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STATUTORY INSTRUMENTS

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**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<sup>M1</sup>, 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<sup>M2</sup>, section 122(4) of and paragraph 5 of Schedule 12 to the Housing Act 1996<sup>M3</sup> 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<sup>M4</sup>, 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 <sup>M5</sup>, and

(iii) in Scotland, an authority constituted under section 2 of the Local Government etc. (Scotland) Act 1994 <sup>M6</sup>;

“the English Regulations” means the Local Government Changes for England (Housing Benefit and Council Tax Benefit) Regulations 1995 <sup>M7</sup>;

<sup>F1</sup>  
...

“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;

“relevant benefit” has the meaning ascribed to it in section 140B(6) of the Act <sup>M8</sup>;

“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 <sup>M9</sup>;

“the 1990 Order” means the Housing Benefit (Subsidy) Order 1990 <sup>M10</sup>;

“the 1991 Order” means the Housing Benefit and Community Charge Benefit (Subsidy) Order 1991 <sup>M11</sup>;

“the 1992 Order” means the Housing Benefit and Community Charge Benefit (Subsidy) Order 1992 <sup>M12</sup>;

“the 1993 Order” means the Housing Benefit and Community Charge Benefit (Subsidy) (No.2) Order 1993 <sup>M13</sup>;

“the 1994 Order” means the Housing Benefit and Council Tax Benefit (Subsidy) Order 1994 <sup>M14</sup>;

“the 1995 Order” means the Housing Benefit and Council Tax Benefit (Subsidy) Order 1995 <sup>M15</sup>;

“the 1996 Order” means the Housing Benefit and Council Tax Benefit (Subsidy) Order 1996 <sup>M16</sup>, and

"the 1997 Order" means the Housing Benefit and Council Tax Benefit (Subsidy) Order 1997<sup>M17</sup>.

(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

#### 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** Section 140B was inserted by paragraph 4 of Schedule 12 to the [Housing Act 1996 \(c.52\)](#).
- M9** [S.I. 1989/607](#).
- M10** [S.I. 1990/785](#).
- M11** [S.I. 1991/587](#).
- M12** [S.I. 1992/739](#).
- M13** [S.I. 1993/935](#).
- M14** [S.I. 1994/523](#).
- M15** [S.I. 1995/872](#).
- M16** [S.I. 1996/1217](#).
- M17** [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—

[<sup>F2</sup>"base data return" means a return pursuant to article 4(4A);]

<sup>F3</sup>...

"claim" means an initial claim, mid-year claim, final claim or a return pursuant to article 4(4), as the case may be;

*Status: Point in time view as at 18/03/2013.*

*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)*

“claim form” means the form supplied by the Secretary of State pursuant to article 4(2)(a), (b) or (c) or (4), as the case may be;

[<sup>F4</sup>“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000]

<sup>F5</sup> ...

“initial claim” means a claim for subsidy pursuant to article 4(2)(a);

“final claim” means a claim for subsidy pursuant to article 4(2)(c);

“mid-year claim” means a claim for subsidy pursuant to article 4(2)(b);

“final subsidy” means any subsidy which is not interim subsidy [<sup>F6</sup>or an amount paid, withheld or deducted pursuant to article 8A];

“interim subsidy” means subsidy pursuant to articles <sup>F7</sup>... 8(1) or 9(4), as the case may be;

“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.

#### Textual Amendments

- F2** Words in art. 2 inserted (1.4.2004) by [Income-related Benefits \(Subsidiary to Authorities\) Amendment Order 2004 \(S.I. 2004/646\)](#) , art. 1(1) , **Sch. para. 1**
- F3** 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)**
- F4** 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)**
- F5** 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)**
- F6** 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)**
- F7** 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.

#### [<sup>F8</sup>Electronic communications **E+W+S**

**3A.—(1)** The Secretary of State, an authority or auditor may use an electronic communication in connection with any claim, 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**

**F8** 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)**

**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 [<sup>F9</sup>or by means of an electronic communication], the following claims for subsidy, by reference to the amount of relevant 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 [<sup>F10</sup>30th April] in the following year.

(3) [<sup>F11</sup>Except where an authority submits a claim by means of an electronic communication,] the final claim shall be copied to the authority’s auditor, by [<sup>F12</sup>31st May] in the following year.

- <sup>F13</sup>(4) .....
- <sup>F13</sup>(4ZA) .....
- <sup>F14</sup>[<sup>F15</sup>( 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 [<sup>F16</sup>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 [<sup>F17</sup>or submitted by means of an electronic communication]—

- (a) in the case of an authority in England or Wales, by [<sup>F18</sup>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 <sup>M18</sup>.

**Textual Amendments**

**F9** 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)**

*Status: Point in time view as at 18/03/2013.*

*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)*

- F10** 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**
- F11** 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)**
- F12** Words in art. 4(3) substituted (with effect in accordance with art. 1(3) 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), **2(4)(b)**
- F13** 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)**
- F14** 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)**
- F15** 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)**
- F16** 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)**
- F17** 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)**
- F18** Words in art. 4(5)(a) substituted (1.4.2004) by [Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2004 \(S.I. 2004/646\)](#), art. 1(1), **Sch. para. 2(b)**

#### Marginal Citations

**M18** 1973 c.65 .

#### <sup>F19</sup> 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) [<sup>F20</sup>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 [<sup>F21</sup>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—
- (a) the claim is [<sup>F22</sup>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

- F19** 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**
- F20** 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)**

- F21** 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)**
- F22** 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)**

### Requirement of audit **E+W+S**

- 6.—(1) Subject to article 9(4), the third condition is that the authority
- <sup>F23</sup>(ia) shall, in the case of an authority in England, procure that their base data return is audited by the authority's auditor and that the audited return is submitted to the Secretary of State <sup>F24</sup>[in written or electronic form] at the relevant office by 10th October in the year before the relevant year;]
- (a) shall procure that their final claim is audited by the authority's auditor by <sup>F25</sup>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 <sup>F26</sup>[in written or electronic form]; and
- <sup>F27</sup>(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.]

<sup>F28</sup>(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

- F23** Art. 6(1)(ia) inserted (1.4.2004) by [Income-related Benefits \(Subsidiary to Authorities\) Amendment Order 2004 \(S.I. 2004/646\)](#), art. 1(1), **Sch. 1 para. 3**
- F24** Words in art. 6(1)(ia) 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)(a)**
- F25** 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**
- F26** 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)**
- F27** 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)**
- F28** 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)**

*Status: Point in time view as at 18/03/2013.*

*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)*

### 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 relevant benefit incurred or likely to be incurred, as the case may be, by the authority in the relevant year.

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

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

- (a) the initial claim, mid-year claim and the returns under article 4(4), 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.

### [<sup>F29</sup>Payment of subsidy before 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 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 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 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 audit of that authority's final claim.]

#### Textual Amendments

**F29** 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)**



**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;
- (b) 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.

[<sup>F30</sup>(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; [<sup>F31</sup>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;

<sup>F32</sup>(c) .....

<sup>F32</sup>(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, 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.

[<sup>F33</sup>(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**

**F30** 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)**

**F31** 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)**

**F32** 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)**

**F33** 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**

<sup>F34</sup>9A .....

**Textual Amendments**

**F34** 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)**

*Status: Point in time view as at 18/03/2013.*

*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)*

## 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;

[<sup>F35</sup>“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 <sup>M19</sup> nor in a hostel within the meaning of [<sup>F36</sup>regulation 14 of the Housing Benefit Regulations or, as the case may be, regulation 14 of the Housing Benefit (State Pension Credit) Regulations];

[<sup>F37</sup>“Commissioner” has the meaning it bears in section 39(1) of the Social Security Act 1998;]

“the Community Charge Benefits Regulations” means the Community Charge Benefits (General) Regulations 1989 <sup>M20</sup>;

[<sup>F38</sup>“the Consequential Provisions Regulations” means the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006;]

[<sup>F39</sup>“the Council Tax Benefit Regulations” means the Council Tax Benefit Regulations 2006;]

[<sup>F40</sup>“the Council Tax Benefit (State Pension Credit) Regulations” means the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;]

[<sup>F41</sup>“the Housing Benefit Regulations” means the Housing Benefit Regulations 2006;]

[<sup>F42</sup>“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 excess benefits under the Community Charge Benefits Regulations and excess benefit under the Council Tax Benefit Regulations as well as 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;

“period overrun” has the meaning assigned to it by paragraph 1 of Schedule 3;

“rebate” means a rent rebate <sup>F43</sup> ... <sup>M21</sup>;

“the Rent Officers Order” means the Rent Officers (Housing Benefits Functions) Order 1997<sup>M22</sup> or the Rent Officers (Housing Benefits Functions) (Scotland) Order 1997<sup>M23</sup>, as the case may be;

“the Rent Officers Order 1995” means the Rent Officers (Additional Functions) Order 1995<sup>M24</sup> or the Rent Officers (Additional Functions) (Scotland) Order 1995<sup>M25</sup>, as the case may be;

“scheme” means the housing benefit scheme or council tax benefit scheme, as the case may be, as prescribed under section 123(1) of the Social Security [F44]Contributions and Benefits Act 1992];

F45  
...

and other expressions used in this Part and in [F46]the Housing Benefit Regulations, the Housing Benefit (State Pension Credit) Regulations, the Council Tax Benefit Regulations or the Council Tax 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 relevant benefit, including any payments under [F47]regulation 93] of the Housing Benefit Regulations [F48]and regulation 74 of the Housing Benefit (State Pension Credit) Regulations] (payments on account of a rent allowance)<sup>M26</sup> and any extended payments, lawfully paid [F49]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 [F50]or 15A];
- (b) any deductions specified in article 19 relevant to that authority, and
- (c) where, under sections 134(8)<sup>M27</sup> (arrangements for housing benefit) or 139(6)<sup>M28</sup> (arrangements for council tax benefit) of the Act, as the case may be, the authority has modified any part of a scheme it administers, any amount by which the total of relevant 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.

