment is made did not cause or materially contribute to that mistake but excludes any mistake of law which is shown to have been an error only by virtue of a subsequent decision of a court.]

[^{F199}(6ZA) In paragraphs (1)(e) and (2)(d), "administrative delay overpayment" means an overpayment arising where—

- (a) an authority is notified of a change of circumstances and has sufficient information and evidence to make a revision or supersession decision on an award;
- (b) the authority does not make the decision before the next day on which the claimant's benefit is paid ^{F200} ...; ^{F201} ...
- (c) the delay was not—
 - (i) caused by a mistake, whether in the form of an act or omission, by an authority; or
 - (ii) caused or materially contributed to by the claimant, a person acting on the claimant's behalf, or any other person to whom payment is made][^{F202}; and]

[^{F203}(d) paragraph (4ZB) is not applicable.]

[^{F204}(6ZB) For the purposes of paragraphs (1)(e) and (2), an “authority error overpayment” or an “administrative delay overpayment” does not include an overpayment of a kind to which paragraphs (6ZC) or (6ZD) apply.

(6ZC) This paragraph applies to an overpayment where—

- (a) an authority receives real time information in respect of the overpayment which indicates that the overpayment was caused by the incorrect declaration of PAYE employment income or PAYE pension income by the claimant; and
- (b) the authority—
 - (i) has sufficient real time information to make a revision or supersession decision on the claimant’s award; and
 - (ii) makes a revision or supersession decision during the period of 4 weeks beginning with the date on which the authority received the real time information.

(6ZD) This paragraph applies to an overpayment where—

- (a) an authority receives real time information in respect of the overpayment which indicates that the overpayment was caused by the incorrect declaration of PAYE employment income or PAYE pension income by the claimant;
- (b) the authority has insufficient real time information to make a revision or supersession decision;
- (c) the authority requests further information from the claimant; and
- (d) the authority makes a revision or supersession decision either—
 - (i) if the additional information is provided during the period of 4 weeks beginning with the date on which the authority received the real time information (“the 4 week period”), by the end of that 4 week period; or
 - (ii) if the additional information is provided after the 4 week period has ended, by the Monday following the date on which the additional information is received.

(6ZE) For the purposes of paragraphs (6ZC) and (6ZD)—

“PAYE employment income” has the meaning in section 683(2) of the Income Tax (Earnings and Pensions) Act 2003;

“PAYE pension income” has the meaning in section 683(3) of the Income Tax (Earnings and Pensions) Act 2003;

“real time information” means information which is reported by a Real Time Information employer or Real Time Information pension payer in respect of the PAYE employment income or PAYE pension income of its employees;

“Real Time Information employer” has the meaning in regulation 2A(1) of the Income Tax (Pay As You Earn) Regulations 2003;

“Real Time Information pension payer” has the meaning in regulation 2B(1) of the Income Tax (Pay As You Earn) Regulations 2003.]

[^{F205}(6A) In paragraph (1)(e), “total specified subsidy” means the total amount of housing benefit ^{F206}... that attracts 100 per cent subsidy for the relevant year, including any subsidy paid pursuant to article 14.]

[^{F207}(7) Subject to paragraph (7A), in paragraph (2)(b) “technical overpayment” means an overpayment which occurs as a result of [^{F208}a rebate being awarded and entitlement to that rebate being reduced or eliminated because, subsequent to that award, the liability in respect of which the rebate was awarded was reduced or eliminated].

(7A) A technical overpayment does not include any part of the overpayment occurring—

- (a) in a case to which paragraph (7)(a) applies, before the day on which the liability was reduced or eliminated; or
- (b) in a case to which paragraph (7)(b) applies, before the day on which the authority suspended, revised or superseded the award, whichever is earliest.

(7B) In paragraphs (1)(f) and (2)(e), “payment on account overpayment” means an amount paid on account under regulation 93 of the Housing Benefit Regulations or regulation 74 of the Housing Benefit (State Pension Credit) Regulations (payment on account of a rent allowance) which is in excess of the entitlement to housing benefit as subsequently decided.]

(8) Except for [^{F209}paragraphs (1)(b)(iii)], (1)(c) and (5), this article shall not apply to that part of any ^{F210}... [^{F211}housing benefit] in respect of a case to which [^{F212}paragraph (12) of regulation 83 of the Housing Benefit Regulations][^{F213}applies].

^{F214}(9)

^{F215}(10)

^{F215}[^{F216}(11)

(12) Where, during the relevant year, an overpayment that has been classified as an overpayment under one of paragraphs (4), (4ZA) [^{F217}, (4ZB)] (4A), (5), (6)[^{F218}, (6ZA)] or (7) is reclassified, the addition referred to in article 13(1) shall be the amount payable under paragraph (1) for the final classification of the overpayment.]

Textual Amendments

- F162** Words in art. 18(1) substituted (with effect in accordance with art. 1(3) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2010 \(S.I. 2010/2481\)](#), arts. 1(1), **3(2)**
- F163** Words in art. 18(1)(a) substituted (31.10.2021) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 11(2)(a)**
- F164** Art. 18(1)(b) substituted (10.5.2000 with effect in accordance with art. 1(3)) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2000 \(S.I. 2000/1091\)](#), arts. 1, **4(3)**
- F165** Words in art. 18(1)(b) omitted (9.11.2015) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2015 \(S.I. 2015/1784\)](#), arts. 1(1), **5(3)(a)**
- F166** Words in art. 18(1)(b) substituted (31.10.2021) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 11(2)(b)(i)**
- F167** Words in art. 18(1)(b)(i) omitted (31.10.2021) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 11(2)(b)(ii)**
- F168** Words in art. 18(1)(b)(i) substituted (with effect in accordance with art. 1(2) of the commencing S.I.) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#), arts. 1(1), **3(8)(a)**
- F169** Art. 18(1)(b)(ii) omitted (31.10.2021) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 11(2)(b)(iii)**
- F170** Art. 18(1)(b)(ia) omitted (2.1.2004 with effect in accordance with art. 1(2)) by virtue of [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2003 \(S.I. 2003/3179\)](#), arts. 1(1), **7(2)**
- F171** Art. 18(1)(b)(iii) substituted (2.1.2004 with effect in accordance with art. 1(2)) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2003 \(S.I. 2003/3179\)](#), arts. 1(1), **7(3)**

- F172** Words in art. 18(1)(b)(iii) substituted (31.10.2021) by The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031), art. 1(1), **Sch. 5 para. 11(2)(b)(iv)**
- F173** Art. 18(1)(b)(iv) omitted (2.1.2004 with effect in accordance with art. 1(2)) by virtue of Income-related Benefits (Subsidy to Authorities) Amendment Order 2003 (S.I. 2003/3179), arts. 1(1), **7(2)**
- F174** Words in art. 18(1)(c) omitted (2.1.2004 with effect in accordance with art. 1(2)) by virtue of Income-related Benefits (Subsidy to Authorities) Amendment Order 2003 (S.I. 2003/3179), arts. 1(1), **7(4)**
- F175** Words in art. 18(1)(c) inserted (13.1.2003 with effect in accordance with art. 1(2)) by Income-related Benefits (Subsidy to Authorities) Amendments (No.2) Order 2002 (S.I. 2002/3116), arts. 1(1), **4(2)(d)**
- F176** Art. 18(1)(d) substituted (2.1.2004 with effect in accordance with art. 1(2)) by Income-related Benefits (Subsidy to Authorities) Amendment Order 2003 (S.I. 2003/3179), arts. 1(1), **7(5)**
- F177** Art. 18(1)(e) substituted (with effect in accordance with art. 1(3) of the commencing S.I.) by The Income-related Benefits (Subsidy to Authorities) Amendment Order 2010 (S.I. 2010/2481), arts. 1(1), **3(3)**
- F178** Words in art. 18(1)(e) substituted (31.10.2021) by The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031), art. 1(1), **Sch. 5 para. 11(2)(c)**
- F179** Art. 18(1)(f) added (with effect in accordance with art. 1(3) of the commencing S.I.) by The Income-related Benefits (Subsidy to Authorities) Amendment Order 2011 (S.I. 2011/2957), arts. 1(1), **4(7)(a)**
- F180** Art. 18(2)(c) omitted (with effect in accordance with art. 1(3) of the commencing S.I.) by virtue of The Income-related Benefits (Subsidy to Authorities) Amendment Order 2011 (S.I. 2011/2957), arts. 1(1), **4(7)(b)(i)**
- F181** Art. 18(2)(d) and word added (with effect in accordance with art. 1(3) of the commencing S.I.) by The Income-related Benefits (Subsidy to Authorities) Amendment Order 2010 (S.I. 2010/2481), arts. 1(1), **3(4)**
- F182** Art. 18(2)(e) and word added (with effect in accordance with art. 1(3) of the commencing S.I.) by The Income-related Benefits (Subsidy to Authorities) Amendment Order 2011 (S.I. 2011/2957), arts. 1(1), **4(7)(b)(ii)**
- F183** Art. 18(4) substituted (25.9.2000) by The Income-related Benefits (Subsidy to Authorities) Amendment (No. 2) Order 2000 (S.I. 2000/2340), arts 1, 2(d)
- F184** Words in art. 18(4) inserted (with effect in accordance with art. 1(2) of the commencing S.I.) by Income-related Benefits (Subsidy to Authorities) Amendment Order 2005 (S.I. 2005/369), arts. 1(1), **4(7)(a)**
- F185** Words in art. 18(4) inserted (with effect in accordance with art. 1(2) of the commencing S.I.) by The Income-related Benefits (Subsidy to Authorities) Amendment (No. 2) Order 2013 (S.I. 2013/2989), arts 1, **art. 2(1)(a)**
- F186** Art. 18(4)(a) substituted (27.6.2002) by Secretaries of State for Education and Skills and for Work and Pensions Order 2002 (S.I. 2002/1397), art. 1(2), **Sch. para. 31**
- F187** Words in art. 18(4)(a) inserted (2.1.2004 with effect in accordance with art. 1(2)) by Income-related Benefits (Subsidy to Authorities) Amendment Order 2003 (S.I. 2003/3179), arts. 1(1), **7(6)(a)**
- F188** Words in art. 18(4)(a) inserted (2.1.2004 with effect in accordance with art. 1(2)) by Income-related Benefits (Subsidy to Authorities) Amendment Order 2003 (S.I. 2003/3179), arts. 1(1), **7(6)(b)**
- F189** Art. 18(4ZA) inserted (with effect in accordance with art. 1(2) of the commencing S.I.) by Income-related Benefits (Subsidy to Authorities) Amendment Order 2005 (S.I. 2005/369), arts. 1(1), **4(7)(b)**
- F190** Art. 18(4ZB) inserted (with effect in accordance with art. 1(2) of the commencing S.I.) by The Income-related Benefits (Subsidy to Authorities) Amendment (No. 2) Order 2013 (S.I. 2013/2989), art. 1, **art. 2(1)(b)**
- F191** Art. 18(4A) inserted (13.1.2003 with effect in accordance with art. 1(2)) by Income-related Benefits (Subsidy to Authorities) Amendments (No.2) Order 2002 (S.I. 2002/3116), arts. 1(1), **4(3)**
- F192** Words in art. 18(4A) substituted (2.1.2004 with effect in accordance with art. 1(2)) by Income-related Benefits (Subsidy to Authorities) Amendment Order 2003 (S.I. 2003/3179), arts. 1(1), **7(7)**

