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STATUTORY INSTRUMENTS

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**1995 No. 2868**

**The Housing Benefit (General)  
Amendment (No.2) Regulations 1995**

**Amendment of regulation 10 of the principal Regulations**

2.—(1) Regulation 10 of the principal Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (3) there shall be inserted, after the words “Subject to”, the words “paragraph (6AA) and”.

(3) After paragraph (6A)(1) there shall be inserted the following paragraphs—

“(6AA) Except in a case where paragraph (6AB) applies and subject to any apportionment in accordance with paragraphs (4) and (5), in any case where a maximum rent has been determined there shall be no reduction or further reduction, as the case may be, in eligible rent in accordance with paragraph (3).

(6AB) This paragraph applies where—

- (a) the appropriate authority considers that the circumstances in either paragraph 2(1A) or 3 of Schedule 1 (amount of ineligible charges and excessive service costs)(2) arise; or
- (b) any charge to which sub-paragraphs (a) to (c) of paragraph (3) apply has not been taken account of either by the appropriate authority in determining the maximum rent or by a rent officer in a determination made in exercise of the Housing Act functions.”.

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(1) Paragraph (6A) was added by S.I.1995/1644.

(2) Sub-paragraph (1A) was added by S.I. 1991/235 and amended by S.I. 1993/317 and paragraph 3 was amended by S.I. 1988/1944.