[F51](3) An amount of relevant 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 [F52]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

- F35** 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))
- F36** 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)
- F37** 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))
- F38** 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)

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*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)*

- F39** 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)(ii)** (with regs. 2 , 3 , Schs. 3 , Sch. 4 )
- F40** 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)(iii)** (with regs. 2 , 3 , Schs. 3 , Sch. 4 )
- F41** 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 )
- F42** 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 )
- F43** 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**
- F44** 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)**
- F45** 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)**
- F46** 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 )
- F47** 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 )
- F48** 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 )
- F49** 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))
- F50** 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)**
- F51** 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))
- F52** 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

- M19** S.I. 1987/1967 ; relevant amending instruments are S.I. 1988/663 , 1445, 2022, 1989/1678, 1992/3147 and 1993/2119.
- M20** S.I. 1989/1321 , amended by S.I. 1990/834 , 835, 1549, 1657, 1773, 1991/234, 849, 1599, 2742, 2910, 1992/432, 1026, 1101, 1326, 1385, 2148 and 1993/1105.
- M21** 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).
- M22** S.I. 1997/1984 .
- M23** S.I. 1997/1995 .
- M24** S.I. 1995/1642 , amended by S.I. 1995/2365 , 3148, 1996/959, 1997/1000 and 1984.
- M25** S.I. 1995/1643 , amended by S.I.1995/2361 , 3185, 1996/975, 1997/1003 and 1995.
- M26** Regulation 91 was amended by S.I. 1995/2868 .
- M27** Section 134(8) allows modification of the housing benefit scheme so as to provide for the disregard from income of a war disablement pension or a war widow's pension.

**M28** Section 139(6) allows modification of the council tax benefit scheme so as to provide for the disregard from income of a war disablement pension or a war widow's pension; it was amended by the Local Government Finance Act 1992, Schedule 9, paragraph 20.

### Amount of subsidy **E+W+S**

12.—<sup>[F53]</sup>(1) Subject to paragraph (2),] the amount of an authority's subsidy for the relevant year, to be paid pursuant to article 9—

- (a) for the purposes of section 140B(1) of the Act (calculation of amount of subsidy) <sup>M29</sup>, shall be the amount or total of the amounts calculated in accordance with article 13;
- <sup>[F54]</sup>(b) for the purposes of section 140B(4A)(a) of the Act (subsidy in respect of costs of administering relevant benefits) shall include, for an authority identified in column (1) of Schedule 1, the sum specified in column (2) of the Schedule for that authority; and
- (c) shall include an additional amount calculated in accordance with paragraph (4), if the authority has modified any part of a scheme it administers in recognition of the operation of a local scheme under sections 134(8) (arrangements for housing benefit) or 139(6) (arrangements for council tax benefit) of the Act.]

<sup>[F55]</sup>(2) Subject to paragraph (3), any sum paid after 1st April 1997 by way of subsidy in respect of an overpayment of relevant 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.]

<sup>[F56]</sup>(4) For the purposes of sub-paragraph (1)(c), 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 relevant benefit paid under the scheme.]

#### Textual Amendments

- F53** Art. 12 renumbered 12(1) and words 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)(i)
- F54** Art. 12(1)(b)(c) substituted for art. 12(1)(b) (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)(a)**
- F55** 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)
- F56** 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)**

#### Marginal Citations

**M29** Section 140B was inserted by paragraph 4 of Schedule 12 to the Housing Act 1996.

### Relevant benefit **E+W+S**

13.—<sup>[F57]</sup>(1) Subject to any adjustment in accordance with paragraph (3), for the purposes of section 140A of the Act, the subsidy to be paid to an authority shall <sup>F58</sup> ... be—

- (a) in the case of any authority to which none of articles 14, 16<sup>[F59]</sup>, 17<sup>[F60]</sup>, 17A, 17B and 17C]] applies, an amount equal to the aggregate of—

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- (i) [<sup>F61</sup>100 per cent.] of its qualifying expenditure attributable to expenditure in respect of housing benefit; and
- (ii) [<sup>F62</sup>100 per cent.] of its qualifying expenditure attributable to expenditure in respect of council tax 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) [<sup>F63</sup>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;
  - (ii) [<sup>F64</sup>100 per cent.] of so much of its qualifying expenditure attributable to expenditure in respect of council tax benefit as remains after deducting from that expenditure the amount of expenditure attributable to council tax benefit to which article 14 applies; and
  - (iii) the appropriate amount calculated in respect of the relevant benefit under each such article,
 plus, in each case, the additions, where applicable, under [<sup>F65</sup>[<sup>F66</sup>article 18] but subject, in each case, to the deductions, where applicable, under articles 20 and 20A].]

- <sup>F67</sup>(2) .....
- <sup>F68</sup>(3) .....

**Textual Amendments**

- F57** 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)**
- F58** 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)**
- F59** 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)**
- F60** 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)**
- F61** Words in art. 13(1)(a)(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)**
- F62** Words in art. 13(1)(a)(ii) 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)(b)**
- F63** 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)**
- F64** Words in art. 13(1)(b)(ii) 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)(b)**
- F65** 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)**

- F66** 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)**
- F67** 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)**
- F68** 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 paragraph (2), where—

- (a) during the relevant year an authority has, under [<sup>F69</sup>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, regulation 69(13) of the Council Tax Benefit Regulations or regulation 53(13) of the Council Tax Benefit (State Pension Credit) Regulations] (time and manner of claiming) <sup>M30</sup>, 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 [<sup>F70</sup>article 13(1)(b)(iii)], the appropriate amount for the relevant year in respect of such part shall be [<sup>F71</sup>100 per cent]. of the qualifying expenditure so attributable.

(2) This article shall not apply in [<sup>F72</sup>in relation to expenditure to which [<sup>F73</sup>article 17(2), 17A(2)[<sup>F74</sup>, 17B(2), 17C(2)] or 18(1)(b)(iii)] or paragraph 6 of Schedule 4 applies.

#### Textual Amendments

- F69** 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)
- F70** 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**
- F71** 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)**
- F72** 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)**
- F73** 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)**
- F74** 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)**

#### Marginal Citations

- M30** 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

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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 [<sup>F75</sup>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”.

[<sup>F76</sup>(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 [<sup>F77</sup>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

**F75** 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**

**F76** 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)**

**F77** 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 )

#### [<sup>F78</sup>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

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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”.

[<sup>F79</sup>(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 [F80 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**

**F78** 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)**

**F79** 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)**

**F80** 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)[F81, 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), F82... 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 [F83 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 -

[F84(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)]

F85(3) .....

*Status: Point in time view as at 18/03/2013.*

*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 article shall not apply in a case where a maximum rent has been determined, except where—

(a) it was determined by reference to a reckonable rent and a local reference rent, when the appropriate amount shall be calculated in accordance with paragraph 14 of Schedule 4; or

<sup>F86</sup>(b) .....

(c) [<sup>F87</sup>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

- F81** 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)**
- F82** 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)**
- F83** 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**
- F84** 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)
- F85** 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)**
- F86** 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)**
- F87** 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)

<sup>F88</sup><sup>F89</sup>**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) [<sup>F90</sup>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 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 or (in Scotland) Part 2 of the Housing (Scotland) Act 1987.]
- (2) Where this article applies the appropriate amount is [<sup>F91</sup>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); [<sup>F92</sup>or
  - (c) <sup>F93</sup> ... £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 [<sup>F94</sup>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.
- <sup>F95</sup>( 3A ) . . . . .
- (4) For the purposes of this article and [<sup>F96</sup>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) a kitchen;
  - (b) a toilet;
  - (c) a bathroom.
- (5) In this article and [<sup>F97</sup>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**

- F88** 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)**
- F89** 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)**
- F90** 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)**
- F91** 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)**
- F92** 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)**
- F93** 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)**
- F94** 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)**
- F95** 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)**
- F96** 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)**

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**F97** 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)**

**[<sup>F98</sup>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.**—[<sup>F99</sup>(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 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 or (in Scotland) Part 2 of the Housing (Scotland) Act 1987.]