- F193** Word in art. 18(4A) substituted (with effect in accordance with art. 1(2) of the commencing S.I.) by Income-related Benefits (Subsidy to Authorities) Amendment Order 2005 (S.I. 2005/369), arts. 1(1), **4(7)(c)**
- F194** Art. 18(4A)(a) substituted (31.10.2021) by The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031), art. 1(1), **Sch. 5 para. 11(3)**
- F195** Art. 18(5)-(5A) substituted for art. 18(5) (with effect in accordance with art. 1(3) of the commencing S.I.) by The Income-related Benefits (Subsidy to Authorities) Amendment Order 2010 (S.I. 2010/2481), arts. 1(1), **3(5)**
- F196** Words in art. 18(5)(b) substituted (31.10.2021) by The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031), art. 1(1), **Sch. 5 para. 11(4)**
- F197** Art. 18(6) substituted (25.9.2000) by The Income-related Benefits (Subsidy to Authorities) Amendment (No. 2) Order 2000 (2000/2340) arts. 1, 2(d)(ii)
- F198** Words in art. 18(6) substituted (with effect in accordance with art. 1(2) of the commencing S.I.) by Income-related Benefits (Subsidy to Authorities) Amendment Order 2006 (S.I. 2006/54), arts. 1(1), **3(8)(e)**
- F199** Art. 18(6ZA) inserted (with effect in accordance with art. 1(3) of the commencing S.I.) by The Income-related Benefits (Subsidy to Authorities) Amendment Order 2010 (S.I. 2010/2481), arts. 1(1), **3(6)**
- F200** Words in art. 18(6ZA)(b) omitted (31.10.2021) by virtue of The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031), art. 1(1), **Sch. 5 para. 11(5)**
- F201** Word in art. 18(6ZA)(b) omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of The Income-related Benefits (Subsidy to Authorities) Amendment (No. 2) Order 2013 (S.I. 2013/2989), art. 1, **art. 2(1)(c)(i)**
- F202** Word in art. 18(6ZA)(c)(ii) inserted (with effect in accordance with art. 1(2) of the commencing S.I.) by The Income-related Benefits (Subsidy to Authorities) Amendment (No. 2) Order 2013 (S.I. 2013/2989), art. 1, **art. 2(1)(c)(ii)**
- F203** Art. 18(6ZA)(d) inserted (with effect in accordance with art. 1(2) of the commencing S.I.) by The Income-related Benefits (Subsidy to Authorities) Amendment (No. 2) Order 2013 (S.I. 2013/2989), art. 1, **art. 2(1)(c)(iii)**
- F204** Art. 18(6ZB)-(6ZE) inserted (with effect in accordance with art. 1(3) of the commencing S.I.) by The Income-related Benefits (Subsidy to Authorities) Amendment Order 2015 (S.I. 2015/1784), arts. 1(1), **3(2)**
- F205** Art. 18(6A) inserted (with effect in accordance with art. 1(2) of the commencing S.I.) by Income-related Benefits (Subsidy to Authorities) Amendment Order 2006 (S.I. 2006/54), arts. 1(1), **3(8)(f)**
- F206** Words in art. 18(6A) omitted (31.10.2021) by virtue of The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031), art. 1(1), **Sch. 5 para. 11(6)**
- F207** Art. 18(7)-(7B) substituted for art. 18(7) (with effect in accordance with art. 1(3) of the commencing S.I.) by The Income-related Benefits (Subsidy to Authorities) Amendment Order 2011 (S.I. 2011/2957), arts. 1(1), **4(7)(c)**
- F208** Words in art. 18(7) substituted (31.10.2021) by The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031), art. 1(1), **Sch. 5 para. 11(7)**
- F209** Words in art. 18(8) substituted (10.5.2000 with effect in accordance with art. 1(3)) by The Income-related Benefits (Subsidy to Authorities) Amendment Order 2000 (S.I. 2000/1091), arts. 1, **4(6)**
- F210** Words in art. 18(8) omitted (9.11.2015) by virtue of The Income-related Benefits (Subsidy to Authorities) Amendment Order 2015 (S.I. 2015/1784), arts. 1(1), **5(3)(c)(i)**
- F211** Words in art. 18(8) substituted (31.10.2021) by The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031), art. 1(1), **Sch. 5 para. 11(8)(a)**

- F212** Words in art. 18(8) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#) , reg. 1(1) , **Sch. 2 para. 13(7)(b)** (with regs. 2 , 3, Schs. 3, Sch. 4)
- F213** Word in art. 18(8) substituted (31.10.2021) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#) , art. 1(1) , **Sch. 5 para. 11(8)(b)**
- F214** Art. 18(9) omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#) , arts. 1(1) , **3(8)(g)**
- F215** Art. 18(10)(11) omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2008 \(S.I. 2008/196\)](#) , arts. 1(1) , **2(3)(b)**
- F216** Art. 18(11)(12) inserted (with effect in accordance with art. 1(2) of the commencing S.I.) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#) , arts. 1(1) , **3(8)(h)**
- F217** Word in art. 18(12) inserted (with effect in accordance with art. 1(2) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment \(No. 2\) Order 2013 \(S.I. 2013/2989\)](#) , art. 1 , **art. 2(1)(d)**
- F218** Word in art. 18(12) inserted (with effect in accordance with art. 1(3) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2010 \(S.I. 2010/2481\)](#) , arts. 1(1) , **3(7)**

Deductions to be made in calculating subsidy **E+W+S**

19.—(1) The deductions referred to in article 11(2)(b) are, subject to paragraph (4), to be of the following amounts where—

- (a) subject to paragraphs (2) and (3), a tenant of an authority, who is in receipt of a rebate while continuing to occupy, or when entering into occupation of a dwelling as his home, either under his existing tenancy agreement or by entering into a new tenancy agreement—
- (i) is during, or was at any time prior to, the relevant year able to choose whether or not to be provided with any services, facilities or rights (“improvements”) and chooses or chose to be so provided;
 - (ii) is during, or was at any time prior to, the relevant year, able to choose either to be provided with any improvements or, whether or not in return for an award or grant from the authority, to provide such improvements for himself; or
 - (iii) would be able during, or would have been able at any time prior to, the relevant year to exercise the choice set out in head (i) or (ii) of this sub-paragraph if he were not or had not at that time been in receipt of a rebate,

the amounts attributed during the relevant year to such improvements whether they are or would be expressed as part of the sum fixed as rent, otherwise reserved as rent or expressed as an award or grant from the authority;

- (b) during the relevant year a person becomes entitled to a rent-free period which has not been, or does not fall to be, taken into account in calculating the amount of rebate to which he is entitled under the Housing Benefit Regulations, the amount of rebate which is or was payable to him in respect of such rent-free period;
- (c) during the relevant year an award in the form of a payment of money or monies worth, a credit to the person’s rent account or in some other form is made by an authority to one of its tenants in receipt of a rebate, whether or not the person is immediately entitled to the award, the amount or value of the award, but no such deduction shall be made in respect of an award—
- (i) made to a tenant for a reason unrelated to the fact that he is a tenant;

- (ii) made under a statutory obligation;
 - (iii) made under section 137 of the Local Government Act 1972 ^{M26} or section 83 of the Local Government (Scotland) Act 1973 ^{M27} (power of local authorities to incur expenditure for certain purposes not otherwise authorised);
 - (iv) except where sub-paragraph (a)(ii) applies, made as reasonable compensation for reasonable repairs or redecoration the tenant has, or has caused to be, carried out whether for payment or not and which the authority would otherwise have carried out or have been required to carry out; or
 - (v) of a reasonable amount made as compensation for loss, damage or inconvenience of a kind which occurs only exceptionally and which was suffered by the tenant by virtue of his occupation of his home;
- ^{F219}(d)
- (e) during the relevant year an amount is recovered in relation to a departmental error overpayment, within the meaning of article 18(4), the amount so recovered, in a case where the overpayment had occurred and been discovered in a year earlier than the relevant year;
 - ^{F220}(ea) during the relevant year a claimant error overpayment, within the meaning of article 18(4A), is identified, the amount of the overpayment, but only to the extent that the amount of the overpayment or any part of it has not been deducted from qualifying expenditure under article 11(2);]
 - (f) during the relevant year a fraudulent overpayment, within the meaning of article 18(5), is identified, the amount of the overpayment, but only to the extent that the amount of overpayment or any part of it has not been deducted from qualifying expenditure under article 4 or 19 of the 1994 Order, the 1995 Order, the 1996 Order or the 1997 Order or article 11(2), as the case may be;
 - (g) subject to sub-paragraphs (e)^{F221}, (ea) and (f), during the relevant year it is discovered that an overpayment of [^{F222}housing benefit] has been made, the amount of such overpayment, but only to the extent that—
 - (i) the amount of such overpayment or any part of it has not been deducted from qualifying expenditure under article 3 of the 1989 Order or the 1990 Order or under article 4 or 15 of the 1991 Order or articles 4 or 16 of the 1992 Order or the 1993 Order or articles 4 or 19 of respectively the 1994 Order, the 1995 Order, the 1996 Order or the 1997 Order, or article 11(2), as the case may be; and
 - (ii) the amount of the overpayment or any part of it does not include an amount to which [^{F223}paragraph (18) of regulation 59 of the Housing Benefit (Community Charge Rebates) (Scotland) Regulations 1988 or paragraph (12) of regulation 83 of the Housing Benefit Regulations] (time and manner in which claims are to be made), as the case may be, applied;
 - (h) during the relevant year any instrument of payment of [^{F224}housing benefit] issued by an authority during that year is returned to that authority without being presented for payment or is found by that authority to have passed its date of validity without being presented for payment, the amount of any such instrument;
 - (i) during the relevant year an amount is recovered in respect of which subsidy was paid pursuant to paragraph 6(2) of Schedule 6 to the 1996 Order or the 1997 Order or paragraph 11(2) of Schedule 4 (subsidy on payments on account), the amount so recovered, where the payment on account was made in a year earlier than the relevant year.
- (2) Subject to paragraph (3), no deduction shall be made under sub-paragraph (1)(a) where the eligible rent for a tenant has been increased in a case to which that sub-paragraph would apply, but—

