

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>

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The Secretary of State for Social Security, with the consent of the Treasury^(a), 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^(b), section 122(4) of and paragraph 5 of Schedule 12 to the Housing Act 1996^(c) and of

(a) 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).

(b) 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.

(c) 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.

all other powers enabling her in that behalf, after consultation, in accordance with section 176(1)(b) of the Social Security Administration Act 1992(a), with organisations appearing to her to be representative of the authorities concerned, hereby makes the following Order:

PART I GENERAL

Citation, commencement and interpretation

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(b), and

(iii) in Scotland, an authority constituted under section 2 of the Local Government etc.(Scotland) Act 1994(c);

“the English Regulations” means the Local Government Changes for England (Housing Benefit and Council Tax Benefit) Regulations 1995(d);



“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(e);

“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(f);

“the 1990 Order” means the Housing Benefit (Subsidy) Order 1990(g);

“the 1991 Order” means the Housing Benefit and Community Charge Benefit (Subsidy) Order 1991(h);

“the 1992 Order” means the Housing Benefit and Community Charge Benefit (Subsidy) Order 1992(i);

“the 1993 Order” means the Housing Benefit and Community Charge Benefit (Subsidy) (No.2) Order 1993(j);

“the 1994 Order” means the Housing Benefit and Council Tax Benefit (Subsidy) Order 1994(k);

¹Defn. of “new incentive scheme” omitted in art. 1(2) by art. 2 of S.I. 2005/369 as from 1.4.02.

(a) Section 176(1)(b) was amended by paragraph 3(4) of Schedule 13 to the Housing Act 1996.

(b) 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.

(c) 1994 c. 59.

(d) S.I. 1995/531; amended by S.I. 1996/547.

(e) Section 140B was inserted by paragraph 4 of Schedule 12 to the Housing Act 1996 (c. 52).

(f) S.I. 1989/607.

(g) S.I. 1990/785.

(h) S.I. 1991/587.

(i) S.I. 1992/739.

(j) S.I. 1993/935.

(k) S.I. 1994/523.

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“the 1995 Order” means the Housing Benefit and Council Tax Benefit (Subsidy) Order 1995(a);

“the 1996 Order” means the Housing Benefit and Council Tax Benefit (Subsidy) Order 1996(b), and

“the 1997 Order” means the Housing Benefit and Council Tax Benefit (Subsidy) Order 1997(c).

(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.

PART II**CLAIMS FOR AND PAYMENT OF SUBSIDY****Interpretation of Parts II and IV**

2. In this Part and also in Part IV, unless the context otherwise requires—

▶¹“base data return” means a return pursuant to article 4(4A);◀

▶²◀

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

“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;

▶³“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000;◀

▶²◀

“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 ▶⁴or an amount paid, withheld or deducted pursuant to article 8A◀;

“interim subsidy” means subsidy pursuant to articles ▶⁵◀ 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.

Conditions for payment of subsidy

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.

▶³Electronic communications

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.◀

(a) S.I. 1995/872.

(b) S.I. 1996/1217.

(c) S.I. 1997/1004.

¹Defn. of “base data return” added to art. 2 by para. 1 of Sch. to S.I. 2004/646 as from 1.4.04.

²Defns. of “benefit savings”, “benefit related savings” and “fraud prosecution points” omitted from art 2 by art. 3 of S.I. 2005/369 as from 1.4.02.

³Defn. of “electronic communication” and art. 3A inserted by art. 2(2) & (3) of S.I. 2007/26 as from 5.2.07.

⁴Words inserted into defn. of “final subsidy” by art. 2(2) of S.I. 2006/54 as from 9.2.06.

⁵Words deleted in art. 2 by art. 2 of S.I. 1998/2865 as from 14.12.98.

Requirement of claim

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 ¹or by means of an electronic communication[◀], the following claims for subsidy, by reference to the amount of relevant benefit 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 ²30th April[◀] in the following year.

(3) ³Except where an authority submits a claim by means of an electronic communication,[◀] the final claim shall be copied to the authority's auditor, by ⁴30th April[◀] in the following year.

⁵◀

⁶◀

⁷(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 ⁶or 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 ⁶or submitted by means of an electronic communication[◀]—
 - (a) in the case of an authority in England or Wales, ⁸the 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(a).

⁹Requirement to keep records and provide information

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) ⁶in 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 ⁶in 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 ¹⁰fairly 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.[◀]

¹Words inserted in art. 4(2), by art. 2(4)(a) of S.I. 2007/26 as from 1.4.05.

²Words substituted in art. 4(2)(c) by art. 3 of S.I. 2013/266 as from 18.3.13.

³Words inserted in art. 4(3) by art. 2(4)(c) of S.I. 2007/26 as from 1.4.05.

⁴Words in art. 4(3) substituted by art. 2(1)(a) of S.I. 2014/1667 as from 25.7.14 and having effect from 1.4.13.

⁵Art. 4(4) & (4ZA) omitted by art. 2(1)(a) of S.I. 2011/2957 as from 1.2.12.

⁶Para. (4A) omitted & words inserted in (4B)(b), (5) and 5(1)(a) & (b) by art. 2(4)(d)-(e) & 2(5)(a) & (b) of S.I. 2007/26 as from 5.2.07.

⁷Para. (4B) inserted into art. 4 by para. 2 of Sch. to S.I. 2004/646 as from 1.4.04.

⁸Words substituted in para. 5(a) by para. 2(b) of S.I. 2004/646 as from 1.4.04.

⁹Article 5 substituted by art. 3 of S.I. 1998/2865 as from 14.12.98.

¹⁰Words substituted in art. 5(2)(a) by art. 2(5)(c) of S.I. 2007/26 as from 5.2.07.