(2) Where this article applies, the appropriate amount is [<sup>F100</sup>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); [<sup>F101</sup>or
- (c) <sup>F102</sup> ..., £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 aggregate of—

- (a) 90% of the local housing allowance for January [<sup>F103</sup>2011] for the category specified in paragraphs 1(1)(b) to (f) of Schedule 3B to the Rent Officers Order [<sup>F104</sup>(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; and
- (b) either—
  - (i) £40 for authorities listed in Schedule 7 (authorities in London); or
  - (ii) £60 for other authorities.

<sup>F105</sup>( 3A ) . . . . .

(4) [<sup>F106</sup>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

- F88** 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)**
- F98** 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)**
- F99** 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)**
- F100** 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)**
- F101** 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)**
- F102** 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)**
- F103** Word in art. 17A(3)(a) substituted (1.4.2011) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#) , arts. 1 , **2(9)(c)**
- F104** Words in art. 17A(3)(a) 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(4)**
- F105** 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)**
- F106** 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)**

**[<sup>F107</sup>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 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 or (in Scotland) Part 2 of the Housing (Scotland) Act 1987; [<sup>F108</sup>and

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- (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—
- the amount of housing benefit entitlement in a week or part week, as the case may be;
  - the maximum amount determined in accordance with paragraph (3); or
  - £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

**F107** 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)**

**F108** 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 rent allowance is payable by an authority; and
  - a person (“P”) is required to pay a registered housing association for—
    - accommodation which is not self-contained and which the registered housing association owns or holds on a lease; or
    - accommodation which is self-contained; and
  - the registered housing association makes the accommodation available to P in pursuance of arrangements made with it by the authority—
    - to discharge any of the authority’s functions under Part 3 of the Housing Act 1985, Part 7 of the Housing Act 1996 or Part 2 of the Housing (Scotland) Act 1987, as the case may be; or
    - to prevent P being or becoming homeless within the meaning of Part 7 of the Housing Act 1996 or (in Scotland) Part 2 of the Housing (Scotland) Act 1987; <sup>F109</sup>and
  - 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—
- the amount of housing benefit entitlement in a week or part week, as the case may be;
  - the maximum amount determined in accordance with paragraph (3); or
  - £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 aggregate of—
  - (a) 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 [<sup>F110</sup>(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; and
  - (b) either—
    - (i) £40 for authorities listed in Schedule 7 (authorities in London); or
    - (ii) £60 for other authorities.
- (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**

- F107** 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)**
- F109** 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)
- F110** Words in art. 17C(3)(a) inserted (1.4.2011) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2011 \(S.I. 2011/2957\)](#) arts. 1, 4(6)(b)

**Additions to subsidy E+W+S**

- 18.**—(1) Subject to [<sup>F111</sup>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 relevant 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;
  - [<sup>F112</sup>(b) subject to paragraphs (2) and (3), where, during the relevant year, it is discovered that an overpayment of community charge benefit or relevant 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 where the overpayment is overpayment of housing benefit, [<sup>F113</sup>100 per cent.] of so much of the overpayment as has not been recovered by the authority;
    - (ii) in the case of a departmental error overpayment where the overpayment is overpayment of community charge benefit or council tax benefit, [<sup>F114</sup>100 per cent.] of so much of the overpayment as has not been recovered by the authority;
    - <sup>F115</sup>( iia ) . . . . .

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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)

(iii) <sup>F116</sup>except where heads (i) or (ii) above apply, 40 per cent. of the overpayment;]

<sup>F117</sup>(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 <sup>F118</sup> . . . <sup>F119</sup>40 per cent.] of any such overpayment exceeds the amount of any subsidy that has been paid in respect of that overpayment;

<sup>F120</sup>(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.]

<sup>F121</sup>(e) where, during the relevant year, it is discovered that any overpayments of relevant 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.]

<sup>F122</sup>(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

<sup>F123</sup>(c) . . . . .

<sup>F124</sup>(d) an administrative delay overpayment;]<sup>F125</sup>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.

<sup>F126</sup>(4) In paragraphs (1)(b)(i) and (3) and in article 19(1)(e), “departmental error overpayment” means <sup>F127</sup>an overpayment of a kind to which paragraph (4ZA) applies or] an overpayment caused by a mistake made, whether in the form of an act or omission—

[<sup>F128</sup>(a) by an officer of the Department for Work and Pensions [<sup>F129</sup>or of the Inland Revenue], acting as such, or a person providing services to that Department [<sup>F130</sup>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.]

[<sup>F131</sup>(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.]

[<sup>F132</sup>(4A) In paragraph [<sup>F133</sup>(1)(d) and in article 19(1)(ea)], “claimant error overpayment” means an overpayment [<sup>F134</sup>which]—

(a) is caused by—

(i) the claimant, or

(ii) a person acting on the claimant’s behalf under regulation 71 of the Housing Benefit Regulations (who may claim housing benefit) or regulation 61 of the Council Tax Benefit Regulations (who may claim council tax benefit),

failing to provide information in accordance with regulation 72(1), 73 or 75 of, or paragraph 5 of Schedule A1 to, the Housing Benefit Regulations (duties on claimant to provide information) or regulation 62(1), 63 or 65 of, or paragraph 5 of Schedule A1 to, the Council Tax Benefit Regulations (duties on claimant to provide information); and

(b) is not a fraudulent overpayment.]

[<sup>F135</sup>(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 relevant 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.]

[<sup>F136</sup>(6) [<sup>F137</sup>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.]

Status: Point in time view as at 18/03/2013.

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)

[<sup>F138</sup>(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 or, in the case of council tax benefit, is allowed; and
- (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.]

[<sup>F139</sup>(6A) In paragraph (1)(e), “total specified subsidy” means the total amount of housing benefit and council tax benefit that attracts 100 per cent subsidy for the relevant year, including any subsidy paid pursuant to article 14.]

[<sup>F140</sup>(7) Subject to paragraph (7A), in paragraph (2)(b) “technical overpayment” means an overpayment which occurs as a result of—

- (a) a rebate or council tax benefit being awarded and entitlement to that rebate or benefit being reduced or eliminated because, subsequent to that award, the liability in respect of which the rebate or benefit was awarded was reduced or eliminated; or
- (b) council tax benefit being awarded and entitlement to that benefit being reduced or eliminated because, subsequent to that award, there was a change of circumstances that does not fall within paragraph (a).

(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 [<sup>F141</sup>paragraphs (1)(b)(iii)], (1)(c) and (5), this article shall not apply to that part of any community charge benefit or relevant benefit in respect of a case to which [<sup>F142</sup>paragraph (12) of regulation 83 of the Housing Benefit Regulations, paragraph (13) of regulation 64 of the Housing Benefit (State Pension Credit) Regulations, paragraph (13) of regulation 69 of the Council Tax Benefit Regulations of paragraph (13) of regulation 53 of the Council Tax Benefit (State Pension Credit) Regulations] or paragraph (18) of regulation 60 of the Community Charge Benefits Regulations (time and manner in which claims are to be made), as the case may be, applies.

<sup>F143</sup>(9) .....

<sup>F144</sup>(10) .....

<sup>F144</sup>[<sup>F145</sup>( 11) .....

(12) Where, during the relevant year, an overpayment that has been classified as an overpayment under one of paragraphs (4), (4ZA) (4A), (5), (6)[<sup>F146</sup>, (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**

- F111** 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)**
- F112** 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)**
- F113** 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)**
- F114** Words in art. 18(1)(b)(ii) 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)(b)**
- F115** Art. 18(1)(b)(iia) 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)**
- F116** 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)**
- F117** 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)**
- F118** 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)**
- F119** 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)**
- F120** 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)**
- F121** 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)**
- F122** 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)**
- F123** 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)**
- F124** 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)**
- F125** 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)**
- F126** 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)
- F127** 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)**
- F128** 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**
- F129** 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)**
- F130** 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)**

*Status: Point in time view as at 18/03/2013.*

*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)*

- F131** 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)**
- F132** 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)**
- F133** 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)**
- F134** 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)**
- F135** 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)**
- F136** 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)
- F137** 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)**
- F138** 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)**
- F139** 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)**
- F140** 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)**
- F141** 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)**
- F142** 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)
- F143** 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)**
- F144** 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)**
- F145** 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)**
- F146** 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 <sup>M31</sup> or section 83 of the Local Government (Scotland) Act 1973 <sup>M32</sup> (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;

<sup>F147</sup>(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;

<sup>F148</sup>(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)<sup>F149</sup>, (ea)] and (f), during the relevant year it is discovered that an overpayment of relevant benefit has been made, the amount of such overpayment, but only to the extent that—