- (a) any such services, facilities or rights (“improvements”)—
 - (i) relate solely to the physical needs of the property in question or the needs of that tenant; and
 - (ii) the increased rent in relation to such improvements is reasonable;
 - (b) the tenant was eligible whether or not he was a beneficiary; and
 - (c) the authority has not let properties, to which they intend to make improvements, either in the relevant year or in the two years preceding that year, solely or largely to beneficiaries.
- (3) In paragraph (2)—
- (a) “beneficiary” has the meaning it is given by article 15(8); and
 - (b) in a case to which article 24 applies, sub-paragraph (c) shall have effect as modified by article 24(2).
- (4) Where in relation to any amount of a rebate or allowance a deduction falls to be made under two or more of the sub-paragraphs of paragraph (1), as the case may be, only the higher or highest, or, where the amounts are equal, only one amount, shall be deducted.

Textual Amendments

- F219** Art. 19(1)(d) omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#) , arts. 1(1) , **3(9)**
- F220** Art. 19(1)(ea) inserted (2.1.2004 with effect in accordance with art. 1(2)) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2003 \(S.I. 2003/3179\)](#) , arts. 1(1) , **8(a)**
- F221** Word in art. 19(1)(g) inserted (2.1.2004 with effect in accordance with art. 1(2)) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2003 \(S.I. 2003/3179\)](#) , arts. 1(1) , **8(b)**
- F222** Words in art. 19(1)(g) substituted (31.10.2021) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#) , art. 1(1) , **Sch. 5 para. 12(a)(i)**
- F223** Words in art. 19(1)(g)(ii) substituted (31.10.2021) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#) , art. 1(1) , **Sch. 5 para. 12(a)(ii)**
- F224** Words in art. 19(1)(h) substituted (31.10.2021) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#) , art. 1(1) , **Sch. 5 para. 12(b)**

Marginal Citations

- M26** 1972 c.70 ; section 137 was amended by the [Local Government \(Miscellaneous Provisions\) Act 1982 \(c.3\)](#) , **section 44** ; the [Local Government Finance Act 1982 \(c.32\)](#) , section 34 , **Schedule 5 paragraph 5** ; the [Local Government Act 1986 \(c.10\)](#) , **section 3** and by the [Local Government and Housing Act 1989 \(c.42\)](#) , section 194 , **Schedule 12** .
- M27** 1973 c.65 ; section 83 was amended by the [Local Government and Planning \(Scotland\) Act 1982 \(c.43\)](#) , **sections 6** and 50; the [Rating and Valuation Amendment \(Scotland\) Act 1987 \(c.31\)](#) , **section 9** ; the [Local Government Act 1986 \(c.10\)](#) , **section 3** ; the [Abolition of Domestic Rates \(Scotland\) Act 1987 \(c.47\)](#) , **Schedule 1 paragraph 27** and by the [Local Government and Housing Act 1989 \(c.42\)](#) , **section 36(9)** .

Deduction from subsidy **E+W+S**

20. Where, during the relevant year, it is found by an authority that any instrument of payment issued by it as payment of [^{F225}housing benefit]^{F226}... on or after 1st April 1988, but before the relevant

year, has been returned to that authority without having been presented for payment or has passed its date of validity without having been presented for payment, the deduction referred to in article 13(1) shall be the amount of any subsidy that has been paid in respect of that instrument.

Textual Amendments

- F225** Words in art. 20 substituted (31.10.2021) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 13**
- F226** Words in art. 20 omitted (9.11.2015) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2015 \(S.I. 2015/1784\)](#), arts. 1(1), **5(5)**

[^{F227} Deductions from subsidy for rebate for dwellings within the Housing Revenue Account: authorities in Wales **E+W+S**

20A.—(1) Paragraph (2) applies in relation to an authority in Wales.

(2) Where paragraph 2 of Schedule 4A applies, the deduction from subsidy referred to in article 13(1) shall be calculated in accordance with paragraph 3 of that Schedule.]

Textual Amendments

- F227** [Art. 20A](#) substituted (with effect in accordance with art. 2(3)(a) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), arts. 1(1), **5(1)**

Additions to and deductions from subsidy in respect of benefit savings **E+W+S**

^{F228}**21.**

Textual Amendments

- F228** Art. 21 omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2008 \(S.I. 2008/196\)](#), arts. 1(1), **2(4)**

PART IV **E+W+S**
TRANSITIONAL AND SAVINGS

Provisions for claims for 1997/98 **E+W+S**

^{F229}**22.**

Textual Amendments

- F229** Art. 22 omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2011 \(S.I. 2011/2957\)](#), arts. 1(1), **2(2)**

Transitional provisions in relation to rent officer determinations E+W+S

23.—(1) In the relevant year commencing on 1st April 1997, the expression “property-specific rent less ineligible amounts” in both paragraph 17(1) of Schedule 4 and paragraph 13(1) of Schedule 6 to the 1997 Order has effect as if after the words “(“ineligible payments”)", there were inserted the words “ or, in the case of a determination prior to 2nd October 1995, the authority is of the opinion that the exceptionally high rent did not include ineligible payments, ”.

^{F230}(2)

Textual Amendments

F230 Art. 23(2) omitted (with effect in accordance with art. 1(3) of the commencing S.I.) by virtue of [Income-related Benefits \(Subsidy to Authorities\) \(Miscellaneous Amendments and Electronic Communications\) Order 2007 \(S.I. 2007/26\)](#), arts. 1(1), **3(2)**

Modifications of exemption from improvements rule E+W+S

24.—(1) This article applies in the case of a new authority, a 1997 authority or a 1998 authority, as the case may be, and, in these cases, the modifications set out in paragraph (2) shall apply.

(2) In relation to the relevant year commencing on—

- (a) 1st April 1997, in the case of a—
 - (i) new authority, for the words “or in the two years preceding that year” in article 19(2) (c) there shall be substituted the words “ or in the year preceding that year ”;
 - (ii) 1997 authority, the words “or in the two years preceding that year” shall be omitted from article 19(2)(c);
- (b) 1st April 1998, in the case of a—
 - (i) 1997 authority, for the words “or in the two years preceding that year” in article 19(2) (c) there shall be substituted the words “ or in the year preceding that year ”;
 - (ii) 1998 authority, the words “or in the two years preceding that year” shall be omitted from article 19(2)(c);
- (c) 1st April 1999, in the case of a 1998 authority, for the words “or in the two years preceding that year” in article 19(2)(c) there shall be substituted the words “ or in the year preceding that year ”.

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

Keith Bradley
Parliamentary Under-Secretary of State,
Department of Social Security

Changes to legislation: There are currently no known outstanding effects for the *The Income-related Benefits (Subsidy to Authorities) Order 1998*. (See end of Document for details)

We consent,

Jim Dowd
Bob Ainsworth
Two of the Lords Commissioners of Her
Majesty's Treasury

Changes to legislation: There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998. (See end of Document for details)

[^{F231}Schedule 1 E+W+S

Article 12(1)(b)

Sums to be used in the calculation of subsidy

Textual Amendments

F231 Sch. 1 substituted (6.11.2023) by The Income-related Benefits (Subsidy to Authorities) Amendment Order 2023 (S.I. 2023/1040), art. 1(1), **Sch. 1** (with art. 2(2))

Relevant Year 2022-2023

<i>Local authority</i>	<i>Administration subsidy (£)</i>
England	
Adur District Council	155,260
Allerdale Borough Council	291,366
Amber Valley Borough Council	314,518
Arun District Council	396,117
Ashfield District Council	369,270
Ashford Borough Council	327,221
Babergh District Council	186,692
London Borough of Barking and Dagenham	883,626
London Borough of Barnet	1,381,355
Barnsley Borough Council	860,032
Barrow Borough Council	214,897
Basildon District Council	578,884
Basingstoke and Deane District Council	378,794
Bassetlaw District Council	316,286
Bath and North East Somerset Council	433,805
Bedford Borough Council	484,034
London Borough of Bexley	628,705
Birmingham City Council	5,299,607
Blaby District Council	154,008
Blackburn with Darwen Borough Council	522,497
Blackpool Borough Council	763,704
Bolsover District Council	236,927
Bolton Metropolitan Borough Council	1,018,205
Boston Borough Council	194,537
Bournemouth, Christchurch and Poole Council	1,190,342

Changes to legislation: There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998. (See end of Document for details)

<i>Local authority</i>	<i>Administration subsidy (£)</i>
Bracknell Forest Borough Council	261,686
Bradford Metropolitan Borough Council	1,663,599
Braintree District Council	358,729
Breckland District Council	312,113
London Borough of Brent	1,559,304
Brentwood District Council	130,706
Brighton and Hove Council	1,069,586
Bristol City Council	1,559,279
Broadland District Council	204,868
London Borough of Bromley	804,237
Bromsgrove District Council	164,764
Broxbourne Borough Council	261,756
Broxtowe Council	237,940
Buckinghamshire Council	978,818
Burnley Borough Council	377,975
Bury Metropolitan Borough Council	549,099
Calderdale Borough Council	685,971
Cambridge City Council	319,687
London Borough of Camden	1,330,141
Cannock Chase District Council	259,710
Canterbury City Council	393,432
City of Carlisle District Council	298,073
Castle Point District Council	180,170
Central Bedfordshire Council	524,247
Charnwood Borough Council	325,448
Chelmsford Borough Council	353,218
Cheltenham Borough Council	279,901
Cherwell District Council	307,473
Cheshire East Council	776,941
Cheshire West and Chester Council	903,516
Chesterfield Borough Council	382,396
Chichester District Council	278,324
Chorley Borough Council	262,116
City of London	54,054