(a) 1973 c. 65.

Arts. 6-8A**Requirement of audit**

¹Para (ia) is inserted into art. 6 by para. 3 of Sch. to S.I. 2004/646 as from 1.4.04.

²Words inserted in arts. 6(1)(ia) & (2)(a) by art. 2(6)(b) of S.I. 2007/26 as from 5.2.07.

³Words substituted in art. 6(1)(a) by art. 2 of S.I. 2009/30 as from 10.3.09.

⁴Art. 6(2)(b) & (3) substituted by art. 2(6)(c) & (d) of S.I. 2007/26 as from 5.2.07.

6.—(1) Subject to article 9(4), the third condition is that the authority

▶¹(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 ▶²in 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 ▶³30th November◀ in the following year; and

(b) shall comply with the following provisions of this article.

(2) The authority shall—

(a) provide such information ▶²in written or electronic form◀; and

▶⁴(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.

(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.◀

Final condition for the payment of subsidy

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

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.

⁵Art. 8A inserted by art. 2(4) of S.I. 2006/54 as from 9.2.06.

▶⁵Payment of subsidy before audit complete

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.◀

Payment of subsidy for the relevant year

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.

▶¹(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; ▶²and◀
 (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;

(c)-(d) ▶²◀◀

(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.

▶¹(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.◀

9A. ▶²◀

Estimating subsidy

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.

¹Para. (2) of art. 9 substituted and para. (5) inserted by art. 2(5)(a) & (b) of S.I. 2006/54 as from 9.2.06.

²Word added to art. 9(2)(a), sub-para. (c) & (d) omitted and art. 9A deleted by art. 2(1)(b) & (c) of S.I. 2011/2957 as from 1.2.12.

Art. 11

PART III
CALCULATION OF SUBSIDY

Interpretation of Part III

11.—(1) In this Part, unless the context otherwise requires—
“allowance” means a rent allowance;

▶¹“appeal tribunal” has the meaning it bears in section 39(1) of the Social Security Act 1998(a);◀

“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(b) nor in a hostel within the meaning of ▶²regulation 14 of the Housing Benefit Regulations or, as the case may be, regulation 14 of the Housing Benefit (State Pension Credit) Regulations◀;

▶¹“Commissioner” has the meaning it bears in section 39(1) of the Social Security Act 1998;◀

▶³◀

▶⁴“the Consequential Provisions Regulations” means the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006(c);◀

▶²“the Council Tax Benefit Regulations” means the Council Tax Benefit Regulations 2006;

“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;

“the Housing Benefit Regulations” means the Housing Benefit Regulations 2006;

“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 ▶⁵◀(d);

“the Rent Officers Order” means the Rent Officers (Housing Benefits Functions) Order 1997(e) or the Rent Officers (Housing Benefits Functions) (Scotland) Order 1997(f), as the case may be;

“the Rent Officers Order 1995” means the Rent Officers (Additional Functions) Order 1995(g) or the Rent Officers (Additional Functions) (Scotland) Order 1995(h), as the case may be;

¹Defns. of “appeal tribunal” and “commissioner” inserted by art. 2(a) of S.I. 2000/2340 as from 25.9.00.

²Words substituted in defn. of “board and lodging accommodation” & defns. of “the Council Tax Benefit Regulations” & “the Housing Benefit Regulations” substituted & defns. of “the Council Tax Benefit (State Pension Credit) Regulations” & “the Housing Benefit (State Pension Credit) Regulations” inserted by para. 13(2) of Sch. 2 to S.I. 2006/217 as from 6.3.06.

³Defn. of “the Community Charge Benefits Regulations” omitted by art. 5(2)(a) of S.I. 2015/1784 as from 9.11.15.

⁴Defn. of “the Consequential Provisions Regulations” inserted by art. 4(2) of S.I. 2011/2957 as from 1.2.12.

⁵Words omitted in art. 11(1) defn. of “rebate” by para. 4 of the Sch. to S.I. 2004/646 as from 1.4.04.

- (a) 1998 c. 14; section 39(1) is amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999, section 18 and Schedule 7, paragraph 35.
- (b) S.I. 1987/1967; relevant amending instruments are S.I. 1988/663, 1445, 2022, 1989/1678, 1992/3147 and 1993/2119.
- (c) S.I. 2006/217.
- (d) 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).
- (e) S.I. 1997/1984.
- (f) S.I. 1997/1995.
- (g) S.I. 1995/1642, amended by S.I. 1995/2365, 3148, 1996/959, 1997/1000 and 1984.
- (h) S.I. 1995/1643, amended by S.I. 1995/2361, 3185, 1996/975, 1997/1003 and 1995.

“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 Security¹ Contributions and Benefits Act 1992(a);◀

▶²◀

and other expressions used in this Part and in ▶³the 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 ▶³regulation 93◀ of the Housing Benefit Regulations ▶³and regulation 74 of the Housing Benefit (State Pension Credit) Regulations◀ (payments on account of a rent allowance) and any extended payments, lawfully paid ▶⁴or 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 ▶⁵or 15A◀;
- (b) any deductions specified in article 19 relevant to that authority, and
- (c) where, under sections 134(8)(b) (arrangements for housing benefit) or 139(6)(c) (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.

