
STATUTORY INSTRUMENTS

1991 No. 441

**The Housing Benefit and Community
Charge Benefit (Subsidy) Regulations 1991**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit and Community Charge Benefit (Subsidy) Regulations 1991 and shall come into force on 1st April 1991.

(2) In these Regulations—

“the Act” means the Social Security Act 1986⁽¹⁾

“the 1987 Regulations” means the Housing Benefit (General) Regulations 1987⁽²⁾

“the 1989 Regulations” means the Community Charge Benefits (General) Regulations 1989⁽³⁾

“authority”—

(a) with respect to claims for community charge benefit subsidy, means a charging authority to which section 31B(2) of the Act refers or, as the case may be, a levying authority to which section 31B(3) of the Act refers⁽⁴⁾;

(b) with respect to claims for housing benefit subsidy, means a housing, rating or local authority or, as the case may be, in Scotland a levying authority;

“community charge rebate” means a rebate to which section 28(1)(aa) of the Act⁽⁵⁾ refers;

“eligible rent” shall be construed in accordance with regulation 10 of the 1987 Regulations⁽⁶⁾;

“excess benefits” shall be construed in accordance with section 31D of the Act⁽⁷⁾;

“Housing Revenue Accounts rebates” has the meaning assigned by section 84(1) of the Act;

“Subsidy Order” means an Order in respect of the relevant year made under section 30(2) (subsidy order with respect to housing benefit) or section 31 F(2) (subsidy order with respect to community charge benefit) of the Act⁽⁸⁾;

“the relevant year” means the year in respect of which a claim for housing benefit subsidy or community charge benefit subsidy is made;

“rent rebate” and “rent allowance” shall be construed in accordance with section 28 of the Act but shall exclude, in the case of a local authority in England and Wales, any Housing Revenue Account rebates granted by them.

(1) 1986 c. 50.

(2) S.I. 1987/1971.

(3) S.I. 1989/1321.

(4) Section 31B of the Social Security Act 1986 was inserted by the Local Government Finance Act 1988, Schedule 10, paragraph 6.

(5) Section 28(1)(aa) which has effect with respect to Scotland for the financial year 1989/90 only was inserted in the Act by S.I. 1988/1483.

(6) Relevant amending instruments S.I. 1988/1971, 1990/546.

(7) Section 31D was inserted in the Act by the Local Government Finance Act 1988, Schedule 10, paragraph 6 and amended by the Social Security Act 1989 (c. 24), Schedule 8, paragraph 9(4).

(8) Section 30(2) was amended by the Social Security Act 1989 (c. 24), Schedule 9 and the Local Government and Housing Act 1989 (c. 42), section 81(1).

Particulars to be supplied by an authority to the Secretary of State in relation to a claim for housing benefit or community charge benefit subsidy

2. For the purposes of section 30(SB) of the Act (power for the Secretary of State to withhold payments of housing benefit subsidy or community charge benefit subsidy)(9) the prescribed particulars which are to be supplied to Secretary of State by an authority in connection with its claim for housing benefit subsidy or community charge benefit subsidy for the relevant year are specified in the Schedule to these Regulations.

Conditions to be complied with on making a claim for housing benefit subsidy or community charge benefit subsidy

3. A claim for housing benefit subsidy or for community charge benefit subsidy shall be certified by the authority's auditor and the authority making the claim shall in addition provide such information and produce such records as are required to satisfy the Secretary of State that the claim is properly calculated and shall keep all records with a bearing on its claim in such a way as to enable them to show and the auditor to check, that entitlement to subsidy has been correctly calculated.

Time within which claims for housing benefit subsidy and community charge benefit subsidy are to be made and prescribed particulars provided to the Secretary of State

4.—(1) A claim in respect of housing benefit subsidy or community charge benefit subsidy must be received by the Secretary of State on or before the 30th September in the year following the relevant year.

(2) Any particulars relating to a claim for subsidy to which regulation 2 and the Schedule to these Regulations refer, shall be supplied to the Secretary of State at the date the claim is made together with any certificates, records or other information required by the Secretary of State under regulation 3 (conditions to be complied with on making a claim for subsidy).

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

4th March 1991

Ann Widdecombe
Parliamentary Under-Secretary of State,
Department of Social Security

(9) Section 30(8A) to (8F) of the Act was applied to community charge benefit subsidy by virtue of section 31F(6) which was inserted in the Act by the Social Security Act 1990 (c. 27), Schedule 6, paragraph 21(3).