Changes to legislation: There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998. (See end of Document for details)

<i>Local authority</i>	<i>Administration subsidy (£)</i>
Colchester Borough Council	447,657
Copeland Borough Council	218,646
Cornwall Council	1,672,446
Cotswold District Council	174,005
Coventry City Council	1,070,102
Craven District Council	110,413
Crawley Borough Council	371,582
London Borough of Croydon	1,590,871
Dacorum Borough Council	404,422
Darlington Borough Council	386,010
Dartford Borough Council	246,219
Derby City Council	810,432
Derbyshire Dales District Council	131,787
Doncaster Metropolitan Borough Council	1,044,406
Dorset Council	884,643
Dover District Council	368,913
Dudley Metropolitan Borough Council	953,670
Durham County Council	2,011,966
London Borough of Ealing	1,477,289
East Cambridgeshire District Council	167,606
East Devon District Council	297,550
East Hampshire District Council	190,721
East Hertfordshire District Council	273,942
East Lindsey District Council	466,991
East Riding of Yorkshire Council	697,878
East Staffordshire Borough Council	253,637
East Suffolk Council	660,021
Eastbourne Borough Council	395,234
Eastleigh Borough Council	254,237
Eden District Council	96,394
Elmbridge Borough Council	256,365
London Borough of Enfield	1,646,586
Epping Forest District Council	279,025
Epsom and Ewell Borough Council	144,819

Changes to legislation: There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998. (See end of Document for details)

<i>Local authority</i>	<i>Administration subsidy (£)</i>
Erewash Borough Council	312,178
Exeter City Council	348,897
Fareham Borough Council	171,817
Fenland District Council	275,588
Folkestone and Hythe District Council	355,564
Forest of Dean District Council	211,506
Fylde Borough Council	194,866
Gateshead Borough Council	854,280
Gedling Borough Council	251,565
Gloucester City Council	382,527
Gosport Borough Council	247,242
Gravesham Borough Council	285,617
Great Yarmouth Council	423,863
Royal Borough of Greenwich	1,369,639
Guildford Borough Council	248,029
London Borough of Hackney	2,028,921
Halton Borough Council	543,418
Hambleton District Council	191,991
London Borough of Hammersmith and Fulham	1,006,388
Harborough District Council	127,266
London Borough of Haringey	1,437,265
Harlow District Council	345,862
Harrogate Borough Council	297,732
Harrow Council	747,709
Hart District Council	115,588
Hartlepool Borough Council	490,637
Hastings Borough Council	453,589
Havant Borough Council	260,943
London Borough of Havering	627,513
Herefordshire Council	433,811
Hertsmere Borough Council	278,288
High Peak Borough Council	219,139
London Borough of Hillingdon	877,829
Hinckley and Bosworth Borough Council	203,534

Changes to legislation: There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998. (See end of Document for details)

<i>Local authority</i>	<i>Administration subsidy (£)</i>
Horsham District Council	243,151
London Borough of Hounslow	1,000,420
Huntingdonshire District Council	325,083
Hyndburn Borough Council	301,650
Ipswich Borough Council	480,546
Isle of Wight County Council	455,910
Isles of Scilly Council	1,640
London Borough of Islington	1,497,485
Royal Borough of Kensington and Chelsea	914,611
Kings Lynn and West Norfolk Borough Council	367,964
Hull City Council	1,284,037
Royal Borough of Kingston upon Thames	433,156
Kirklees Metropolitan Borough Council	1,271,497
Knowsley Borough Council	728,171
London Borough of Lambeth	1,825,479
Lancaster City Council	412,448
Leeds City Council	2,514,090
Leicester City Council	1,177,299
Lewes District Council	260,074
London Borough of Lewisham	1,654,588
Lichfield District Council	195,101
City of Lincoln Council	365,729
Liverpool City Council	2,481,751
Luton Borough Council	652,486
Maidstone Borough Council	372,876
Maldon District Council	124,054
Malvern Hills District Council	168,002
Manchester City Council	2,580,189
Mansfield District Council	362,508
Medway Council	765,468
Melton Borough Council	107,354
Mendip District Council	281,777
London Borough of Merton	571,268
Mid Devon District Council	182,849

Changes to legislation: There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998. (See end of Document for details)

<i>Local authority</i>	<i>Administration subsidy (£)</i>
Mid Suffolk District Council	176,011
Mid Sussex District Council	240,463
Middlesbrough Council	687,811
Milton Keynes Borough Council	804,206
Mole Valley District Council	165,890
New Forest District Council	357,603
Newark and Sherwood District Council	286,707
Newcastle-Under-Lyme Borough Council	316,785
Newcastle City Council	1,283,745
London Borough of Newham	1,586,677
North Devon District Council	259,987
North East Derbyshire District Council	267,258
North East Lincolnshire Council	577,726
North Hertfordshire District Council	291,247
North Kesteven District Council	210,243
North Lincolnshire Council	469,211
North Norfolk District Council	260,846
North Northamptonshire Council	837,818
North Somerset Council	555,299
North Tyneside Borough Council	735,318
North Warwickshire District Council	148,542
North West Leicestershire District Council	198,704
Northumberland County Council	941,021
Norwich City Council	611,937
Nottingham City Council	1,362,091
Nuneaton and Bedworth Borough Council	378,367
Oadby and Wigston Borough Council	94,713
Oldham Borough Council	859,869
Oxford City Council	421,230
Pendle Borough Council	266,318
Peterborough City Council	649,437
Plymouth City Council	969,134
Portsmouth City Council	869,783
Preston Borough Council	478,688

Changes to legislation: There are currently no known outstanding effects for the *The Income-related Benefits (Subsidy to Authorities) Order 1998*. (See end of Document for details)

<i>Local authority</i>	<i>Administration subsidy (£)</i>
Reading Borough Council	537,658
London Borough of Redbridge	859,524
Redcar and Cleveland Borough Council	553,740
Redditch Borough Council	247,959
Reigate and Banstead Borough Council	289,320
Ribble Valley Borough Council	86,684
Richmondshire District Council	100,906
London Borough of Richmond upon Thames	446,592
Rochdale Borough Council	871,847
Rochford District Council	139,437
Rossendale Borough Council	202,551
Rother District Council	243,151
Rotherham Borough Council	910,717
Rugby Borough Council	240,402
Runnymede Borough Council	176,745
Rushcliffe Borough Council	167,403
Rushmoor Borough Council	280,571
Rutland County Council	64,993
Ryedale District Council	128,368
Salford City Council	1,121,387
Sandwell Metropolitan Borough Council	1,217,007
Scarborough Borough Council	382,101
Sedgemoor District Council	468,554
Sefton Metropolitan Borough Council	990,126
Selby District Council	167,385
Sevenoaks District Council	240,285
Sheffield City Council	1,927,636
Shropshire Council	687,073
Slough Borough Council	484,029
Solihull Metropolitan Borough Council	527,104
Somerset West and Taunton Council	436,898
South Cambridgeshire District Council	243,282
South Derbyshire District Council	180,358
South Gloucestershire Council	496,463

<i>Local authority</i>	<i>Administration subsidy (£)</i>
South Hams District Council	201,118
South Holland District Council	188,403
South Kesteven District Council	314,153
South Lakeland District Council	169,917
South Norfolk District Council	252,696
South Oxfordshire District Council	234,944
South Ribble Borough Council	210,421
South Somerset District Council	418,414
South Staffordshire District Council	217,661
South Tyneside Council	758,243
Southampton City Council	947,450
Southend-on-Sea City Council	650,545
London Borough of Southwark	1,777,461
Spelthorne Borough Council	218,797
St Albans District Council	266,685
St Helens Borough Council	662,578
Stafford Borough Council	253,961
Staffordshire Moorlands District Council	158,011
Stevenage Borough Council	280,953
Stockport Borough Council	730,845
Stockton-on-Tees Borough Council	661,242
Stoke-on-Trent City Council	947,639
Stratford-on-Avon District Council	256,450
Stroud District Council	242,118
Sunderland City Council	1,268,190
Surrey Heath Borough Council	136,729
London Borough of Sutton	611,276
Swale Borough Council	434,827
Swindon Borough Council	588,379
Tameside Metropolitan Borough Council	869,561
Tamworth Borough Council	206,615
Tandridge District Council	178,884
Teignbridge District Council	316,705
Telford and Wrekin Council	612,269

Changes to legislation: There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998. (See end of Document for details)

<i>Local authority</i>	<i>Administration subsidy (£)</i>
Tendring District Council	505,444
Test Valley Borough Council	248,655
Tewkesbury Borough Council	188,104
Thanet District Council	571,920
Three Rivers Council	190,490
Thurrock Borough Council	477,682
Tonbridge and Malling District Council	279,233
Torbay Council	534,037
Torrige District Council	170,756
London Borough of Tower Hamlets	1,863,709
Trafford Metropolitan Borough Council	581,798
Tunbridge Wells Borough Council	249,320
Uttlesford District Council	146,475
Vale of White Horse District Council	237,730
Wakefield Council	1,152,480
Walsall Borough Council	1,027,770
London Borough of Waltham Forest	997,078
London Borough of Wandsworth	1,294,763
Warrington Borough Council	535,677
Warwick District Council	275,828
Watford Borough Council	280,410
Waverley Borough Council	223,592
Wealden District Council	260,367
Welwyn Hatfield District Council	336,375
West Berkshire Council	324,924
West Devon Borough Council	126,822
West Lancashire District Council	292,289
West Lindsey District Council	248,446
West Northamptonshire Council	874,601
West Oxfordshire District Council	202,841
West Suffolk Council	389,606
City of Westminster	1,294,989
Wigan Council	1,016,817
Wiltshire Council	1,029,349

<i>Local authority</i>	<i>Administration subsidy (£)</i>
Winchester City Council	238,915
Royal Borough of Windsor and Maidenhead	268,262
Wirral Borough Council	1,241,841
Woking Borough Council	202,879
Wokingham District Council	200,194
Wolverhampton City Council	1,047,981
Worcester City Council	271,919
Worthing Borough Council	290,107
Wychavon District Council	268,669
Wyre Borough Council	299,317
Wyre Forest District Council	294,191
City of York Council	395,430
Wales	
Blaenau Gwent County Borough Council	318,962
Bridgend County Borough Council	477,573
Caerphilly County Borough Council	636,859
Cardiff City Council	1,262,108
Carmarthenshire County Council	540,118
Ceredigion Council	187,368
Conwy County Borough Council	379,349
Denbighshire County Council	349,113
Flintshire County Council	411,534
Gwynedd Council	323,966
Isle of Anglesey County Council	211,568
Merthyr Tydfil Borough Council	236,961
Monmouthshire County Council	220,909
Neath Port Talbot County Borough Council	591,884
Newport City Council	576,113
Pembrokeshire County Council	385,804
Powys County Council	327,717
Rhondda-Cynon-Taff County Borough Council	797,265
Swansea City Council	911,084
Torfaen Borough Council	390,255
Vale of Glamorgan Council	359,861