▶⁶(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 ▶³regulation 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.◀

Amount of subsidy

12.—▶⁷▶⁸(1) Subject to paragraph (2), the amount of an authority’s subsidy for the relevant year is the sum of the following—

- (a) the amount of subsidy calculated in accordance with article 13;
- (b) for an authority identified in column (1) of Schedule 1 (sums to be used in the calculation of subsidy), the amount in respect of the costs of administering the relevant benefit specified in column (2) of the Schedule for that authority;
- (c) for an authority which is a participating authority for the purposes of Schedule 1A (additional amount of subsidy activities to reduce fraud and error), the additional amount (if any) calculated in accordance with that Schedule; and
- (d) for an authority which has modified any part of a scheme it administers in recognition of the operation of a local scheme under section 134(8) of the Act (arrangements for housing benefit), the additional amount calculated in accordance with paragraph (4).◀◀

¹Words substituted in defn. of “scheme” by art. 4(1) of S.I. 2000/1091 as from 10.5.00.

²Defn. of “X per cent” omitted by art. 3(2)(a) of S.I. 2006/54 as from 9.2.06.

³Words substituted in art. 11(1)-(3) by para. 13(2)(a)(vi), (b) & (c) of Sch. 2 to S.I. 2006/217 as from 6.3.06.

⁴Words inserted in art. 11(2) by art. 2(a)(ii) of S.I. 2000/2340 as from 25.9.00.

⁵Words inserted in defn. of “qualifying expenditure” by art. 3(2)(b) of S.I. 2006/54 as from 9.2.06.

⁶Art. 11(3) inserted by art. 2(a)(iii) of S.I. 2000/2340 as from 25.9.90.

⁷Art. 12 renumbered art. 12(1) by art. 2(b) of S.I. 2000/2340 as from 25.9.00.

⁸Art. 12(1) substituted by art. 2(2)(a) of S.I. 2015/1784 as from 9.11.15.

(a) 1992 c. 4 amended by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraph 1(1).
 (b) 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.
 (c) 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.

Arts. 12-14

¹Art. 12(2) & (3) inserted by art. 2(b) of S.I. 2000/2340 as from 25.9.00.

²Art. 12(4) inserted by art. 3(3)(b) of S.I. 2006/54 as from 9.2.06.

³Words in art. 12(4) & 13(1) substituted by art. 2(3) of S.I. 2015/1784 as from 9.11.15.

⁴Art. 13(1) substituted by art. 4(2) of S.I. 2000/1091 as from 10.5.00.

⁵Words in art. 13(1) & art. 13(2) omitted by art. 4(a) & (b) of S.I. 2003/3179 as from 1.4.02.

⁶Words substituted in art. 13(1)(a) by art. 5(2) of S.I. 2010/2481 as from 26.11.10.

⁷Words substituted in art. 13(1)(a) by art. 2(2) of S.I. 2010/2509 as from 1.4.11.

⁸In art. 13(1) "100 percent" substituted for "95 per cent" and "X per cent" & art. 13(3) deleted by art. 3(4)(a)-(c) of S.I. 2006/54 as from 9.2.06.

⁹Words substituted in art. 13(1) by art. 4(3) of S.I. 2005/369 as from 1.4.02.

¹⁰Words substituted in art. 13 by art. 2(2) of S.I. 2008/196 as from 28.2.08.

¹¹Words in art. 14(1) substituted by art. 3(1)(a) of S.I. 2013/2989 as from 28.1.14 and having effect from 1.4.13.

¹²Words substituted in art. 14(1)(a) by para. 13(3) of Sch. 2 to S.I. 2006/217 as from 6.3.06.

▶¹(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.◀

▶²(4) For the purposes of sub-paragraph ▶³(1)(d)◀, 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.◀

Relevant benefit

13.—▶⁴(1)▶³The amount of subsidy payable under article 12(1)(a)◀ shall ▶⁵◀ be—

- (a) in the case of any authority to which none of articles 14, 16▶⁶, 17▶⁷, 17A, 17B and 17C◀◀ applies, an amount equal to the aggregate of—
 - (i) ▶⁸100 per cent.◀ of its qualifying expenditure attributable to expenditure in respect of housing benefit; and
 - (ii) ▶⁸100 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) ▶⁸100 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) ▶⁸100 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 ▶⁹▶¹⁰article 18◀, but subject, in each case, to the deductions, where applicable, under articles 20 and 20A.◀

(2) ▶⁵◀

(3) ▶⁸◀

Backdated benefit

14.—(1) Subject to ▶¹¹paragraphs (2) and (3)◀, where—

- (a) during the relevant year an authority has, under ▶¹²regulation 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)(a), 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 article 13(1)(b)(iii), the appropriate amount for the relevant year in respect of such part shall be 100 per cent. of the qualifying expenditure so attributable.

(2) This article shall not apply in relation to expenditure to which article 17(2), 17A(2), 17B(2), 17C(2) or 18(1)(b)(iii) or paragraph 6 of Schedule 4 applies.

(3) This article shall not apply in relation to expenditure in respect of council tax benefit on or after 1st April 2013, even if that expenditure is attributable to a period before that date.

Disproportionate rent increase

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 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 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

¹For year commencing 1.4.99 and any relevant year thereafter, words substituted in art. 14(1) by art. 3 of S.I. 2001/2350 as from 25.7.01.

²Amount "50 per cent" substituted for "100 per cent" by art. 3(5)(a) of S.I. 2006/54 as from 9.2.06.

³Words substituted in art. 14(2) by art. 4(4) of S.I. 2005/369 as from 1.4.03.

⁴Words substituted in art. 14(2) by art. 2(2) of S.I. 2009/2580 as from 1.4.10.

⁵Words inserted in art. 14(2) by art. 2(3) of S.I. 2010/2509 as from 1.4.11.

⁶Art. 14(3) inserted by art. 3(1)(b) of S.I. 2013/2989 as from 28.1.14 and having effect from 1.4.13.

⁷For year commencing 1.4.99 and any relevant year thereafter, words substituted in art. 15(4) by art. 3 of S.I. 2001/2350 as from 25.7.01.

(a) Regulations 72(15) and 62(16) were amended by S.I. 1996/462.