*Status: Point in time view as at 18/03/2013.*

*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) 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 paragraph (15) of regulation 72 of the [<sup>F150</sup>Housing Benefit (General) Regulations 1987], paragraph (7) of article 2 of the Community Charge Benefits (Transitional) Order 1989 <sup>M33</sup>, paragraph (18) of regulation 59 of the Housing Benefit (Community Charge Rebates) (Scotland) Regulations 1988 <sup>M34</sup>, paragraph (16) of regulation 62 of the [<sup>F151</sup>Council Tax Benefit (General) Regulations 1992][<sup>F152</sup>, paragraph (18) of regulation 60 of the Community Charge Benefits Regulations, paragraph (12) of regulation 83 of the Housing Benefit Regulations, paragraph (13) of regulation 64 of the Housing Benefit (State Pension Credit) Regulations, paragraph (13) of regulation 69 of the Council Tax Benefit Regulations or paragraph (13) of regulation 53 of the Council Tax Benefit (State Pension Credit) 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 relevant 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**

**F147** 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\(9\)](#)



- F148** 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)**
- F149** 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)**
- F150** Words in art. 19(1)(g)(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(8)(a)** (with regs. 2 , 3 , Schs. 3 , Sch. 4 )
- F151** Words in art. 19(1)(g)(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(8)(b)** (with regs. 2 , 3 , Schs. 3 , Sch. 4 )
- F152** Words in art. 19(1)(g)(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(8)(c)** (with regs. 2 , 3 , Schs. 3 , Sch. 4 )

### Marginal Citations

- M31** 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** .
- M32** 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)** .
- M33** S.I. 1989/1322 .
- M34** S.I. 1988/1890 , amended by S.I. 1989/43 , 361, 972 and 1990/127.

### 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 any relevant benefit or community charge benefit 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.

### [<sup>F153</sup>Deductions from subsidy for rebate for dwellings within the Housing Revenue

#### Account **E+W+S**

**20A.**—(1) This article applies—

- (a) in the case of an authority in England, where paragraph 2 of Schedule 4A applies, and
- (b) in the case of an authority in Wales, where paragraph 4 of that Schedule applies.

(2) Where this article applies the deduction from subsidy referred to in article 13(1) shall be calculated—

- (a) in the case of an authority in England, in accordance with paragraph 3 of Schedule 4A, and
- (b) in the case of an authority in Wales, in accordance with paragraph 5 of that Schedule.]

*Status: Point in time view as at 18/03/2013.*

*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**

**F153** Art. 20A inserted (1.4.2004) by [Income-related Benefits \(Subsidiary to Authorities\) Amendment Order 2004 \(S.I. 2004/646\)](#) , art. 1(1) , **Sch. 1 para. 6**

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

<sup>F154</sup>**21.** . . . . .

**Textual Amendments**

**F154** 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**

<sup>F155</sup>**22.** . . . . .

**Textual Amendments**

**F155** 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, ”.

<sup>F156</sup>**(2)** . . . . .

**Textual Amendments**

**F156** 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

We consent,

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

**Status:** Point in time view as at 18/03/2013.**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)[<sup>F157</sup>SCHEDULE 1 **E+W+S**

Articles 12(1)(b) and 17(1) and (8)

## Sums to be used in the calculation of subsidy

**Textual Amendments**

**F157** Sch. 1 substituted (18.3.2013, with effect in accordance with art. 1(2) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2013 \(S.I. 2013/266\)](#), arts. 1(1), 2, [Schs. 1](#)

<i>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Administration</i> <i>Subsidy</i> <i>(£)</i>
<b>England</b>	
Adur	£439,175.50
Allerdale	£751,146.02
Amber Valley	£892,766.68
Arun	£1,201,913.94
Ashfield	£1,016,410.52
Ashford	£804,575.52
Aylesbury Vale	£1,008,832.25
Babergh	£505,646.06
Barking & Dagenham	£2,355,347.04
Barnet	£3,001,735.86
Barnsley	£2,188,310.38
Barrow in Furness	£691,519.48
Basildon	£1,630,548.61
Basingstoke and Deane	£1,032,094.87
Bassetlaw	£915,190.15
Bath & North East Somerset	£1,203,574.41
Bedford	£1,417,478.67
Bexley	£1,684,870.10
Birmingham	£12,529,420.47
Blaby	£442,256.03
Blackburn with Darwen	£1,580,179.59
Blackpool	£1,980,061.53

**Status:** Point in time view as at 18/03/2013.**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>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Administration Subsidy (£)</i>
Bolsover	£659,576.65
Bolton	£2,640,389.61
Boston	£527,920.72
Bournemouth	£1,922,412.37
Bracknell Forest	£705,031.55
Bradford	£5,382,793.05
Braintree	£1,115,765.43
Breckland	£953,887.10
Brent	£4,074,950.67
Brentwood	£397,071.28
Brighton and Hove	£3,295,111.16
Bristol	£4,879,289.22
Broadland	£630,339.37
Bromley	£2,084,035.16
Bromsgrove	£442,506.64
Broxbourne	£809,785.94
Broxtowe	£704,613.55
Burnley	£1,070,278.37
Bury	£1,622,266.28
Calderdale	£1,913,633.15
Cambridge	£1,298,088.99
Camden	£3,105,581.57
Cannock Chase	£775,543.13
Canterbury	£1,005,040.77
Carlisle	£778,221.38
Castle Point	£630,701.66
Central Bedfordshire	£1,535,915.06
Charnwood	£931,146.98
Chelmsford	£1,006,005.91
Cheltenham	£844,593.33
Cherwell	£954,476.23
Cheshire East	£2,236,014.16

*Status: Point in time view as at 18/03/2013.**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>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Administration</i> <i>Subsidy</i> <i>(£)</i>
Cheshire West and Chester	£2,324,239.13
Chesterfield	£977,029.14
Chichester	£737,102.61
Chiltern	£461,508.69
Chorley	£686,300.19
Christchurch	£349,569.87
City of London	£164,555.38
Colchester	£1,164,381.78
Copeland	£579,792.08
Corby	£600,137.08
Cornwall	£4,473,120.15
Cotswold	£504,098.71
Coventry	£3,353,818.17
Craven	£307,109.21
Crawley	£967,777.27
Croydon	£3,712,006.19
Dacorum	£1,015,970.63
Darlington	£1,028,851.89
Dartford	£656,534.54
Daventry	£425,671.99
Derby	£2,129,915.22
Derbyshire Dales	£342,722.28
Doncaster	£2,952,010.89
Dover	£940,977.91
Dudley	£2,692,228.01
Durham	£5,428,925.79
Ealing	£3,657,894.90
East Cambridgeshire	£492,254.00
East Devon	£804,594.07
East Dorset	£465,397.79
East Hampshire	£628,683.01
East Hertfordshire	£733,973.34

<i>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Administration Subsidy (£)</i>
East Lindsey	£1,308,364.47
East Northamptonshire	£537,396.56
East Riding of Yorkshire	£2,323,146.88
East Staffordshire	£865,897.72
Eastbourne	£1,069,329.03
Eastleigh	£660,291.69
Eden	£273,973.65
Elmbridge	£670,510.94
Enfield	£3,498,604.58
Epping Forest	£769,792.23
Epsom and Ewell	£376,995.22
Erewash	£905,688.19
Exeter	£886,314.82
Fareham	£525,962.19
Fenland	£886,675.47
Forest Heath	£416,088.09
Forest of Dean	£601,449.12
Fylde	£461,814.90
Gateshead	£2,032,064.46
Gedling	£858,986.30
Gloucester	£1,140,529.18
Gosport	£728,722.05
Gravesham	£824,059.98
Great Yarmouth	£1,116,669.65
Greenwich	£3,159,902.57
Guildford	£813,925.70
Hackney	£4,429,331.97
Halton	£1,363,930.97
Hambleton	£480,336.70
Hammersmith and Fulham	£2,316,191.15
Harborough	£351,876.17

*Status: Point in time view as at 18/03/2013.**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>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Administration Subsidy (£)</i>
Haringey	£4,092,750.19
Harlow	£857,179.16
Harrogate	£880,477.78
Harrow	£2,195,376.04
Hart	£325,889.76
Hartlepool	£1,256,393.58
Hastings	£1,304,402.38
Havant	£974,554.30
Havering	£1,688,532.30
Herefordshire	£1,243,555.03
Hertsmere	£771,720.75
High Peak	£662,909.04
Hillingdon	£2,445,650.95
Hinckley and Bosworth	£597,473.07
Horsham	£599,751.24
Hounslow	£2,451,201.02
Huntingdonshire	£1,009,618.19
Hyndburn	£895,045.08
Ipswich	£1,162,964.26
Isle of Wight	£1,470,858.58
Isles of Scilly	£6,263.81
Islington	£3,667,964.39
Kensington and Chelsea	£2,116,974.05
Kettering	£652,870.75
King's Lynn & West Norfolk	£1,186,115.39
Kingston upon Hull	£3,338,525.26
Kingston upon Thames	£1,131,117.97
Kirklees	£4,329,219.23
Knowsley	£2,037,850.92
Lambeth	£4,760,248.36