Changes to legislation: There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998. (See end of Document for details)

<i>Local authority</i>	<i>Administration subsidy (£)</i>
Wrexham County Borough Council	462,998
Scotland	
Aberdeen City Council	652,154
Aberdeenshire Council	470,681
Angus Council	368,081
Argyll and Bute Council	271,451
Clackmannanshire Council	232,389
Comhairle Nan Eilean Siar Council	62,405
Dumfries and Galloway Council	538,578
Dundee City Council	786,906
East Ayrshire Council	527,112
East Dunbartonshire Council	207,488
East Lothian District Council	326,547
East Renfrewshire Council	175,099
City of Edinburgh Council	1,515,282
Falkirk District Council	557,578
Fife Council	1,334,156
Glasgow City Council	3,641,774
Highland Council	674,465
Inverclyde District Council	403,506
Midlothian Council	295,008
Moray Council	243,621
North Ayrshire Council	677,929
North Lanarkshire Council	1,397,861
Orkney Islands Council	56,904
Perth and Kinross Council	368,564
Renfrewshire Council	707,391
Scottish Borders Council	360,545
Shetland Islands Council	51,479
South Ayrshire Council	433,924
South Lanarkshire Council	1,134,646
Stirling Council	254,796
West Dunbartonshire Council	495,052
West Lothian Council	661,233]

Changes to legislation: There are currently no known outstanding effects for the *The Income-related Benefits (Subsidy to Authorities) Order 1998*. (See end of Document for details)

^{F232}SCHEDULE 1A **E+W+S**

Article 12(1)(c)

Textual Amendments

F232 Sch. 1A omitted (26.10.2017) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2017 \(S.I. 2017/900\)](#), **art. 2(5)**, reg. 1

SCHEDULE 1ZA **E+W+S**

Article 12(1)(ba)

Additional amount of subsidy: Right Benefit Initiative

E+W+S

^{F233}

Textual Amendments

F233 Sch. 1ZA omitted (with effect in accordance with art. 1(4) of the amending S.I.) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), **3(4)**

^{F234}SCHEDULE 1ZB **E**
+W+S

Article 12(1)(bza)

Additional amount of subsidy: Verify Earnings and Pension Alerts Service

Textual Amendments

F234 Sch. 1ZB substituted (6.11.2023) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2023 \(S.I. 2023/1040\)](#), art. 1(1), **Sch. 2**

Interpretation **E+W+S**

1. In this Schedule—

“relevant activities” means activities carried out by authorities receiving VEP alerts to administer those alerts;

“VEP alerts” means alerts given by the Secretary of State enabling authorities to identify changes in earnings and pensions so as to help prevent fraud and error relating to housing benefit.

Additional amount: relevant year beginning with 1st April 2023 **E+W+S**

2. The additional amount of subsidy for an authority for the relevant year beginning with 1st April 2023 is the amount specified for that authority in the Housing Benefit Circular HB S7/2023 first published by the Department for Work and Pensions on 9th May 2023.

Changes to legislation: There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998. (See end of Document for details)

Use of amount paid under paragraph 2 **E+W+S**

3. An authority must use the additional amount received under paragraph 2 in connection with relevant activities.]

[^{F235}SCHEDULE 1ZC **E**
+W+S

Article 12(1)(bzb)

Additional amount of subsidy: Housing Benefit Award Accuracy Initiative

Textual Amendments

F235 Sch. 1ZC substituted (6.11.2023) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2023 \(S.I. 2023/1040\)](#), art. 1(1), **Sch. 3**

Interpretation **E+W+S**

1. In this Schedule—

“HBAAI” means the Housing Benefit Award Accuracy Initiative set out in Housing Benefit Circular HB A5/2022 first published by the Department for Work and Pensions on 5th May 2022;

“relevant activities” means activities carried out by authorities in connection with administering the HBAAI.

Additional amount: relevant year beginning with 1st April 2022 **E+W+S**

2. The additional amount of subsidy for an authority for the relevant year beginning with 1st April 2022 is the amount (if any) specified for that authority in the following Housing Benefit Circulars published by the Department for Work and Pensions—

- (a) HB S7/2022, first published on 29th April 2022;
- (b) HB S10/2022, first published on 18th November 2022.

Use of amount paid under paragraph 2 **E+W+S**

3. An authority must use any additional amount received under paragraph 2 in connection with relevant activities.]

^{F236}SCHEDULE 2 **E+W+S**

Article 12(b)

Textual Amendments

F236 Sch. 2 omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#), arts. 1(1), **4(2)**

Changes to legislation: There are currently no known outstanding effects for the *The Income-related Benefits (Subsidy to Authorities) Order 1998*. (See end of Document for details)

^{F237}SCHEDULE 3 **E+W+S**

Article 13(3)

Textual Amendments

F237 Sch. 3 omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#) , arts. 1(1) , **4(3)**

SCHEDULE 4 **E+W+S**

Articles 13(1) and 16

HIGH RENTS AND RENT ALLOWANCES

^{F238}PART I **E+W+S**

REGULATED TENANCIES

Textual Amendments

F238 Sch. 4 Pt. I omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#) , arts. 1(1) , **4(4)(a)**

1.

PART II **E+W+S**

RENT OFFICERS' DETERMINATIONS

Calculation of the appropriate amount **E+W+S**

2. The appropriate amount, in a case to which this Part applies, in respect of that part of the qualifying expenditure which is attributable to allowances granted for the period beginning on the relevant date and ending on the termination date, shall be calculated in accordance with [^{F239}paragraph 6, 7, 8 or 9] as appropriate.

Textual Amendments

F239 Words in Sch. 4 para. 2 substituted (with effect in accordance with art. 1(3) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2011 \(S.I. 2011/2957\)](#) , arts. 1(1) , **5(2)**

Rent officers' determinations **E+W+S**

3. Except in a case to which Part III applies, this Part applies where an authority applies to a rent officer for a determination to be made under the Rent Officers Order or the Rent Officers Order 1995 in relation to a dwelling and the officer makes such a determination.

Changes to legislation: There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998. (See end of Document for details)

4. This Part also applies in a case where the dwelling A is in a hostel and, by virtue of [^{F240}regulation 14(4) of the Housing Benefit Regulations or, as the case may be, regulation 14(4) of the Housing Benefit (State Pension Credit) Regulations] (exemptions from requirement to refer to rent officers), an application for a determination in respect of that dwelling A is not required, because the dwelling is regarded as similar to dwelling B in that hostel in respect of which a determination has been made, and in such a case the determination made in respect of dwelling B shall, for the purposes of this Part, be treated as if it were a determination in respect of dwelling A.

Textual Amendments

F240 Words in Sch. 4 para. 4 substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 13(10)(a)** (with regs. 2, 3, Schs. 3, Sch. 4)

5. This Part also applies in a case where a rent officer has made a determination in respect of a tenancy of a dwelling and by virtue of [^{F241}paragraph 2 of Schedule 2 to the Housing Benefit Regulations or, as the case may be, paragraph 2 of Schedule 2 to the Housing Benefit (State Pension Credit) Regulations] (cases with existing determinations) a new determination is not required in respect of another tenancy of the dwelling and in such a case the determination made shall, for the purposes of this Part, be treated as if it were a determination made in respect of that tenancy.

Textual Amendments

F241 Words in Sch. 4 para. 5 substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 13(10)(b)** (with regs. 2, 3, Schs. 3, Sch. 4)

[^{F242}6. Except where paragraph 5 applies, this Part also applies in a case where an authority is required under [^{F243}regulation 14 of the Housing Benefit Regulations or, as the case may be, regulation 14 of the Housing Benefit (State Pension Credit) Regulations] (requirement to refer to rent officer) to apply for a determination in relation to a dwelling, but the appropriate amount shall be nil if the authority fails to apply for that determination—

- (a) during the relevant year; or
- (b) as soon as possible thereafter but before the date of the due date for the submission of the final subsidy claim for the relevant year.]

Textual Amendments

F242 Sch. 4 para. 6 substituted (with effect in accordance with art. 1(2) of the commencing S.I.) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#), arts. 1(1), **4(4)(b)**

F243 Words in Sch. 4 para. 6 substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 13(10)(c)** (with regs. 2, 3, Schs. 3, Sch. 4)

[^{F244} **Rent officers' property-specific rent and claim-related rent** **E+W+S**

- 7. Where the rent officer either—
 - (a) determines a property-specific rent but not a size-related rent and the amount of eligible rent does not exceed the property-specific rent less ineligible amounts, or

- (b) determines a claim-related rent and the amount of eligible rent does not exceed ^{F245}... the claim-related rent ^{F246}..., less ineligible amounts,

the appropriate amount in respect of the period beginning with the relevant date and ending with the termination date shall be [^{F247}100 per cent] of that part of the qualifying expenditure attributable to the eligible rent.]

Textual Amendments

- F244** Sch. 4 para. 7 substituted (25.7.2001) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2001 \(S.I. 2001/2350\)](#), arts. 1(1), **7(2)**
- F245** Words in Sch. 4 para. 7(b) omitted (31.10.2021) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 14(a)**
- F246** Words in Sch. 4 para. 7(b) omitted (31.10.2021) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 14(b)**
- F247** Words in Sch. 4 para. 7 substituted (with effect in accordance with art. 1(2) of the commencing S.I.) by [Income-related Benefits \(Subsidy to Authorities\) \(Miscellaneous Amendments and Electronic Communications\) Order 2007 \(S.I. 2007/26\)](#), arts. 1(1), **4(2)(a)**

8.—^{F248}(1) Where the rent officer either—

- (a) determines a property-specific rent but not a size-related rent and the amount of eligible rent exceeds the property-specific rent less ineligible amounts, or
- (b) determines a claim-related rent and the amount of eligible rent exceeds ^{F249}... the claim-related rent ^{F250}..., less ineligible amounts,

then, for the period beginning with the relevant date and ending with the termination date, the appropriate amount shall be determined in accordance with sub-paragraph (2) or (3), as the case may be.]