- (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”.

¹Art. 15(7) substituted by art. 2(4) of S.I. 2010/2509 as from 1.4.11.

►¹(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 ►²sub-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 ◀ (rent)(a); 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.

²Words substituted in art. 15(8) by para. 13(4) of Sch. 2 to S.I. 2006/217 as from 6.3.06.

►³**Disproportionate rent increase – Wales**

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 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—

$$(1 + A) \times \left(\frac{B}{C} \times \frac{D}{E} \right) - 1$$

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 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

(a) Regulation 10(1) was amended by S.I. 1988/1971.

- (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”.

►¹(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). ◀

¹Art. 15A(7) substituted by art. 2(4) of S.I. 2010/2509 as from 1.4.11.

(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(a);

“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 ►²regulation 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,

²Words substituted in para. (a) of defn. of “rent” by para. 13(5) of Sch. 2 to S.I. 2006/217 as from 6.3.06.

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. ◀

(a) A copy of this Determination may be obtained from the Welsh Assembly [Government], Cathays Port, Cardiff, CS10 3NQ.

Arts. 16-17

Treatment of high rents in rent allowance cases

¹Words inserted in art. 16(1) & the heading to, & para. (1) of art. 17 substituted by art. 2(5)-(7)(a) of S.I. 2010/2509 as from 1.4.11.

²Ref. to para. (3) omitted in para. (1) by art. 3(6)(a) of S.I. 2006/54 as from 9.2.06.

³For year commencing 1.4.99 and any relevant year thereafter, words substituted in art. 16(1) by art. 3 of S.I. 2001/2350 as from 25.7.01.

⁴In art. 16(2) & (4) words substituted & inserted by para. 13(6) of Sch. 2 to S.I. 2006/217 as from 6.3.06.

⁵Para. (3) omitted by art. 3(6)(c) of S.I. 2006/54 as from 9.2.06.

⁶Art. 16(4)(b) omitted by art. 4(3) of S.I. 2011/2957 as from 1.2.12.

⁷Art. 17 substituted & art. 17A inserted by art. 2(3) of S.I. 2009/2580 as from 1.4.10.

⁸Words substituted in art. 17(2) by art. 5(4)(a)(i) of S.I. 2010/2481 as from 26.11.10.

16.—(1) Except in a case to which article 14 (backdated benefit)¹, 17B or 17C (subsidy in respect of accommodation provided by a registered housing association as temporary or short term accommodation² applies, and subject to paragraphs 2)² 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 ³article 13(1)(b)(iii)⁴, 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—

- ▶⁴(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)⁴.

(3) ▶⁵

(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
- (b) ▶⁶
- (c) ▶⁴regulation 13(14) of the Housing Benefit Regulations or, as the case may be, regulation 13(14) of the Housing Benefit (State Pension Credit) Regulations⁴ (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.

▶⁷▶¹**Subsidy in respect of a non self-contained licensed accommodation, and board and lodging accommodation, provided by an authority as temporary or short term accommodation**◀

17.—▶¹(1) This article applies where—

- (a) a rent rebate is payable by an authority; and
- (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(a), Part 7 of the Housing Act 1996(b) or Part 2 of the Housing (Scotland) Act 1987(c), 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 ▶⁸the lowest◀ of—

- (a) the amount of housing benefit entitlement in a week or part week, as the case may be; or

(a) 1985 c. 68. Repealed by the Housing Act 1996, Schedule 19, Part 8 but remains in force for applications made before 20th January 1997.

(b) 1996 c. 52.

(c) 1987 c. 26.

Arts. 17-17A

- (b) the maximum amount determined in accordance with paragraph (3) ¹or
- (c) ²£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 ²2011 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.

(3A) ²

(4) For the purposes of this article and ²articles 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 ²articles 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.

³Subsidy in respect of self-contained licensed accommodation, and leased accommodation, provided by an authority as temporary or short term accommodation

17A.—³(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 ¹the 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) ¹or
- (c) ³£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 ³2011 for the category specified in paragraphs 1(1)(b) to (f) of Schedule 3B to the Rent Officers Order ⁴(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

¹In arts. 17 & 17A, word in para. (2)(b) & para. (2)(c) added, & words substituted in art. 17A(2) by art. 5(4)(a)(i) & (ii) of S.I. 2010/2481 as from 26.11.10.
²Art. 17(3A) deleted & words omitted & substituted in art. 17(2)(c)-(5) by art. 2(7)(b)-(f) of S.I. 2010/2509 as from 1.4.11.

³Heading to, para. (1) & words in paras. (2) & (3)(a) substituted & words deleted in para. (3)(c) of art. 17A by arts. 2(8) & (9)(a)-(c) of S.I. 2010/2509 as from 1.4.11.

⁴Words inserted in art. 17A(3)(a) by art. 4(4) of S.I. 2011/2957 as from 1.2.12.

Arts. 17A-17B

- (b) either—
 - (i) £40 for authorities listed in Schedule 7 (authorities in London); or
 - (ii) £60 for other authorities.

¹Art. 17A(3A) deleted & art. 17A(4) substituted by art. 2(9)(d)-(e) of S.I. 2010/2509 as from 1.4.11.

(3A) ►¹◄

►¹(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.◄◄

²Arts. 17B-17C inserted by art. 2(10) of S.I. 2010/2509 as from 1.4.11.

►²**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**

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►³; and
- (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.◄

³Art. 17B(1)(d) inserted by art. 4(5) of S.I. 2011/2957 as from 1.2.12.

