
STATUTORY INSTRUMENTS

1995 No. 872

**The Housing Benefit and Council
tax Benefit (Subsidy) Order 1995**

PART II

HOUSING BENEFIT SUBSIDY

Additions in respect of homeless and short lease cases

9.—(1) Subject to paragraphs (4) and (5), where paragraph (3) applies, any part of the housing benefit qualifying expenditure of an authority identified in column (1) of Schedule 7 attributable to any rebate granted in respect of a person whose weekly eligible rent exceeds the threshold specified in relation to that authority in column (2) of that Schedule, then for the purposes of article 4(1)(b)(ii), the appropriate amount in respect of that rebate shall be calculated in accordance with paragraph (2).

(2) Where paragraph (1) applies—

- (a) if the rebate granted is the same as or is less than the amount by which the eligible rent exceeds the threshold, the appropriate amount shall be 25 per cent. of that part of the housing benefit qualifying expenditure attributable to such rebates;
- (b) if the rebate granted is greater than the amount by which the eligible rent exceeds the threshold, the appropriate amount shall be 25 per cent. of that part of the housing benefit qualifying expenditure attributable to such rebates which is equal to the excess and 95 per cent. of that part of the housing benefit qualifying expenditure attributable to the balance after deducting that excess.

(3) This paragraph applies where a rebate is payable by an authority in respect of rents which exceed the threshold, which—

- (a) a person is required to pay to an authority under section 69(2)(b) of the Housing Act 1985⁽¹⁾ or section 35(2)(b) of the Housing (Scotland) Act 1987⁽²⁾, as the case may be, for board and lodging accommodation made available to that person;
- (b) a person is required to pay to an authority under section 69(2)(b) of the Housing Act 1985 or section 35(2)(b) of the Housing (Scotland) Act 1987, as the case may be, for accommodation, which the authority holds on a licence agreement from a landlord, made available to that person;
- (c) a person is required to pay to an authority for accommodation outside the Housing Revenue Account, which the authority holds on a lease granted for a term not exceeding 3 years, made available to that person.

(4) Where, in Scotland—

(1) 1985 c. 68.
(2) 1987 c. 26.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) a person is required to pay to an authority for accommodation within the Housing Revenue Account, which the authority holds on a lease granted for a term not exceeding 3 years, made available to that person, and
- (b) an authority identified in column (1) of Schedule 7, has granted any rebate in respect of such payments,

the amount of any such rebate shall, subject to article 11(4), be deducted from housing benefit qualifying expenditure, pursuant to article 2(2)(c), and the addition, if any, in respect of such rebates, referred to in article 4(1), shall be calculated in accordance with paragraph (5).

(5) Where paragraph (4) applies

- (a) if the rebate granted is in respect of a person whose weekly eligible rent does not exceed the threshold specified in relation to that authority in column (2) of Schedule 7 (“the relevant threshold”), then the addition shall be 95 per cent. of that rebate;
- (b) if the rebate granted is the same as or is less than the amount by which the eligible rent exceeds the relevant threshold, there shall be no addition, and
- (c) if the rebate granted is greater than the amount by which the eligible rent exceeds the threshold, there shall be no addition in respect of such part of such rebate which is equal to the excess, but there shall be an addition of 95 per cent. of that part of such rebate attributable to the balance after deducting that excess.