(2) Where the allowance granted is the same as or is less than the excess—

- (a) except in a case to which paragraph 10 applies, the appropriate amount shall be nil;
- (b) where paragraph 10 applies, the appropriate amount shall be 60 per cent. of the qualifying expenditure attributable to such allowance.

(3) Where the allowance granted is greater than the excess the appropriate amount shall be

- (a) except where paragraph 10 applies, nil per cent. of the qualifying expenditure which is equal to the excess;
- (b) where paragraph 10 applies, 60 per cent. of the qualifying expenditure which is equal to the excess,

together with [^{F251}100 per cent]. of the qualifying expenditure which remains after deducting the excess.

Textual Amendments

- F248** Sch. 4 para. 8(1) substituted (25.7.2001) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2001 \(S.I. 2001/2350\)](#), arts. 1(1), **7(3)**
- F249** Words in Sch. 4 para. 8(b) omitted (31.10.2021) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) and Discretionary Housing Payments \(Grants\) Amendment Order 2021 \(S.I. 2021/1031\)](#), art. 1(1), **Sch. 5 para. 14(a)**

Changes to legislation: There are currently no known outstanding effects for the *The Income-related Benefits (Subsidy to Authorities) Order 1998*. (See end of Document for details)

F250 Words in Sch. 4 para. 8(b) omitted (31.10.2021) by virtue of *The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031)*, art. 1(1), **Sch. 5 para. 14(b)**

F251 Words in Sch. 4 para. 8(3) substituted (with effect in accordance with art. 1(2) of the commencing S.I.) by *Income-related Benefits (Subsidy to Authorities) (Miscellaneous Amendments and Electronic Communications) Order 2007 (S.I. 2007/26)*, arts. 1(1), **4(2)(a)**

Rent officers' property-specific and size-related rents **E+W+S**

9.—(1) Where the rent officer makes a determination that the dwelling exceeds the size criteria for its occupiers and determines both a property-specific rent and a size-related rent for that dwelling, the appropriate amount in respect of the period beginning on the relevant date and ending on the termination date shall be the appropriate amounts determined in accordance with the relevant subparagraphs of this paragraph.

(2) Where the eligible rent does not exceed the designated rent, less ineligible amounts, the appropriate amount shall be [^{F252}100 per cent]. of that part of the qualifying expenditure attributable to the eligible rent.

(3) For the period of 13 weeks beginning on the relevant date or, if shorter, for the period beginning on that date and ending on the termination date, if the amount of the eligible rent does not exceed the property-specific rent less ineligible amounts, the appropriate amount shall be [^{F252}100 per cent]. of that part of the qualifying expenditure attributable to the eligible rent.

(4) For the period of 13 weeks beginning on the relevant date or, if shorter, for the period beginning on that date and ending on the termination date, if the amount of the eligible rent exceeds the property-specific rent less ineligible amounts—

- (a) where the allowance is the same as or is less than the excess—
 - (i) except in a case to which paragraph 10 applies, the appropriate amount shall be nil;
 - (ii) where paragraph 10 applies, the appropriate amount shall be 60 per cent. of the qualifying expenditure attributable to such allowance;
- (b) where the allowance granted is greater than the excess the appropriate amount shall be—
 - (i) except where paragraph 10 applies, nil per cent. of the qualifying expenditure which is equal to the excess;
 - (ii) where paragraph 10 applies, 60 per cent. of the qualifying expenditure which is equal to the excess,

and in either case [^{F252}100 per cent]. of the qualifying expenditure which remains after deducting the excess.

(5) For the period after the end of that 13 week period, if the amount of the eligible rent exceeds the designated rent less ineligible amounts—

- (a) where the allowance is the same as or is less than the excess—
 - (i) except in a case to which paragraph 10 applies, the appropriate amount shall be nil;
 - (ii) where paragraph 10 applies, the appropriate amount shall be 60 per cent. of the qualifying expenditure attributable to such allowance;
- (b) where the allowance granted is greater than the excess the appropriate amount shall be—
 - (i) except where paragraph 10 applies, nil per cent. of the qualifying expenditure which is equal to the excess;
 - (ii) where paragraph 10 applies, 60 per cent. of the qualifying expenditure which is equal to the excess,

Changes to legislation: There are currently no known outstanding effects for the *The Income-related Benefits (Subsidy to Authorities) Order 1998*. (See end of Document for details)

and in either case [^{F252}100 per cent]. of the qualifying expenditure which remains after deducting the excess.

[^{F253}(6) This paragraph does not apply where a rent officer determines a claim-related rent.]

Textual Amendments

F252 Words in Sch. 4 para. 9(2)-(5) substituted (with effect in accordance with art. 1(2) of the commencing S.I.) by [Income-related Benefits \(Subsidy to Authorities\) \(Miscellaneous Amendments and Electronic Communications\) Order 2007 \(S.I. 2007/26\)](#) , arts. 1(1) , **4(2)(a)**

F253 Sch. 4 para. 9(6) added (25.7.2001) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2001 \(S.I. 2001/2350\)](#) , arts. 1(1) , **7(4)**

Restriction on unreasonable rents or on rent increases **E+W+S**

10. This paragraph applies where an authority has been unable to treat a person's eligible rent as reduced by reason of regulation 11(3), (3A) ^{M28}, (4), as in force on 1st January 1996, or 12(2) ^{M29} of the [^{F254}Housing Benefit (General) Regulations 1987] (restrictions on unreasonable rents or rent increases) ^{M30}, as in force on 5th October 1997.

Textual Amendments

F254 Words in Sch. 4 para. 10 substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#) , reg. 1(1) , **Sch. 2 para. 13(10)(e)** (with regs. 2 , 3 , Schs. 3 , Sch. 4)

Marginal Citations

M28 Paragraph (3A) was added by regulation 2(c) of [S.I. 1989/566](#) .

M29 Paragraph (2) was added by regulation 3(b) of [S.I. 1989/566](#) .

M30 Regulation 11 was revoked and replaced by [S.I. 1995/1644](#) from 2nd January 1996 and regulation 12 was omitted by [S.I. 1997/852](#) , but the earlier regulations continue in force for certain claimants by regulation 10 of [S.I. 1995/1644](#) and regulation 4(3) of [S.I. 1997/852](#) .

Payments on account of rent allowance **E+W+S**

^{F255}**11.**

Textual Amendments

F255 Sch. 4 para. 11 omitted (with effect in accordance with art. 1(3) of the commencing S.I.) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2011 \(S.I. 2011/2957\)](#) , arts. 1(1) , **5(3)**

Relevant date **E+W+S**

12. For the purposes of this Part—

- (a) in a case where a claim for rent allowance is made on or after 1st April in the relevant year, the relevant date is the date on which entitlement to benefit commences;
- (b) in a case where, on 1st April in the relevant year, there is current on that date both a claim for an allowance in relation to the dwelling and a rent officer's determination in

Changes to legislation: *There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998. (See end of Document for details)*

relation to that dwelling, the relevant date is that day and for this purpose a rent officer's determination includes a determination, further determination or re-determination made under the Rent Officers Order or the Rent Officers Order 1995, as the case may be, save that, where a determination had not taken effect by 31st March of the year immediately preceding the relevant year, the relevant date will be 13 weeks after the relevant date determined under the 1997 Order, or, in a relevant year commencing on or after 1st April 1998, the relevant date determined for the year immediately preceding that relevant year;

- (c) in a case where, during the relevant year—
- (i) there has been a change relating to a rent allowance within the meaning of [^{F256}regulation 14(10) of the Housing Benefit Regulations or, as the case may be, regulation 14(10) of the Housing Benefit (State Pension Credit) Regulations]; and
 - (ii) by virtue of [^{F257}regulation 14 of the Housing Benefit Regulations or, as the case may be, regulation 14 of the Housing Benefit (State Pension Credit) Regulations] (requirement to refer to rent officer) an application for a determination in respect of that dwelling is required,

the relevant date is the date on which the relevant change of circumstances takes effect for the purposes of [^{F258}regulation 79 of the Housing Benefit Regulations or, as the case may be, regulation 59 of the Housing Benefit (State Pension Credit) Regulations] (date on which change of circumstances is to take effect) or, if the relevant change of circumstances does not affect entitlement to an allowance, the Monday following the date on which the relevant change occurred;

- (d) in a case where, prior to any rent officer determination being notified to the authority, the authority determines a rent allowance on a claim in respect of a dwelling, the relevant date is—
- (i) if the designated rent less ineligible amounts determined under the determination eventually notified by the rent officer is higher than or equal to the eligible rent determined by the authority in relation to that dwelling, the date determined under the foregoing sub-paragraphs of this paragraph as appropriate;
 - (ii) if the designated rent less ineligible amounts is lower than the eligible rent determined by the authority but that eligible rent is equal to or more than the appropriate indicative rent level for that dwelling, the Monday following the date on which the determination is made by the rent officer;
 - (iii) if the designated rent less ineligible amounts is lower than the eligible rent determined by the authority in relation to that dwelling, the Monday following the date on which the determination is made by the rent officer and, in so far as the eligible rent determined by the authority in relation to that dwelling was in excess of the appropriate indicative rent level for that dwelling, paragraph 7 shall apply to that excess;

- [^{F259}(e) in a case where the rent officer has made a re-determination, substitute determination or substitute re-determination, the relevant date is—

- (i) if the designated rent determination under the re-determination, substitute determination or substitute re-determination is higher than or equal to the amount determined under the original determination, the date determined under the foregoing sub-paragraphs of this paragraph as appropriate;
- (ii) if the designated rent determination under the re-determination, substitute determination or substitute re-determination is lower than the amount determined under the original determination, the Monday following the date on which the re-determination, substitute determination or substitute re-determination is made by the rent officer.]