<i>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Administration Subsidy (£)</i>
Lancaster	£1,075,951.54
Leeds	£6,795,005.96
Leicester	£3,504,338.12
Lewes	£683,366.10
Lewisham	£4,437,401.08
Lichfield	£581,267.67
Lincoln	£893,900.98
Liverpool	£7,590,852.30
Luton	£1,779,194.94
Maidstone	£953,916.61
Maldon	£386,514.38
Malvern Hills	£438,085.65
Manchester	£6,332,090.29
Mansfield	£1,000,396.88
Medway	£2,321,007.19
Melton	£262,232.76
Mendip	£778,726.42
Merton	£1,623,277.97
Mid Devon	£494,048.61
Mid Suffolk	£476,351.50
Mid Sussex	£624,162.49
Middlesbrough	£1,914,613.49
Milton Keynes	£2,170,751.61
Mole Valley	£422,294.94
New Forest	£1,007,286.36
Newark and Sherwood	£755,927.42
Newcastle under Lyme	£901,963.85
Newcastle upon Tyne	£2,968,354.70
Newham	£4,106,485.02
North Devon	£797,132.46
North Dorset	£384,224.58
North East Derbyshire	£639,136.22

*Status: Point in time view as at 18/03/2013.**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>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Administration</i> <i>Subsidy</i> <i>(£)</i>
North East Lincolnshire	£1,849,757.08
North Hertfordshire	£910,987.34
North Kesteven	£586,347.97
North Lincolnshire	£1,484,746.54
North Norfolk	£786,652.71
North Somerset	£1,774,558.28
North Tyneside	£1,883,644.51
North Warwickshire	£421,933.09
North West Leicestershire	£603,862.98
Northampton	£1,854,518.92
Northumberland	£2,577,285.03
Norwich	£1,539,947.62
Nottingham	£3,562,667.09
Nuneaton and Bedworth	£1,026,656.67
Oadby and Wigston	£289,440.80
Oldham	£2,123,887.25
Oxford	£1,051,935.88
Pendle	£990,255.52
Peterborough	£1,874,398.54
Plymouth	£2,459,655.14
Poole	£1,033,963.64
Portsmouth	£2,277,522.21
Preston	£1,216,325.82
Purbeck	£296,209.77
Reading	£1,397,519.37
Redbridge	£2,000,022.51
Redcar and Cleveland	£1,538,180.18
Redditch	£691,373.76
Reigate and Banstead	£804,962.55
Ribble Valley	£247,765.94

<i>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Administration Subsidy (£)</i>
Richmond upon Thames	£1,239,890.09
Richmondshire	£256,801.15
Rochdale	£2,125,482.98
Rochford	£447,841.73
Rossendale	£617,253.13
Rother	£703,899.60
Rotherham	£2,390,711.81
Rugby	£703,312.84
Runnymede	£507,236.55
Rushcliffe	£484,045.45
Rushmoor	£680,300.34
Rutland	£177,805.74
Ryedale	£315,394.82
Salford	£2,923,858.31
Sandwell	£3,724,492.73
Scarborough	£1,217,175.49
Sedgemoor	£870,814.59
Sefton	£2,632,464.16
Selby	£459,047.40
Sevenoaks	£640,996.24
Sheffield	£4,642,992.72
Shepway	£982,544.92
Shropshire	£2,072,151.93
Slough	£1,364,404.38
Solihull	£1,428,592.37
South Bucks	£312,522.07
South Cambridgeshire	£605,985.64
South Derbyshire	£492,357.11
South Gloucestershire	£1,669,473.53
South Hams	£563,550.62
South Holland	£623,969.52
South Kesteven	£857,258.25

*Status: Point in time view as at 18/03/2013.**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>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Administration Subsidy (£)</i>
South Lakeland	£515,412.46
South Norfolk	£729,822.00
South Northamptonshire	£336,162.62
South Oxfordshire	£585,031.18
South Ribble	£666,031.17
South Somerset	£1,156,332.54
South Staffordshire	£603,459.18
South Tyneside	£1,682,200.49
Southampton	£2,281,965.47
Southend on Sea	£1,747,499.42
Southwark	£4,290,084.61
Spelthorne	£588,909.97
St Albans	£647,906.94
St Edmundsbury	£689,382.40
St Helens	£1,860,264.73
Stafford	£658,745.65
Staffordshire Moorlands	£520,914.44
Stevenage	£723,808.18
Stockport	£2,786,378.15
Stockton on Tees	£1,790,560.65
Stoke on Trent	£2,671,893.83
Stratford on Avon	£704,088.06
Stroud	£681,933.15
Suffolk Coastal	£720,288.96
Sunderland	£3,431,195.19
Surrey Heath	£406,521.07
Sutton	£1,566,719.21
Swale	£1,140,234.31
Swindon	£1,602,627.72
Tameside	£2,320,585.53
Tamworth	£547,168.79

<i>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Administration Subsidy (£)</i>
Tandridge	£409,189.18
Taunton Deane	£801,383.33
Teignbridge	£928,862.64
Telford and Wrekin	£1,634,841.77
Tendring	£1,529,287.49
Test Valley	£660,515.79
Tewkesbury	£500,321.80
Thanet	£1,753,460.11
Three Rivers	£516,400.91
Thurrock	£1,366,427.79
Tonbridge and Malling	£738,167.86
Torbay	£1,714,961.48
Torridge	£510,076.60
Tower Hamlets	£4,711,907.05
Trafford	£1,666,564.76
Tunbridge Wells	£680,863.26
Uttlesford	£343,822.88
Vale of White Horse	£637,692.12
Wakefield	£3,357,564.32
Walsall	£3,282,546.89
Waltham Forest	£2,827,805.07
Wandsworth	£3,207,615.62
Warrington	£1,388,801.37
Warwick	£814,405.49
Watford	£724,442.24
Waveney	£1,096,585.59
Waverley	£616,879.38
Wealden	£748,329.80
Wellingborough	£662,368.74
Welwyn Hatfield	£781,505.49
West Berkshire	£943,103.94
West Devon	£346,423.97

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<i>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Administration Subsidy (£)</i>
West Dorset	£629,299.65
West Lancashire	£812,383.68
West Lindsey	£665,622.09
West Oxfordshire	£560,657.96
West Somerset	£332,122.02
Westminster	£2,855,482.49
Weymouth and Portland	£634,507.00
Wigan	£2,816,366.83
Wiltshire	£2,788,201.96
Winchester	£546,160.18
Windsor and Maidenhead	£776,569.21
Wirral	£3,302,311.01
Woking	£555,457.56
Wokingham	£557,311.00
Wolverhampton	£3,051,234.75
Worcester	£783,975.42
Worthing	£842,190.12
Wychavon	£678,467.30
Wycombe	£1,015,958.50
Wyre	£933,378.41
Wyre Forest	£880,864.89
York	£1,234,325.63
Aberdeen	£1,524,694.94
Aberdeenshire	£1,344,203.92
Angus	£884,650.31
Argyll and Bute	£764,872.62
Clackmannanshire	£483,002.78
Comhairle nan Eilean Siar	£270,206.29
Dumfries and Galloway	£1,460,504.54

**Status:** Point in time view as at 18/03/2013.**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>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Administration Subsidy (£)</i>
Dundee	£1,867,283.78
East Ayrshire	£1,293,846.82
East Dunbartonshire	£571,698.16
East Lothian	£716,575.32
East Renfrewshire	£431,704.59
Edinburgh	£4,453,072.47
Falkirk	£1,342,814.58
Fife	£3,193,296.88
Glasgow	£9,585,687.05
Highland	£1,778,446.70
Inverclyde	£1,055,459.99
Midlothian	£667,807.16
Moray	£591,720.03
North Ayrshire	£1,592,816.54
North Lanarkshire	£3,445,963.35
Orkney	£136,137.92
Perth and Kinross	£1,034,408.96
Renfrewshire	£1,877,401.44
Scottish Borders	£972,606.66
Shetland	£133,256.58
South Ayrshire	£1,062,888.90
South Lanarkshire	£2,911,998.84
Stirling	£561,598.09
West Dunbartonshire	£1,253,950.05
West Lothian	£1,510,231.78
Blaenau Gwent	£772,963.84
Bridgend	£1,284,743.62
Caerphilly	£1,568,650.88
Cardiff	£3,418,957.64
Carmarthenshire	£1,477,106.13
Ceredigion	£520,368.11

**Status:** Point in time view as at 18/03/2013.

**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>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Administration Subsidy (£)</i>
Conwy	£992,935.46
Denbighshire	£829,470.94
Flintshire	£1,050,100.68
Gwynedd	£947,502.90
Isle of Anglesey	£554,122.43
Merthyr Tydfil	£621,210.49
Monmouthshire	£565,678.82
Neath Port Talbot	£1,353,782.74
Newport	£1,334,769.13
Pembrokeshire	£931,116.66
Powys	£878,164.99
Rhondda Cynon Taf	£2,267,359.49
Swansea	£2,146,289.83
Torfaen	£955,703.72
Vale of Glamorgan	£931,125.86
Wrexham	£967,337.87]



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**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)

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(1) Authority	(2) Administration Subsidy (£)
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<sup>F158</sup>SCHEDULE 2 **E+W+S**

Article 12(b)

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**Textual Amendments**

**F158** 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)**

<sup>F159</sup>SCHEDULE 3 **E+W+S**

Article 13(3)

.....

