



Child Support, Pensions and Social Security Act 2000

2000 CHAPTER 19

PART III

SOCIAL SECURITY

Housing benefit and council tax benefit etc.

68 Housing benefit and council tax benefit: revisions and appeals

Schedule 7 (which makes provision for the revision of decisions made in connection with claims for housing benefit or council tax benefit and for appeals against such decisions) shall have effect.

69 Discretionary financial assistance with housing

- (1) The Secretary of State may by regulations make provision conferring a power on relevant authorities to make payments by way of financial assistance (“discretionary housing payments”) to persons who—
 - (a) are entitled to housing benefit or council tax benefit, or to both; and
 - (b) appear to such an authority to require some further financial assistance (in addition to the benefit or benefits to which they are entitled) in order to meet housing costs.
- (2) Regulations under this section may include any of the following—
 - (a) provision prescribing the circumstances in which discretionary housing payments may be made under the regulations;
 - (b) provision conferring (subject to any provision made by virtue of paragraph (c) or (d) of this subsection or an order under section 70) a discretion on a relevant authority—

Status: This is the original version (as it was originally enacted).

- (i) as to whether or not to make discretionary housing payments in a particular case; and
 - (ii) as to the amount of the payments and the period for or in respect of which they are made;
 - (c) provision imposing a limit on the amount of the discretionary housing payment that may be made in any particular case;
 - (d) provision restricting the period for or in respect of which discretionary housing payments may be made;
 - (e) provision about the form and manner in which claims for discretionary housing payments are to be made and about the procedure to be followed by relevant authorities in dealing with and disposing of such claims;
 - (f) provision imposing conditions on persons claiming or receiving discretionary housing payments requiring them to provide a relevant authority with such information as may be prescribed;
 - (g) provision entitling a relevant authority that are making or have made a discretionary housing payment, in such circumstances as may be prescribed, to cancel the making of further such payments or to recover a payment already made;
 - (h) provision requiring or authorising a relevant authority to review decisions made by the authority with respect to the making, cancellation or recovery of discretionary housing payments.
- (3) Regulations under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Subsections (4) to (6) of section 189 of the Social Security Administration Act 1992 (supplemental and incidental powers etc.) shall apply in relation to any power to make regulations under this section as they apply in relation to the powers to make regulations that are conferred by that Act.
- (5) Any power to make regulations under this section shall include power to make different provision for different areas or different relevant authorities.
- (6) In section 176(1) of that Act (consultation with representative organisation on subordinate legislation relating to housing benefit or council tax benefit), after paragraph (a) there shall be inserted—
- “(aa) regulations under section 69 of the Child Support, Pensions and Social Security Act 2000;”.
- (7) In this section—
- “prescribed” means prescribed by or determined in accordance with regulations made by the Secretary of State; and
 - “relevant authority” means an authority administering housing benefit or council tax benefit.

70 Grants towards cost of discretionary housing payments

- (1) The Secretary of State may, out of money provided by Parliament, make to a relevant authority such payments as he thinks fit in respect of—
- (a) the cost to that authority of the making of discretionary housing payments; and
 - (b) the expenses involved in the administration by that authority of any scheme for the making of discretionary housing payments.

- (2) The following provisions, namely—
- (a) subsections (1), (3), (4), (5)(b), (7)(b) and (8) of section 140B of the Social Security Administration Act 1992 (calculation of amount of subsidy payable to authorities administering housing benefit or council tax benefit), and
 - (b) section 140C of that Act (payment of subsidy),
- shall apply in relation to payments under this section as they apply in relation to subsidy under section 140A of that Act.
- (3) The Secretary of State may by order make provision—
- (a) imposing a limit on the total amount of expenditure in any year that may be incurred by a relevant authority in making discretionary housing payments;
 - (b) imposing subsidiary limits on the expenditure that may be incurred in any year by a relevant authority in making discretionary housing payments in the circumstances specified in the order.
- (4) An order imposing a limit by virtue of subsection (3)(a) or (b) may fix that limit either by specifying the amount of the limit or by providing for the means by which it is to be determined.
- (5) An order under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Subsections (4) to (6) of section 189 of the Social Security Administration Act 1992 (supplemental and incidental powers etc.) shall apply in relation to any power to make an order under this section as they apply in relation to the powers to make an order that are conferred by that Act.
- (7) Any power to make an order under this section shall include power to make different provision for different areas or different relevant authorities.
- (8) In this section—
- “discretionary housing payment” means any payment made by virtue of regulations under section 69;
 - “relevant authority” means an authority administering housing benefit or council tax benefit;
 - “subsidy” has the same meaning as in sections 140A to 140G of the Social Security Administration Act 1992;
 - “year” means a financial year within the meaning of the Local Government Finance Act 1992.

71 Recovery of housing benefit

For subsection (3) of section 75 of the Social Security Administration Act 1992 (overpayments of housing benefit) there shall be substituted—

- “(3) An amount recoverable under this section shall be recoverable—
- (a) except in such circumstances as may be prescribed, from the person to whom it was paid; and
 - (b) where regulations so provide, from such other person (as well as, or instead of, the person to whom it was paid) as may be prescribed.”