(2) Where this article applies the appropriate amount is the lowest of—

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

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

17C.—(1) This article applies where—

- (a) a rent allowance is payable by an authority; and
- (b) a person (“P”) is required to pay a registered housing association for—
 - (i) accommodation which is not self-contained and which the registered housing association owns or holds on a lease; or
 - (ii) accommodation which is self-contained; 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 1987¹; and
- (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.◀

¹Art. 17C(1)(d) inserted & words added to sub-para. (3)(a) by art. 4(6)(a) & (b) of S.I. 2011/2957 as from 1.2.12.

(2) Where this article applies the appropriate amount is the lowest of—

- (a) the amount of housing benefit entitlement in a week or part week, as the case may be;
- (b) the maximum amount determined in accordance with paragraph (3); or
- (c) £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 ▶¹(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.◀

Additions to subsidy

18.—(1) Subject to ▶²paragraph (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

²Words in art. 18(1) substituted by art. 3(2) of S.I. 2010/2481 as from 26.11.10.

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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;

¹Art. 18(1)(b) substituted by art. 4(3) of S.I. 2000/1091 as from 1.4.99.

²Words in art. 18(1)(b) & (ii) omitted by art. 5(3)(a) & (b) of S.I. 2015/1784 as from 9.11.15.

³“95 per cent” and “X per cent” substituted by “100 per cent” in art. 18(1)(b)(i) & (ii) by art. 3(8)(a) & (b) of S.I. 2006/54 as from 9.2.06.

⁴Arts. 18(1)(b)(iia) & (iv) & words in art. 18(1)(c) deleted & arts. 18(1)(b)(iii) & (d) substituted by art. 7(2)-(5) of S.I. 2003/3179 as from 1.4.02.

⁵Words inserted in art. 18(1)(c) by art. 4(2)(d) of S.I. 2002/3116 as from 13.1.03.

⁶Art. 18(1)(e) substituted by art. 3(3) of S.I. 2010/2481 as from 1.4.10.

⁷Art. 18(1)(f) added by art. 4(7)(a) of S.I. 2011/2957 as from 1.2.12.

⁸Sub-para. (2)(c) omitted by art. 4(7)(b)(i) of S.I. 2011/2957 as from 1.2.12.

- ▶¹(b) subject to paragraphs (2) and (3), where, during the relevant year, it is discovered that an overpayment of ▶²◀ 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, ▶³100 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 ▶²◀ council tax benefit, ▶³100 per cent.◀ of so much of the overpayment as has not been recovered by the authority;
- (iia) ▶⁴◀
- (iii) ▶⁴except where heads (i) or (ii) above apply, 40 per cent. of the overpayment;◀
- (iv) ▶⁴◀◀
- (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 ▶⁵▶⁴◀ 40 per cent.◀ of any such overpayment exceeds the amount of any subsidy that has been paid in respect of that overpayment;
- (d) ▶⁴where, 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.◀

- ▶⁶(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) 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.◀
- ▶⁷(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; ▶⁸◀

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- ▶¹(d) an administrative delay overpayment▶²; 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.

▶³(4) In paragraphs(1)(b)(i) and (3) and in article 19(1)(e), “departmental error overpayment” means ▶⁴an overpayment of a kind to which paragraph (4ZA) ▶⁵or (4ZB)◀ applies or◀ an overpayment caused by a mistake made, whether in the form of an act or omission–

- ▶⁶(a) by an officer of the Department for Work and Pensions ▶⁷or of the Inland Revenue◀, acting as such, or a person providing services to that Department ▶⁷or to the Inland Revenue◀;◀ or
- (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.◀

▶⁸(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.◀

▶⁵(4ZB) This paragraph applies to an overpayment where–

- (a) during the period beginning on 9th April 2012 and ending on 19th April 2012 (the “specified period”) an authority received a notification through the Automated Transfers to Local Authority System used by the Department for Work and Pensions to provide award data to relevant authorities in respect of a claimant (“the notification”);
- (b) the notification received during the specified period was sufficient to require an authority to make a revision or supersession decision on a claimant’s award;
- (c) the authority failed to make a revision or supersession decision on the basis of the notification received during the specified period before the next day on which the claimant’s benefit was paid;
- (d) the authority’s failure to make a revision or supersession decision before the next day on which the claimant’s benefit was paid resulted in the overpayment; and
- (e) the authority made a revision or supersession decision on the claimant’s award, based on the notification received during the specified period, on or before 10th July 2012.◀

▶⁹(4A) In paragraph ▶¹⁰(1)(d) and in article (19)(1)(ea)◀, “claimant error overpayment” means an overpayment ▶¹¹which◀

- (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)(a) or regulation 61 of the Council Tax Benefit Regulations (who may claim council tax benefit)(b),

(a) Amending instruments are S.I.s 1999/3108, 2000/897, 2001/1605 and 2002/1703.

(b) Amending instruments are S.I.s 1993/688, 1999/3108, 2001/897 and 2001/1605.

¹Subpara. (2)(d) substituted & inserted by art. 3(4) of S.I. 2010/2481 as from 1.4.10.

²Sub-para. (2)(e) inserted by art. 4(7)(b) of S.I. 2011/2957 as from 1.2.12.

³Para. (4) substituted in art. 18 by art. 2(d) of S.I. 2000/2340 as from 25.9.00.

⁴Words inserted in art. 18(4) by art. 4(7)(a) of S.I. 2005/369 as from 1.4.03.

⁵Words in art. 18(4) added & para. (4ZB) inserted by art. 2(1)(a) & (b) of S.I. 2013/2989 as from 28.1.14 and having effect from 1.4.12.

⁶Art. 18(4)(a) substituted by para. 31 of the Sch. to S.I. 2002/1397 as from 27.6.02.

⁷Words inserted in art. 18(4)(a) by art. 7 of S.I. 2003/3179 as from 1.4.02.