**Textual Amendments**

**F159** 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)**

Status: Point in time view as at 18/03/2013.

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)

SCHEDULE 4 **E+W+S**

Articles 13(1) and 16

HIGH RENTS AND RENT ALLOWANCES

<sup>F160</sup>PART I **E+W+S**

REGULATED TENANCIES

**Textual Amendments**

**F160** 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 [<sup>F161</sup>paragraph 6, 7, 8 or 9] as appropriate.

**Textual Amendments**

**F161** 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.

4. This Part also applies in a case where the dwelling A is in a hostel and, by virtue of [<sup>F162</sup>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

**F162** 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 [<sup>F163</sup>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

**F163** 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 )

[<sup>F164</sup>6. Except where paragraph 5 applies, this Part also applies in a case where an authority is required under [<sup>F165</sup>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

**F164** 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)**

**F165** 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 )

#### [<sup>F166</sup> 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 the aggregate of the claim-related rent and those service charges which the authority has determined as eligible to be met by housing benefit [<sup>F167</sup>under sub-paragraphs (a)(iv)(c) and (f) of paragraph 1 of Schedule 1 to the Housing Benefit Regulations or, as the case may be, under sub-paragraphs (a)(iv)(c) and (f) of paragraph 1 of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations (ineligible service charges)], less ineligible amounts,

*Status: Point in time view as at 18/03/2013.*

*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 appropriate amount in respect of the period beginning with the relevant date and ending with the termination date shall be [<sup>F168</sup>100 per cent] of that part of the qualifying expenditure attributable to the eligible rent.]

#### Textual Amendments

**F166** 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)**

**F167** Words in Sch. 4 para. 7(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(10)(d)** (with regs. 2 , 3 , Schs. 3 , Sch. 4 )

**F168** 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.—<sup>F169</sup>(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 the aggregate of the claim-related rent and those service charges which the authority has determined as eligible to be met by housing benefit [<sup>F170</sup>under sub-paragraphs (a)(iv)(c) and (f) of paragraph 1 of Schedule 1 to the Housing Benefit Regulations or, as the case may be, under sub-paragraphs (a)(iv)(c) and (f) of paragraph 1 of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations (ineligible service charges)], 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 [<sup>F171</sup>100 per cent]. of the qualifying expenditure which remains after deducting the excess.

#### Textual Amendments

**F169** 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)**

**F170** Words in Sch. 4 para. 8(1)(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(10)(d)** (with regs. 2 , 3 , Schs. 3 , Sch. 4 )

**F171** 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 [<sup>F172</sup>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 [<sup>F172</sup>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 [<sup>F172</sup>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,and in either case [<sup>F172</sup>100 per cent]. of the qualifying expenditure which remains after deducting the excess.

**Status:** Point in time view as at 18/03/2013.

**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)

[<sup>F173</sup>(6) This paragraph does not apply where a rent officer determines a claim-related rent.]

**Textual Amendments**

- F172** 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)**
- F173** 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) <sup>M35</sup>, (4), as in force on 1st January 1996, or 12(2) <sup>M36</sup> of the [<sup>F174</sup>Housing Benefit (General) Regulations 1987] (restrictions on unreasonable rents or rent increases) <sup>M37</sup>, as in force on 5th October 1997.

**Textual Amendments**

- F174** 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**

- M35** Paragraph (3A) was added by regulation 2(c) of [S.I. 1989/566](#) .
- M36** Paragraph (2) was added by regulation 3(b) of [S.I. 1989/566](#) .
- M37** 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**

<sup>F175</sup>**11.** . . . . .

**Textual Amendments**

- F175** 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 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

**Status:** Point in time view as at 18/03/2013.

**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)

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 [<sup>F176</sup>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 [<sup>F177</sup>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 [<sup>F178</sup>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;

- [<sup>F179</sup>(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.]

**Status:** Point in time view as at 18/03/2013.

**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**

- F176** 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 )
- F177** 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 )
- F178** 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 )
- F179** 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**

<sup>F180</sup>**14.** .....

**Textual Amendments**

- F180** 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 [<sup>F181</sup>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], [<sup>F182</sup>100 per cent]. of the eligible rent less ineligible amounts.

**Textual Amendments**

- F181** 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 )



**F182** 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 [<sup>F183</sup>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

**F183** 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 [<sup>F184</sup>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 <sup>F185</sup> ... charges);

[<sup>F186</sup>“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) [<sup>F187</sup>in a case where a rent officer has determined a claim-related rent, that rent;]

[<sup>F188</sup>“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 [<sup>F189</sup>paragraph 2 of Part 1 of Schedule 1 to the Housing Benefit Regulations or, as

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- 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) [<sup>F190</sup>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 [<sup>F191</sup>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 [<sup>F192</sup>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 [<sup>F193</sup>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 [<sup>F194</sup>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 [<sup>F195</sup>and (as the case may be) in regulation 13 of the Housing Benefit Regulations or regulation 13 of the Housing Benefit (State Pension Credit)

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

- F184** 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)
- F185** 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)**
- F186** 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)**
- F187** 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)**
- F188** 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)**
- F189** 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)
- F190** 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)
- F191** 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)
- F192** 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)
- F193** 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)
- F194** 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)
- F195** 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)

**Status:** Point in time view as at 18/03/2013.

**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)

## [<sup>F196</sup>PART V E+W+S

### THRESHOLD ABOVE WHICH REDUCED SUBSIDY IS PAYABLE ON RENT ALLOWANCES

#### Textual Amendments

**F196** Sch. 4 Pt. V substituted (2.1.2004, 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), 11, **Schs. 2**

**18.** The Table referred to in paragraph 1 is—

(1) <i>Threshold (weekly sum)</i>	(2) <i>Rent Registration Area (£)</i>
<b>ENGLAND</b>	
Avon	169.06
Barking & Dagenham	173.53
Barnet	228.90
Bedfordshire	93.92
Berkshire	176.00
Bexley	183.83
Brent	201.33
Bromley	206.83
Buckinghamshire	214.25
Cambridgeshire	96.04
Camden	258.22
Cheshire	192.69
City	257.93
Cleveland	123.96
Cornwall	152.47
Croydon	210.30
Cumbria	148.07
Derbyshire	109.04
Devon	159.42
Dorset	161.43
Durham	120.78
Ealing	201.31
East Sussex	243.14

(1) <i>Threshold (weekly sum)</i>	(2) <i>Rent Registration Area (£)</i>
Enfield	171.21
Essex	112.27
Gloucestershire	150.23
Greater Manchester	166.32
Greenwich	184.28
Hackney	168.29
Hammersmith and Fulham	198.12
Hampshire	229.91
Haringey	190.26
Harrow	212.68
Havering	172.24
Hereford and Worcester	171.24
Hertfordshire	123.15
Hillingdon	182.32
Hounslow	204.37
Humberside	100.85
Isle of Wight	196.27
Islington	196.67
Kensington and Chelsea	246.89
Kent	236.29
Kingston upon Thames	252.06
Lambeth	162.14
Lancashire	167.71
Leicestershire	124.72
Lewisham	150.72
Lincolnshire	114.45
Merseyside	183.43
Merton	223.17
Newham	163.27
Norfolk	85.12
North Yorkshire	120.36
Northamptonshire	134.38
Northumberland	118.67

**Status:** Point in time view as at 18/03/2013.**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)

(1) <i>Threshold (weekly sum)</i>	(2) <i>Rent Registration Area (£)</i>
Nottinghamshire	132.56
Oxfordshire	259.00
Redbridge	164.61
Richmond upon Thames	252.06
Shropshire	163.64
Somerset	151.91
South Yorkshire	90.46
Southwark	174.93
Staffordshire	153.70
Suffolk	87.52
Surrey	285.52
Sutton	191.01
Tower Hamlets	181.82
Tyne & Wear	113.32
Waltham Forest	140.88
Wandsworth	221.47
Warwickshire	164.56
West Midlands	161.13
West Sussex	249.11
West Yorkshire	100.63
Westminster	257.93
Wiltshire	156.85
<b>WALES</b>	
Clwyd	87.91
Dyfed	77.40
Gwent	85.12
Gwynedd	78.89
Mid Glamorgan	90.05
Powys	86.11
South Glamorgan	100.64
West Glamorgan	86.67
<b>SCOTLAND</b>	
Aberdeen	116.83