Changes to legislation: There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998. (See end of Document for details)

Textual Amendments

- F256** Words in Sch. 4 para. 12(c)(i) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#) , reg. 1(1) , **Sch. 2 para. 13(10)(g)(i)** (with regs. 2 , 3 , Schs. 3 , Sch. 4)
- F257** Words in Sch. 4 para. 12(c)(ii) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#) , reg. 1(1) , **Sch. 2 para. 13(10)(g)(ii)** (with regs. 2 , 3 , Schs. 3 , Sch. 4)
- F258** Words in Sch. 4 para. 12(c) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#) , reg. 1(1) , **Sch. 2 para. 13(10)(g)(iii)** (with regs. 2 , 3 , Schs. 3 , Sch. 4)
- F259** Sch. 4 para. 12(e) substituted (25.7.2001) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2001 \(S.I. 2001/2350\)](#) , arts. 1(1) , **7(5)**

Termination date **E+W+S**

- 13.** For the purposes of this Part “termination date” means—
- (a) 31st March in the relevant year; or
 - (b) where the rent officer’s determination replaces a determination made in relation to the same dwelling, the day before the relevant date of the new determination by the rent officer in relation to the same dwelling as defined by paragraph 12; or
 - (c) the date on which the allowance ceases to be paid in respect of the tenancy,

whichever is the earlier date in the relevant year.

PART III **E+W+S**

RECKONABLE RENT CASES

^{F260}**14.**

Textual Amendments

- F260** Sch. 4 para. 14 omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2006 \(S.I. 2006/54\)](#) , arts. 1(1) , **4(4)(c)**

15. In a case where article 16(4)(c) applies, the appropriate amount shall be, for the period of 13 weeks prescribed in [^{F261}regulation 13(14) of the Housing Benefit Regulations or, as the case may be, regulation 13(14) of the Housing Benefit (State Pension Credit) Regulations], [^{F262}100 per cent] of the eligible rent less ineligible amounts.

Textual Amendments

- F261** Words in Sch. 4 para. 15 substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#) , reg. 1(1) , **Sch. 2 para. 13(10)(h)** (with regs. 2 , 3 , Schs. 3 , Sch. 4)

Changes to legislation: There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998. (See end of Document for details)

F262 Words in Sch. 4 para. 15 substituted (with effect in accordance with art. 1(2) of the commencing S.I.) by [Income-related Benefits \(Subsidy to Authorities\) \(Miscellaneous Amendments and Electronic Communications\) Order 2007 \(S.I. 2007/26\)](#) , arts. 1(1) , **4(2)(b)**

PART IV **E+W+S**

GENERAL AND INTERPRETATION

Apportionment **E+W+S**

16. For the purposes of this Schedule, where more than one person is liable to make payments in respect of a dwelling the designated rent shall be apportioned on the same basis as such payments are apportioned under [^{F263}regulation 12(5) of the Housing Benefit Regulations or, as the case may be, regulation 12(5) of the Housing Benefit (State Pension Credit) Regulations] (rent).

Textual Amendments

F263 Words in Sch. 4 para. 16 substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#) , reg. 1(1) , **Sch. 2 para. 13(10)(i)** (with regs. 2 , 3 , Schs. 3 , Sch. 4)

Interpretation **E+W+S**

17.—(1) In this Schedule, unless the context otherwise requires—

“appropriate indicative rent level” means the indicative rent level for the category of dwelling into which the dwelling in question falls, as described in paragraph 11 of Schedule 1 to the Rent Officers Order or paragraph 9 of Schedule 1 to the Rent Officers Order 1995, as the case may be, except that, where a payment on account is made to a young individual, the category of dwelling shall be that within head (b) of paragraph 9(3) of that Schedule, less, in the case of a dwelling falling within that head or head (a) of that paragraph, any amount ineligible to be met under [^{F264}paragraph 2 of Part 1 of Schedule 1 to the Housing Benefit Regulations or, as the case may be, paragraph 2 of Part 1 of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations] (meal ^{F265} ... charges);

[^{F266}“claim-related rent” means the rent notified by the rent officer under paragraph 9(1) of Schedule 1 to the Rent Officers (Housing Benefit Functions) Order 1997 or, as the case may be, the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997;]

“designated rent” means—

- (a) in a case where a rent officer has determined both a property-specific rent and a size-related rent, whichever is the lower of the two;
- (b) in a case where a rent officer has determined only a property-specific rent or a size-related rent, as the case may be, that rent;
- (c) [^{F267}in a case where a rent officer has determined a claim-related rent, that rent;]

[^{F268}“ineligible amounts” means—

- (a) in a case where the rent officer has determined a claim-related rent—
 - (i) any amount in respect of amounts ineligible to be met by housing benefit under [^{F269}paragraph 2 of Part 1 of Schedule 1 to the Housing Benefit Regulations or, as

Changes to legislation: There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998. (See end of Document for details)

- the case may be, paragraph 2 of Part 1 of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations] (amounts ineligible for meals);
- (ii) [^{F270}where the dwelling is a hostel as defined in regulation 2(1) of the Housing Benefit Regulations or, as the case may be, regulation 2(1) of the Housing Benefit (State Pension Credit) Regulations (interpretation), any amount ineligible to be met by housing benefit under (as the case may be)—
 - (aa) paragraph 1 of Schedule 1 to the Housing Benefit Regulations (ineligible service charges), other than sub-paragraphs (d) to (f) of that paragraph; or
 - (bb) paragraph 1 of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations (ineligible service charges), other than sub-paragraphs (d) to (f) of that paragraph;]
- (b) in any other case, except as provided in the definition of “property-specific rent less ineligible amounts” below,—
- (i) any amount which the rent officer determines is attributable to the provision of services ineligible to be met by housing benefit, plus the amount in respect of fuel charges ineligible to be met [^{F271}under Part 2 of Schedule 1 to the Housing Benefit Regulations or, as the case may be, Part 2 of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations] (payments in respect of fuel charges);
 - (ii) any amount in respect of amounts ineligible to be met by housing benefit under [^{F272}paragraph 2 of Schedule 1 to the Housing Benefit Regulations or, as the case may be, paragraph 2 of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations] (amounts ineligible for meals);
 - (iii) where the dwelling is in a hostel as defined in regulation 2 of the Housing Benefit Regulations (interpretation), any amount ineligible to be met by housing benefit under [^{F273}paragraph 1 of Schedule 1 to those Regulations or, as the case may be, paragraph 1 of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations (ineligible service charges), other than sub-paragraphs (d) to (f) of those paragraphs].]

“property-specific rent”, except as provided in the definition of “property-specific rent less ineligible amounts” below, means the rent determined by a rent officer under paragraph 1(2) of Schedule 1 to the Rent Officers Order or to the Rent Officers Order 1995, as the case may be, except in a case where a rent officer has made a rent determination under paragraph 3 of that Schedule, when it means that rent;

“property-specific rent less ineligible amounts” has the meaning otherwise ascribed to those terms in this paragraph, except, subject to article 23(1), in a case where the property-specific rent is an exceptionally high rent and the rent officer has notified the authority that the exceptionally high rent determined by him does not include a payment ineligible for housing benefit under [^{F274}paragraph 1(a)(i) or paragraph 5 of Schedule 1 to the Housing Benefit Regulations or, as the case may be, paragraph 1(a)(i) or paragraph 5 of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations] (ineligible service charges for food and fuel), as the case may be (“ineligible payments”), when it means that exceptionally high rent less ineligible amounts other than ineligible payments;

“size-related rent” means the rent determined by a rent officer under paragraph 2(2) of Schedule 1 to the Rent Officers Order or the Rent Officers Order 1995, as the case may be,

and other expressions used both in this Schedule and in the Rent Officers Order or the Rent Officers Order 1995, as the case may be, or in both this Schedule [^{F275}and (as the case may be) in regulation 13 of the Housing Benefit Regulations or regulation 13 of the Housing Benefit (State Pension Credit)

Changes to legislation: There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998. (See end of Document for details)

Regulations] shall have the same meanings in this Schedule as they have in that Order or in that regulation, as the case may be.

(2) Except in a case to which sub-paragraph (3) applies, in this Schedule any reference to a rent officer's determination is, in any case where there has been more than one such determination, a reference to the last such determination.

(3) In a case where the last determination referred to in sub-paragraph (2) was made on the basis of—

- (a) the terms of the tenancy of a dwelling; or
- (b) the size or composition of the household occupying that dwelling,

which were not appropriate to the claim for a rent allowance in respect of which the allowance was granted, any reference to a rent officer's determination is to the last such determination which was appropriate to that claim.

Textual Amendments

- F264** Words in Sch. 4 para. 17(1) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 13(10)(j)(i)** (with regs. 2, 3, Schs. 3, Sch. 4)
- F265** Words in Sch. 4 para. 17 omitted (25.7.2001) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2001 \(S.I. 2001/2350\)](#), arts. 1(1), **7(6)(a)**
- F266** Words in Sch. 4 para. 17 inserted (25.7.2001) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2001 \(S.I. 2001/2350\)](#), arts. 1(1), **7(6)(b)**
- F267** Words in Sch. 4 para. 17 added (25.7.2001) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2001 \(S.I. 2001/2350\)](#), arts. 1(1), **7(6)(c)**
- F268** Words in Sch. 4 para. 17 substituted (25.7.2001) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2001 \(S.I. 2001/2350\)](#), arts. 1(1), **7(6)(d)**
- F269** Words in Sch. 4 para. 17(1) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 13(10)(aa)**Sch. 2 para. 13(10)(j)(ii) (with regs. 2, 3, Schs. 3, Sch. 4)
- F270** Words in Sch. 4 para. 17(1) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 13(10)(bb)**Sch. 2 para. 13(10)(j)(ii) (with regs. 2, 3, Schs. 3, Sch. 4)
- F271** Words in Sch. 4 para. 17(1) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 13(10)(cc)**Sch. 2 para. 13(10)(j)(ii) (with regs. 2, 3, Schs. 3, Sch. 4)
- F272** Words in Sch. 4 para. 17(1) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 13(10)(dd)**Sch. 2 para. 13(10)(j)(ii) (with regs. 2, 3, Schs. 3, Sch. 4)
- F273** Words in Sch. 4 para. 17(1) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 13(10)(ee)**Sch. 2 para. 13(10)(j)(ii) (with regs. 2, 3, Schs. 3, Sch. 4)
- F274** Words in Sch. 4 para. 17(1) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 13(10)(j)(iii)** (with regs. 2, 3, Schs. 3, Sch. 4)
- F275** Words in Sch. 4 para. 17(1) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 13(10)(j)(iv)** (with regs. 2, 3, Schs. 3, Sch. 4)

PART V **E+W+S**

THRESHOLD ABOVE WHICH REDUCED SUBSIDY IS PAYABLE ON RENT ALLOWANCES

^{F276}18.