⁸Art. 18(4ZA) inserted by art. 4(7)(b) of S.I. 2005/369 as from 1.4.03.

⁹Para (4A) inserted in art. 18 by art. 4(3) of S.I. 2002/3116 as from 13.1.03.

¹⁰Words substituted in art. 18(4A) by art. 7(7) of S.I. 2003/3179 as from 1.4.02.

¹¹Words substituted in art. 18(4A) by art. 4(7)(c) of S.I. 2005/369 as from 1.4.02.

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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(a) 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(b)); and

(b) is not a fraudulent overpayment.◀

¹Para. 5 substituted in art. 18(5) by art. 3(5) of S.I. 2010/2481 as from 26.11.10.

►¹(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 Central Evidence Act 1984(c);
- (b) in Scotland, an admission after a caution has been administered, such admission being duly witnessed by two persons.”.◀

²Art. 18(6) substituted by art. 2(d) of S.I. 2000/2340 as from 25.9.00.

³Words substituted in art. 18(6) by art. 3(8)(e) of S.I. 2006/54 as from 9.2.06.

⁴Para. (6A) inserted in art. 18 by art. 3(8)(f) of S.I. 2006/54 as from 9.2.06.

⁵Para. (6ZA) inserted by art. 3(6) of S.I. 2010/2481 as from 26.11.10.

►²(6) ►³In 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.◀

►⁴(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.◀

►⁵(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;

►⁶◀

(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►⁶; and◀◀

►⁶(d) paragraph (4ZB) is not applicable◀

⁶Word omitted in para. (6ZA)(b), inserted in sub-para. (c)(ii) & sub-para. (d) added by art. 2(1)(c)(i)-(iii) of S.I. 2013/2989 as from 28.1.14 and having effect from 1.4.12.

(a) Amending instruments are: for regulation 72(1) S.I.s 1996/2432, 2000/897 and 2001/1605; for regulation 73 S.I.s 1992/432, 1992/1101, 1992/2148, 1993/963, 1993/1249, 1995/2303, 2000/897 and 2001/1605; for regulation 75 S.I.s 1990/546, 1996/1510, 1999/1539, 1999/3108, 2000/897 and 2001/1605. Schedule A1 was inserted by S.I. 1996/2432 and was amended by S.I. 2001/1605.

(b) Amending instruments are: for regulations 62(1) S.I.s 1996/2432, 2000/897 and 2001/1605; for regulation 63 S.I.s 1993/688, 1993/963, 1993/1249, 1995/2303, 2000/897 and 2001/1605; for regulation 65 S.I.s 1996/1510, 1999/1539, 1999/3108, 2000/897 and 2001/1605. Schedule A1 was inserted by S.I. 1996/2432 and was amended by S.I. 2001/1605.

(c) 1984 c. 60.

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►¹(6ZB) For the purposes of paragraphs (1)(e) and (2), an “authority error overpayment” or an “administrative delay overpayment” does not include an overpayment of a kind to which paragraphs (6ZC) or (6ZD) apply.

¹Paras. (6ZB), (6ZC) (6ZD) & 6ZE) inserted by art. 3(2) of S.I. 2015/1784 as from 9.11.15.

(6ZC) This paragraph applies to an overpayment where–

- (a) an authority receives real time information in respect of the overpayment which indicates that the overpayment was caused by the incorrect declaration of PAYE employment income or PAYE pension income by the claimant; and
- (b) the authority–
 - (i) has sufficient real time information to make a revision or supersession decision on the claimant’s award; and
 - (ii) makes a revision or supersession decision during the period of 4 weeks beginning with the date on which the authority received the real time information.

(6ZD) This paragraph applies to an overpayment where–

- (a) an authority receives real time information in respect of the overpayment which indicates that the overpayment was caused by the incorrect declaration of PAYE employment income or PAYE pension income by the claimant;
- (b) the authority has insufficient real time information to make a revision or supersession decision;
- (c) the authority requests further information from the claimant; and
- (d) the authority makes a revision or supersession decision either–
 - (i) if the additional information is provided during the period of 4 weeks beginning with the date on which the authority received the real time information (“the 4 week period”), by the end of that 4 weeks period; or
 - (ii) if the additional information is provided after the 4 week period has ended, by the Monday following the date on which the additional information is received.

(6ZE) For the purposes of paragraphs (6ZC) and (6ZD)–

“PAYE employment income” has the meaning in section 683(2) of the Income Tax (Earnings and Pensions) Act 2003(a);

“PAYE pension income” has the meaning in section 683(3) of the Income Tax (Earnings and Pensions) Act 2003;

“real time information” means information which is reported by a Real Time Information employer or Real Time Information pension payer in respect of the PAYE employment income or PAYE pension income of its employees;

“Real Time Information employer” has the meaning in regulation 2A(1) of the Income Tax (Pay As You Earn) Regulations 2003(b);

“Real Time Information pension payer” has the meaning in regulation 2B(1) of the Income Tax (Pay As You Earn) Regulations 2003(c); ◀

►²(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).

²Art. 18(7) substituted by art. 4(7)(c) of S.I. 2011/2957 as from 1.2.12.

(a) 2003 c. 1.

(b) S.I. 2003/2682. Regulation 2A(1) was inserted by S.I. 2012/822 and amended by S.I. 2013/521.

(c) S.I. 2003/2682. Regulation 2B(1) was inserted by S.I. 2012/822 and amended by S.I. 2013/521.

(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.◀

¹Words substituted in art. 18(8) by art. 4(6) of S.I. 2000/1091 as from 10.5.00.

²Words in art. 18(8) omitted by art. 5(3)(c) of S.I. 2015/1784 as from 9.11.15.