(1) <i>Threshold (weekly sum)</i>	(2) <i>Rent Registration Area (£)</i>
Aberdeenshire	126.66
Angus	116.83
Argyll-Bute	107.61
Clackmannanshire	150.40
Comhairlie Nan Eilean Siar	172.53
Dumfries & Galloway	125.40
Dundee	116.83
East Ayrshire	103.93
East Dunbartonshire	133.48
East Lothian	132.78
East Renfrewshire	180.26
Edinburgh, City of	132.78
Falkirk	117.91
Fife	116.83
Glasgow	103.93
Highland	114.79
Inverclyde	103.93
Midlothian	132.78
Moray	116.83
North Ayrshire	103.93
North Lanarkshire	103.93
Orkney	116.83
Perth & Kinross	124.08
Renfrewshire	103.93
Scottish Borders	132.78
Shetland	116.83
South Ayrshire	119.53
South Lanarkshire	103.93
Stirling	121.19
West Dunbartonshire	103.93
West Lothian	132.78]

*Status: Point in time view as at 18/03/2013.*

*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)*

[<sup>F197</sup>SCHEDULE 4A **E+W+S**

Article 20A

RENT REBATE LIMITATION DEDUCTIONS  
(HOUSING REVENUE ACCOUNT DWELLINGS)

**Textual Amendments**

**F197** Sch. 4A inserted (1.4.2004) by [Income-related Benefits \(Subsidiary to Authorities\) Amendment Order 2004 \(S.I. 2004/646\)](#), art. 1(1), **Sch. 1 para. 7**

**PART 1 **E+W+S****

INTERPRETATION

1. In this Schedule—

[<sup>F198</sup>“Affordable Rent” means the rent payable to an authority in respect of a tenancy of a dwelling where the rent is set on the same basis as would have been case if the amount of rent were subject to a standard set by the Regulator of Social Housing under section 194 of the Housing and Regeneration Act 2008 (which requires the initial rent to be set at no more than 80% of local market rent (including service charges));

“Affordable Rent dwelling” means a dwelling which the authority has let on a tenancy for which it charges an Affordable Rent, and in relation to which either of the following applies—

- (a) the authority has entered into an agreement with a relevant party that the dwelling is one for which the authority will charge an Affordable Rent; or
- (b) the authority has received a written notice from a relevant party that the dwelling is one for which the authority charges an Affordable Rent;]

[<sup>F199</sup>“dwelling” has the same meaning it bears in the determination made under section 80(1) of the Local Government and Housing Act 1989,]

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

“new service” means—

- (a) a service provided in the relevant year that was not provided in 2001–02,
- (b) [<sup>F200</sup>an extension to a service, where the service is provided in the relevant year to a greater extent than in 2001-02, or]
- (c) a service provided in the relevant year for which a charge is imposed which is a service which was previously provided without charge because it was funded by a specific grant or subsidy (other than subsidy),

[<sup>F201</sup>“relevant party” means—

- (a) the Homes and Communities Agency;
- (b) the Greater London Authority; or
- (c) the Secretary of State;]

“rent”, in relation to a dwelling, means the total of the payments in respect of the dwelling specified in [<sup>F202</sup>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 [<sup>F203</sup>regulation 12(1)(e)],



F204 ...

F205 ...

“void dwelling” means a dwelling that is unoccupied,

“2001–02” means the year beginning with 1st April 2001 (and any corresponding expression in which two years are similarly mentioned is to be read in the same way).

### Textual Amendments

- F198** Words in Sch. 4A Pt. 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 2013 \(S.I. 2013/266\)](#) , arts. 1(1) , **4(2)(a)**
- F199** Words in Sch. 4A Pt. 1 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) , **4(5)(a)**
- F200** Words in Sch. 4A Pt. 1 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(5)(b)**
- F201** Words in Sch. 4A Pt. 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 2013 \(S.I. 2013/266\)](#) , arts. 1(1) , **4(2)(b)**
- F202** Words in Sch. 4A para. 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(11)(a)** (with regs. 2 , 3 , Schs. 3 , Sch. 4 )
- F203** Words in Sch. 4A para. 1 substituted (with effect in accordance with art. 1(2) of the commencing S.I.) by [Income-related Benefits \(Subsidy to Authorities\) Amendment \(No.2\) Order 2009 \(S.I. 2009/2564\)](#) , art. 1(1) , **Sch. para. 2**
- F204** Words in Sch. 4A para. 1 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) , **6(2)**
- F205** Words in Sch. 4A para. 1 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) , **6(2)**

## PART 2 **E+W+S**

### ENGLAND

#### *Liability to deduction*

**2.—(1)** This paragraph applies in the case of an authority in England in relation to the relevant year if the authority is specified in the Table in Part 3 of this Schedule for that year and the weekly rent limit for a dwelling that is so specified for the authority is less than the subsidy limitation rent.

[<sup>F206</sup>(2) The subsidy limitation rent for an authority is equal to the average weekly rent for a dwelling for the authority for the relevant year, calculated in accordance with sub-paragraph (3).]

[<sup>F207</sup>(3) For the purposes of sub-paragraph (2), 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. ]

*Status: Point in time view as at 18/03/2013.*

*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)*

<sup>F208</sup>( 4 ) .....

(5) For the purposes of [<sup>F209</sup>sub-paragraph (3)], void dwellings [<sup>F210</sup>and dwellings which are Affordable Rent dwellings] are disregarded.

<sup>F211</sup>( 6 ) .....

<sup>F212</sup>(7) .....

[<sup>F213</sup>(8) For the purposes of calculating the total number of weeks for which rent is charged in [<sup>F214</sup>sub-paragraph (3)] rent free periods shall be included.]

**Textual Amendments**

- F206** Sch. 4A para. 2(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) , **6(3)(a)**
- F207** Sch. 4A para. 2(3) substituted (1.4.2006) by [Income-related Benefits \(Subsidy to Authorities\) Amendment \(No.2\) Order 2006 \(S.I. 2006/559\)](#) , art. 1(1) , **Sch. 1 para. 2(a)**
- F208** Sch. 4A para. 2(4) 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) , **6(3)(b)**
- F209** Words in Sch. 4A para. 2(5) 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) , **6(3)(c)**
- F210** Words in Sch. 4A para. 2(5) inserted (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) , **4(3)**
- F211** Sch. 4A para. 2(6) 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) , **6(3)(d)**
- F212** Sch. 4A para. 2(7) 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) , **6(3)(d)**
- F213** Sch. 4A para. 2(8) inserted (with effect in accordance with art. 1(4) 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(3)(b)**
- F214** Words in Sch. 4A para. 2(8) 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) , **6(3)(c)**

*Amount of deduction*

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

Step 1

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

Step 2

**Status:** Point in time view as at 18/03/2013.**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)

If the result of step 1 does not exceed the rebate proportion in England for the relevant year (see sub-paragraph (3))—

- (a) divide the weekly rent limit for a dwelling for the authority for the relevant year as specified in Part 3 of this Schedule by the subsidy limitation rent (see paragraph 2(2)),
- (b) subtract the result of paragraph (a) from the number 1, and
- (c) multiply the amount of the subsidy (apart from any deduction to be calculated under this Schedule) by the result of paragraph (b).

If the result of step 1 exceeds the rebate proportion in England for the relevant year—

- (i) multiply the amount by which the subsidy limitation rent exceeds the weekly rent limit for a dwelling for the authority for the relevant year as specified in Part 3 of this Schedule by the rebate proportion in England for the relevant year,
- (ii) multiply the subsidy limitation rent by the result of step 1,
- (iii) divide the result of paragraph (i) by the result of paragraph (ii), and
- (iv) multiply the amount of the subsidy (apart from any deduction to be calculated under this Schedule) by the result of paragraph (iii).

(2) For the purposes of the calculation in sub-paragraph (1), void dwellings are to be disregarded.

[<sup>F215</sup>(3) The rebate proportion for each year commencing with 2010-11 is 0.761.]