Textual Amendments

F276 Sch. 4 Pt. V omitted (6.11.2023) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2023 \(S.I. 2023/1040\)](#), arts. 1(1), 7

[^{F277}Schedule 4A **E+W+S**

Article 20A

Rent Rebate Limitation Deductions (Housing Revenue Account Dwellings): Authorities in Wales

Textual Amendments

F277 Sch. 4A substituted (6.11.2023) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2023 \(S.I. 2023/1040\)](#), art. 1(1), **Sch. 4**

Interpretation **E+W+S**

1. In this Schedule—

“HRA” means the Housing Revenue Account of the authority the amount of whose subsidy is under consideration;

“rent”, in relation to a dwelling, means the total of the payments in respect of the dwelling specified in regulation 12(1) of the Housing Benefit Regulations or, as the case may be, regulation 12(1) of the Housing Benefit (State Pension Credit) Regulations, other than a payment specified in regulation 12(1)(e).

Liability to deduction **E+W+S**

2.—(1) This paragraph applies in relation to the relevant year if—

(a) the authority is specified in the Table in paragraph 4 for that year, and

(b) $O + P$ is less than Q where—

“O” is the amount specified in column 1 of that Table for the authority;

“P” is the guideline rent increase specified in column 2 of that Table for the authority;

“Q” is the average weekly rent for a dwelling for the authority for the relevant year.

(2) For the purposes of determining Q in sub-paragraph (1)(b), the average weekly rent for a dwelling for the authority for the relevant year is calculated by dividing the total rent charged for all dwellings in the HRA in that year by the total number of weeks for which rent was charged for all dwellings in the HRA, disregarding any unoccupied dwelling.

Changes to legislation: There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998. (See end of Document for details)

Amount of deduction **E+W+S**

3.—(1) The amount of the deduction from subsidy referred to in article 20A(2) is to be calculated as follows—

Step 1

Divide the amount of rebates granted by the authority in the relevant year in respect of dwellings in the HRA by the income of the authority for that year from rent (including rent remitted by way of rebate) in respect of such dwellings.

Step 2

If the result of Step 1—

- (a) does not exceed the rebate proportion for the relevant year (see sub-paragraph (2))—
 - (i) deduct (O + P) from Q (see paragraph 2);
 - (ii) divide the result of paragraph (a)(i) by Q;
 - (iii) multiply the amount of the subsidy (apart from any deduction to be calculated under this Schedule) by the result of paragraph (a)(ii);
- (b) exceeds the rebate proportion for the relevant year—
 - (i) deduct (O + P) from Q (see paragraph 2);
 - (ii) divide the result of paragraph (b)(i) by Q;
 - (iii) divide the rebate proportion (see sub-paragraph (2)) by the result of Step 1;
 - (iv) multiply the result of paragraph (b)(ii) by the result of paragraph (b)(iii);
 - (v) multiply the amount of the subsidy (apart from any deduction to be calculated under this Schedule) by the result of paragraph (b)(iv).

(2) The rebate proportion for the purposes of sub-paragraph (1) for the relevant year beginning with 1st April 2023 is 0.44.

Amounts for the purposes of paragraph 2 **E+W+S**

4. The amounts for the relevant year beginning with 1st April 2023 for the purposes of paragraph 2 are as follows—

<i>Local authority</i>	<i>(1) Specified amount "O" (£)</i>	<i>(2) Guideline rent increase "P" (£)</i>
Caerphilly County Borough Council	104.56	8.10
Cardiff City Council	117.78	9.23
Carmarthenshire County Council	103.72	8.12
Denbighshire County Council	104.47	8.31
Flintshire County Council	109.56	8.50
Isle of Anglesey County Council	105.09	8.34
Pembrokeshire County Council	107.02	7.87
Powys County Council	107.42	8.28
Swansea City Council	104.77	8.42

Changes to legislation: There are currently no known outstanding effects for the *The Income-related Benefits (Subsidy to Authorities) Order 1998*. (See end of Document for details)

<i>Local authority</i>	<i>(1) Specified amount "O" (£)</i>	<i>(2) Guideline rent increase "P" (£)</i>
Vale of Glamorgan Council	117.24	8.79
Wrexham County Borough Council	>107.82	8.41]

[^{F278}SCHEDULE 5 **E+W+S**

Articles 13 and 21

BENEFIT SAVINGS

Textual Amendments

F278 Sch. 4A Pt. 5 substituted (with effect in accordance with art. 1(4) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2015 \(S.I. 2015/1784\)](#), art. 1(1), **Sch. 4**

E+W+S

^{F279}

Textual Amendments

F279 Sch. 5 omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2005 \(S.I. 2005/369\)](#), arts. 1(1), **5(2)**

[^{F280}SCHEDULE 6 **E+W+S**

Articles 3A

ELECTRONIC COMMUNICATIONS

Textual Amendments

F280 Sch. 6 inserted (5.2.2007) by [Income-related Benefits \(Subsidy to Authorities\) \(Miscellaneous Amendments and Electronic Communications\) Order 2007 \(S.I. 2007/26\)](#), arts. 1(1), 4(4), **Schs. 2**

PART 1 **E+W+S**

INTERPRETATION

Interpretation **E+W+S**

1 In this Schedule “official computer system” means a computer system maintained by or on behalf of the Secretary of State for the sending, receipt, processing or storage of any claim or return.

PART 2 **E+W+S**

ELECTRONIC COMMUNICATIONS - GENERAL PROVISIONS

Conditions for the use of electronic communications **E+W+S**

- 2.—(1) An authority^[F281], reporting accountant] or auditor must use an approved method of—
- (a) electronic communication;
 - (b) authenticating the identity of the sender of the communication;
 - (c) authenticating any claim or return delivered by means of an electronic communication; and
 - (d) submitting to the Secretary of State any claim or return.
- (2) An authority^[F281], reporting accountant] or auditor must submit any claim or return by means of an electronic communication in an approved form.
- (3) Where a claim or return is submitted electronically but not in accordance with the conditions specified in this paragraph, that claim or return shall be treated as not having been submitted.
- (4) In this paragraph “approved” means approved by means of a direction given by the Secretary of State.

Textual Amendments

F281 Words in Sch. 6 para. 2 inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), 5(9)(a)

Use of intermediaries **E+W+S**

- 3 The Secretary of State may—
- (a) use intermediaries in connection with the receipt, authentication or security of any claim or return delivered by means of an electronic communication; and
 - (b) require authorities^[F282], reporting accountants] or auditors to use intermediaries in connection with those matters.

Textual Amendments

F282 Words in Sch. 6 para. 3(b) inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2018 \(S.I. 2018/985\)](#), arts. 1(1), 5(9)(b)

PART 3 **E+W+S**

ELECTRONIC COMMUNICATION - EVIDENTIAL PROVISIONS

Effect of delivering information by means of electronic communication **E+W+S**

- 4.—(1) Any claim or return which is delivered by means of an electronic communication shall be treated as having been delivered in the approved manner or form on the day the conditions imposed—
- (a) by or under this Schedule; and

(b) by or under Part II of this Order
are satisfied.

(2) The Secretary of State may, by a direction, determine that any claim or return is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

(3) A claim or return shall not be treated as delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

Proof of identify of sender or recipient of information E+W+S

5 For the purpose of any legal proceedings, it shall be presumed that the identity of the sender or recipient, as the case may be, of any claim or return delivered by means of an electronic communication to an official computer system is the same as is recorded on that official computer system.

Proof of delivery of information E+W+S

6.—(1) For the purpose of any legal proceedings, it shall be presumed that—

- (a) if the delivery of any claim or return has been recorded on an official computer system, the use of an electronic communication has resulted in the delivery of that claim or return to the Secretary of State;
- (b) if the delivery of any claim or return submitted by means of an electronic communication to the Secretary of State has not been recorded on an official computer system, no delivery has been made;
- (c) any claim or return submitted by means of an electronic communication has been received on the time and date recorded on an official computer system.

Proof of content of information E+W+S

7 For the purpose of any legal proceedings, the content of any claim or return submitted by means of an electronic communication shall be presumed to be that recorded on an official computer system.]

[^{F283}SCHEDULE 7 E+W+S

Article 17A

Authorities in London

Textual Amendments

F283 Sch. 7 added (1.4.2010) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2009 \(S.I. 2009/2580\)](#), arts. 1, **2(4)**

Barking and Dagenham

Barnet

Bexley

Brent

Changes to legislation: There are currently no known outstanding effects for the *The Income-related Benefits (Subsidy to Authorities) Order 1998*. (See end of Document for details)

Bromley

Camden

City of London

Croydon

Ealing

Enfield

Greenwich

Hackney

Hammersmith and Fulham

Haringey

Harrow

Havering

Hillingdon

Hounslow

Islington

Kensington and Chelsea

Kingston upon Thames

Lambeth

Lewisham

Merton

Newham

Redbridge

Richmond upon Thames

Southwark

Sutton

Tower Hamlets

Waltham Forest

Wandsworth

Westminster]

[^{F284}SCHEDULE 8 **E+W+S**

Articles 17 and 17A

Broad rental market areas in London

Textual Amendments

F284 Sch. 8 added (26.11.2010, with effect in accordance with art. 1(4) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2010 \(S.I. 2010/2481\)](#) , arts. 1(1) , 5 , [Schs. 3](#)

Central London

Inner East London

Inner North London

Inner South East London

Inner South West London

Inner West London

Outer South West London]]

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for claims for, the calculation of and payment of subsidy payable under the Social Security Administration Act 1992 to authorities administering housing benefit or council tax benefit on and after 1st April 1997; section 140C(4) of that Act gives it retrospective effect.

Part II provides for the time and manner in which claims for subsidy are to be made and, subject to certain conditions in relation to such claims, for when subsidy on those claims is to be paid.

It sets out in Part III the manner in which the total figure for an authority's subsidy for a financial year beginning on or after 1st April 1997 is calculated (articles 12(a) and 13 to 17 and Schedules 1, 3, 4 and 5) and the manner of calculating the additional sum payable to an authority in respect of the costs of administering those benefits (article 12(b) and Schedules 1 and 2).

The Order also makes provision for additions to and deductions from subsidy (articles 11(2), 13, 18, 19, 20 and 21 and Schedules 1, 3 and 5).

Part IV makes certain transitional and consequential provisions.

This Order does not impose a charge on businesses.

Changes to legislation:

There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998.