³Words substituted in art. 18(8) by para. 13(7) of Sch. 2 to S.I. 2006/217 as from 6.3.06.

⁴Para. (9) omitted & (12) added in art. 18 by art. 3(8)(g)-(h) of S.I. 2006/54 as from 9.2.06.

⁵Paras. (10) & (11) omitted from art. 18 by art. 2(3)(b) of S.I. 2008/196 as from 28.2.08.

⁶Words in art. 18(12) inserted by art. 2(1)(d) of S.I. 2013/2989 as from 28.1.14 and has effect from 1.4.12.

⁷Words inserted in art. 18(12) by art. 3(7) of S.I. 2010/2481 as from 26.11.10.

(8) Except for ▶¹paragraphs (1)(b)(iii)◀, (1)(c) and (5), this article shall not apply to that part of any ▶²◀ relevant benefit in respect of a case to which ▶³paragraph (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◀ ▶²◀, as the case may be, applies.

(9) ▶⁴◀

(10)-(11) ▶⁵◀

▶⁴(12) Where, during the relevant year, an overpayment that has been classified as an overpayment under one of paragraphs (4), (4ZA)▶⁶, (4ZB)◀, (4A), (5), (6)▶⁷, (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.◀

Deductions to be made in calculating subsidy

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^(a) or section 83 of the Local Government (Scotland) Act 1973^(b) (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;
- (d) ►¹◄
- (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;
- ²(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)►², (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—
- (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 ►³Housing Benefit (General) Regulations 1987(c),◄►⁴◄, paragraph (18) of regulation 59 of the Housing Benefit (Community Charge Rebates) (Scotland) Regulations 1988(d), paragraph (16) of regulation 62 of ►³Council Tax Benefit (General) Regulations 1992(e)◄►³, 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

¹Sub-para. (1)(d) omitted from art. 19 by art. 3(9) of S.I. 2006/54 as from 9.2.06.

²Art 19(1)(ea) inserted and words inserted in art. 19(1)(g) by art. 8 of S.I. 2003/3179 as from 1.4.02

³In art. 19(1)(g)(ii) words substituted by para. 13(8) of Sch. 2 to S.I. 2006/217 as from 6.3.06.

⁴Words in art. 19(1)(g)(ii) omitted by art. 5(4)(a) of S.I. 2015/1784 as from 9.11.15.

(a) 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.

(b) 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).

(c) S.I. 1987/1971.

(d) S.I. 1988/1890, amended by S.I. 1989/43, 361, 972 and 1990/127.

(e) S.I. 1992/1814

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.

Deduction from subsidy

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 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.

¹Words in art. 20 omitted by art. 5(5) of S.I. 2015/1784 as from 9.11.15.

²Art. 20A inserted by para. 6 of Sch. to S.I. 2004/646 as from 1.4.04.

►²Deductions from subsidy for rebate for dwellings within the Housing Revenue Account

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.◀

21. ►¹◄¹Art. 21 omitted by art. 2(4) of S.I. 2008/196 as from 28.2.08.

PART IV

TRANSITIONAL AND SAVINGS

22. ►²◄²Art. 22 omitted by art. 2(2) of S.I. 2011/2957 as from 1.2.12.**Transitional provisions in relation to rent officer determinations**

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.”.

(2) ►³◄³Art. 23(2) omitted by art. 3(2) of S.I. 2007/26 as from 7.2.07.**Modifications of exemption from improvements rule**

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.

3rd March 1998

Keith Bradley
Parliamentary Under-Secretary of State,
Department of Social Security

We consent,

4th March 1998

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

¹Sch. 1 substituted by art. 2(4) Sch. 1 of S.I. 2015/1784 as from 9.11.15 and having effect from 1.4.14.

►¹SCHEDULE 1

Articles 12(1)(b)

SUMS TO BE USED IN THE CALCULATION OF SUBSIDY
RELEVANT YEAR 2014-2015

<i>Local authority</i>	<i>Administration Subsidy (£)</i>
	(£)
Adur	284,754
Allerdale	501,177
Amber Valley	583,185
Arun	779,941
Ashfield	643,947
Ashford	571,726
Aylesbury Vale	702,012
Babergh	345,186
Barking & Dagenham	1,636,923
Barnet	2,473,067
Barnsley	1,532,037
Barrow in Furness	389,038
Basildon	1,044,461
Basingstoke and Deane	776,222
Bassetlaw	595,256
Bath and North East Somerset	814,756
Bedford	948,233
Bexley	1,215,949
Birmingham	8,508,760
Blaby	298,130
Blackburn with Darwen	968,286
Blackpool	1,475,926
Bolsover	415,646
Bolton	1,959,127
Boston	416,763
Bournemouth	1,336,748
Bracknell Forest	530,251
Bradford	3,511,436
Braintree	720,774
Breckland	1,041,397
Brent	3,214,671
Brentwood	258,757
Brighton and Hove	2,140,528
Bristol	3,070,735
Broadland	398,912
Bromley	1,538,678
Bromsgrove	297,939
Broxbourne	524,955
Broxtowe	446,491
Burnley	720,514
Bury	1,042,153
Calderdale	1,332,370
Cambridge	1,321,053
Camden	2,261,136
Cannock Chase	529,674
Canterbury	649,399
Carlisle	565,516
Castle Point	389,291
Central Bedfordshire	983,617
Charnwood	637,355
Chelmsford	667,870