#### Textual Amendments

**F215** Sch. 4A para. 3(3) 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), **6(3)**

## PART 3 **E+W+S**

### WEEKLY RENT LIMITS FOR PURPOSES OF PART 2: AUTHORITIES IN ENGLAND

#### TABLE

[<sup>F216</sup>RELEVANT YEAR 2012-13

<i>Authority</i>	<i>Weekly rent limit</i>
Adur	£84.29
Arun	£84.72
Ashfield	£62.05
Ashford	£82.46
Babergh	£80.99
Barking & Dagenham	£87.37
Barnet	£97.35
Barnsley	£67.27

**Status:** Point in time view as at 18/03/2013.**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>Authority</i>	<i>Weekly rent limit</i>
Barrow in Furness	£69.37
Basildon	£78.78
Bassetlaw	£66.19
Birmingham	£75.38
Blackpool	£64.42
Bolsover	£72.65
Bournemouth	£75.44
Brent	£104.73
Brentwood	£86.68
Brighton and Hove	£77.16
Bristol	£73.75
Broxtowe	£67.72
Bury	£70.32
Cambridge	£92.10
Camden	£109.78
Cannock Chase	£68.24
Canterbury	£81.36
Castle Point	£82.58
Central Bedfordshire	£91.71
Charnwood	£67.50
Cheltenham	£74.61
Cheshire West and Chester	£73.50
Chesterfield	£71.66
City of London	£99.43
Colchester	£79.94
Corby	£70.95
Cornwall	£65.58
Crawley	£92.70
Croydon	£98.50
Dacorum	£96.92
Darlington	£64.78
Dartford	£82.15
Derby	£71.51
Doncaster	£66.07

<i>Authority</i>	<i>Weekly rent limit</i>
Dover	£78.54
Dudley	£75.31
Durham	£63.05
Ealing	£95.70
East Devon	£73.71
East Riding of Yorkshire	£71.03
Eastbourne	£71.33
Enfield	£92.46
Epping Forest	£90.15
Exeter	£68.58
Fareham	£82.48
Gateshead	£68.91
Gloucester	£72.31
Gosport	£77.53
Gravesham	£82.18
Great Yarmouth	£67.95
Greenwich	£93.09
Guildford	£100.88
Hackney	£92.83
Hammersmith and Fulham	£105.10
Haringey	£97.52
Harlow	£84.51
Harrogate	£74.62
Harrow	£102.91
Havering	£87.40
High Peak	£67.33
Hillingdon	£101.41
Hinckley and Bosworth	£71.16
Hounslow	£95.04
Ipswich	£74.48
Islington	£105.12
Kensington and Chelsea	£116.88
Kettering	£73.90
Kingston upon Hull	£67.98

**Status:** Point in time view as at 18/03/2013.**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>Authority</i>	<i>Weekly rent limit</i>
Kingston upon Thames	£103.66
Kirklees	£64.44
Lambeth	£98.57
Lancaster	£70.30
Leeds	£67.08
Leicester	£66.44
Lewes	£81.95
Lewisham	£87.17
Lincoln	£62.22
Luton	£78.85
Manchester	£68.46
Mansfield	£66.68
Medway	£75.12
Melton	£69.56
Mid Devon	£72.10
Mid Suffolk	£75.34
Milton Keynes	£77.31
New Forest	£90.49
Newark and Sherwood	£71.02
Newcastle upon Tyne	£68.31
Newham	£87.74
North East Derbyshire	£72.46
North Kesteven	£70.24
North Tyneside	£68.62
North Warwickshire	£79.25
North West Leicestershire	£71.60
Northampton	£75.42
Northumberland	£61.61
Norwich	£72.21
Nottingham	£68.48
Nuneaton and Bedworth	£71.07
Oadby and Wigston	£71.65
Oldham	£63.26
Oxford	£96.52

<i>Authority</i>	<i>Weekly rent limit</i>
Poole	£78.16
Portsmouth	£77.37
Reading	£96.29
Redbridge	£96.55
Redditch	£71.32
Richmondshire	£71.23
Rochdale	£66.54
Rotherham	£67.92
Rugby	£78.04
Runnymede	£100.06
Salford	£69.40
Sandwell	£75.21
Sedgemoor	£72.07
Selby	£71.74
Sheffield	£65.15
Shepway	£76.96
Shropshire	£74.61
Slough	£96.19
Solihull	£75.12
South Cambridgeshire	£95.18
South Derbyshire	£72.62
South Holland	£68.05
South Kesteven	£71.10
South Lakeland	£80.20
South Tyneside	£67.45
Southampton	£77.08
Southend on Sea	£79.04
Southwark	£97.51
St Albans	£102.55
Stevenage	£89.65
Stockport	£67.85
Stoke on Trent	£65.13
Stroud	£75.89
Sutton	£96.48

**Status:** Point in time view as at 18/03/2013.**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>Authority</i>	<i>Weekly rent limit</i>
Swindon	£75.05
Tamworth	£73.65
Tandridge	£88.97
Taunton Deane	£74.80
Tendring	£76.34
Thanet	£75.17
Thurrock	£78.32
Tower Hamlets	£99.43
Uttlesford	£90.60
Waltham Forest	£92.02
Wandsworth	£113.26
Warwick	£84.87
Waveney	£72.00
Waverley	£101.41
Wealden	£77.51
Welwyn Hatfield	£96.54
West Lancashire	£69.46
Westminster	£114.13
Wigan	£70.33
Wiltshire	£82.12
Winchester	£91.91
Woking	£95.79
Wokingham	£101.42
Wolverhampton	£72.27
York	£72.66]



**Status:** Point in time view as at 18/03/2013.

**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)

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*Authority*

*Weekly rent limit*

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**Status:** Point in time view as at 18/03/2013.

**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)

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*Authority*

*Weekly rent limit*

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**Textual Amendments**

**F216** Sch. 4A Pt. 3 substituted (18.3.2013, 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), 4(4), **Schs. 2**

## PART 4 **E+W+S**

### WALES

#### *Liability to deduction*

4. This paragraph applies in the case of an authority in Wales in relation to the relevant year if the authority is specified in the Table in Part 5 of this Schedule for that year and

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, and  
Q is the average weekly rent for a dwelling for the authority for the relevant year (see paragraph 2(3)) [<sup>F217</sup>and (5)].

#### **Textual Amendments**

**F217** Words in Sch. 4A para. 4 added (1.4.2008) by [Income-related Benefits \(Subsidy to Authorities\) Amendment \(No.2\) Order 2008 \(S.I. 2008/695\)](#), art. 1(1), **Sch. para. 3**

#### *Amount of deduction*

5.—(1) The amount of the deduction from subsidy referred to in article 20A(2) shall 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 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 does not exceed the rebate proportion for the relevant year (see sub-paragraph (2))—

- (a) deduct (O + P) from Q (see paragraph 4),
- (b) divide the result of paragraph (a) by Q,
- (c) multiply the amount of the subsidy (apart from any deduction to be calculated under this Schedule) by the result of paragraph (b).

If the result of step 1 exceeds the rebate proportion for the relevant year—

- (i) deduct (O + P) from Q (see paragraph 4),
- (ii) divide the result of paragraph (i) by Q,
- (iii) divide the rebate proportion for Wales (see sub-paragraph (2)) by the result of step 1,
- (iv) multiply the result of paragraph (ii) by the result of paragraph (iii),
- (v) multiply the amount of the subsidy (apart from any deduction to be calculated under this Schedule) by the result of paragraph (iv).

[<sup>F218</sup>(2) The rebate proportion for Wales for each relevant year commencing with 2006-07 is 0.66.]

**Status:** Point in time view as at 18/03/2013.

**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

**F218** Sch. 4A para. 5(2) substituted (1.4.2006) by [Income-related Benefits \(Subsidy to Authorities\) Amendment \(No.2\) Order 2006 \(S.I. 2006/559\)](#), art. 1(1), [Sch. 1 para. 5](#)

## PART 5 **E+W+S**

### AMOUNTS FOR PURPOSES OF PART 4, PARAGRAPH 4: AUTHORITIES IN WALES

#### TABLE

[<sup>F219</sup>RELEVANT YEAR 2012–13

<i>Authority</i>	<i>Specified amount "O"</i>	<i>Guideline rent increase</i>
Caerphilly	£66.46	£2.64
Cardiff	£75.35	£3.63
Carmarthenshire	£65.22	£3.39
Denbighshire	£62.77	£3.56
Flintshire	£65.47	£3.09
Isle of Anglesey	£61.67	£3.03
Pembrokeshire	£65.52	£3.70
Powys	£67.26	£3.33
Swansea	£64.79	£2.92
Vale of Glamorgan	£72.24	£3.68
Wrexham	£64.37	£3.52

**Status:** Point in time view as at 18/03/2013.

**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**

**F219** Sch. 4A Pt. 5 substituted (18.3.2013, 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), 4(5), **Schs. 3**

SCHEDULE 5 **E+W+S**

Articles 13 and 21

BENEFIT SAVINGS

**E+W+S**

**F220** .....

**Textual Amendments**

**F220** 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)**

[<sup>F221</sup>SCHEDULE 6 **E+W+S**

Articles 3A

ELECTRONIC COMMUNICATIONS

**Textual Amendments**

**F221** 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 or auditor must use an approved method of—

**Status:** Point in time view as at 18/03/2013.

**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)

- (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 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.

#### **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 or auditors to use intermediaries in connection with those matters.

## **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.]

[<sup>F222</sup>SCHEDULE 7 **E+W+S**

Article 17A

Authorities in London

**Textual Amendments**

**F222** 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)**

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Barking and Dagenham

Barnet

Bexley

Brent

Bromley

Camden

City of London

Croydon

Ealing

Enfield

Greenwich

Hackney

Hammersmith and Fulham

Haringey

**Status:** Point in time view as at 18/03/2013.

**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)

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]

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[<sup>F223</sup>SCHEDULE 8 **E+W+S**

Articles 17 and 17A

Broad rental market areas in London

**Textual Amendments**

**F223** 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](#)

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Central London



Inner East London  
Inner North London  
Inner South East London  
Inner South West London  
Inner West London  
Outer South West London]

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## 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.

**Status:**

Point in time view as at 18/03/2013.

**Changes to legislation:**

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