<i>Local authority</i>	<i>Administration Subsidy (£)</i>
	(£)
Cheltenham	568,254
Cherwell	625,784
Cheshire East	1,551,528
Cheshire West and Chester	1,616,730
Chesterfield	655,552
Chichester	500,992
Chiltern	302,414
Chorley	475,240
Christchurch	224,928
City of London	112,419
Colchester	837,311
Copeland	391,193
Corby	515,844
Cornwall	3,032,868
Cotswold	345,877
Coventry	2,264,153
Craven	203,537
Crawley	699,202
Croydon	2,856,446
Dacorum	697,851
Darlington	680,173
Dartford	444,100
Daventry	301,410
Derby	1,462,960
Derbyshire Dales	245,188
Doncaster	2,042,503
Dover	648,897
Dudley	1,735,011
Durham	3,516,220
Ealing	2,767,856
East Cambridgeshire	347,152
East Devon	533,625
East Dorset	304,494
East Hampshire	409,887
East Hertfordshire	525,027
East Lindsey	996,541
East Northamptonshire	355,272
East Riding of Yorkshire	1,511,223
East Staffordshire	541,138
Eastbourne	718,346
Eastleigh	481,390
Eden	190,446
Elmbridge	476,105
Enfield	3,321,185
Epping Forest	500,782
Epsom and Ewell	267,945
Erewash	571,126
Exeter	677,111
Fareham	342,647
Fenland	575,531
Forest Heath	304,537
Forest of Dean	408,486
Fylde	342,842
Gateshead	1,403,742
Gedling	543,699
Gloucester	785,600
Gosport	547,595

Sch. 1

<i>Local authority</i>	<i>Administration Subsidy</i>
	(£)
Gravesham	557,965
Great Yarmouth	746,627
Greenwich	2,539,289
Guildford	545,022
Hackney	3,653,507
Halton	971,467
Hambleton	340,685
Hammersmith and Fulham	1,773,438
Harborough	231,518
Haringey	2,822,038
Harlow	599,193
Harrogate	568,878
Harrow	1,610,470
Hart	219,116
Hartlepool	857,534
Hastings	874,817
Havant	617,527
Havering	1,103,182
Herefordshire	854,590
Hertsmere	547,490
High Peak	445,053
Hillingdon	1,946,913
Hinckley and Bosworth	442,614
Horsham	424,177
Hounslow	1,808,918
Huntingdonshire	706,549
Hyndburn	602,613
Ipswich	874,953
Isle of Wight	913,466
Isles of Scilly	4,002
Islington	2,592,394
Kensington and Chelsea	1,569,112
Kettering	472,076
King's Lynn & West Norfolk	757,300
Kingston upon Hull	2,304,697
Kingston upon Thames	784,272
Kirklees	2,293,383
Knowsley	1,370,013
Lambeth	3,682,708
Lancaster	693,234
Leeds	4,816,618
Leicester	2,370,233
Lewes	447,980
Lewisham	3,619,951
Lichfield	358,575
Lincoln	678,659
Liverpool	5,142,181
Luton	1,252,478
Maidstone	671,778
Maldon	244,052
Malvern Hills	322,604
Manchester	5,059,228
Mansfield	630,780
Medway	1,583,173
Melton	183,679
Mendip	547,570
Merton	1,191,601

<i>Local authority</i>	<i>Administration Subsidy</i>
	(£)
Mid Devon	339,385
Mid Suffolk	289,407
Mid Sussex	435,328
Middlesbrough	1,358,751
Milton Keynes	1,683,413
Mole Valley	302,144
New Forest	649,460
Newark and Sherwood	486,569
Newcastle under Lyme	600,250
Newcastle upon Tyne	2,241,200
Newham	2,820,834
North Devon	528,165
North Dorset	266,754
North East Derbyshire	421,289
North East Lincolnshire	1,229,616
North Hertfordshire	652,247
North Kesteven	389,523
North Lincolnshire	978,702
North Norfolk	502,439
North Somerset	1,131,450
North Tyneside	1,309,039
North Warwickshire	268,156
North West Leicestershire	376,977
Northampton	1,237,889
Northumberland	1,733,828
Norwich	1,140,295
Nottingham	2,716,639
Nuneaton and Bedworth	672,465
Oadby and Wigston	186,662
Oldham	1,591,694
Oxford	866,931
Pendle	686,031
Peterborough	1,410,857
Plymouth	1,871,444
Poole	675,314
Portsmouth	1,610,753
Preston	891,223
Purbeck	198,750
Reading	1,072,266
Redbridge	1,469,399
Redcar and Cleveland	1,024,148
Redditch	442,083
Reigate and Banstead	559,459
Ribble Valley	171,545
Richmond upon Thames	833,212
Richmondshire	179,454
Rochdale	1,625,820
Rochford	284,210
Rossendale	390,540
Rother	450,948
Rotherham	1,560,314
Rugby	462,361
Runnymede	333,932
Rushcliffe	336,256
Rushmoor	537,580
Rutland	121,121
Ryedale	230,158

Sch. 1

<i>Local authority</i>	<i>Administration Subsidy</i>
	(£)
Salford	2,185,282
Sandwell	2,401,630
Scarborough	778,061
Sedgemoor	761,108
Sefton	1,767,590
Selby	312,927
Sevenoaks	431,312
Sheffield	3,303,293
Shepway	649,204
Shropshire	1,314,715
Slough	1,025,162
Solihull	878,035
South Bucks	225,930
South Cambridgeshire	417,407
South Derbyshire	314,371
South Gloucestershire	1,139,200
South Hams	373,595
South Holland	396,146
South Kesteven	578,537
South Lakeland	353,891
South Norfolk	480,960
South Northamptonshire	239,409
South Oxfordshire	431,521
South Ribble	439,749
South Somerset	799,943
South Staffordshire	392,342
South Tyneside	1,189,042
Southampton	1,740,509
Southend on Sea	1,228,568
Southwark	3,393,874
Spelthorne	400,657
St Albans	438,737
St Edmundsbury	468,715
St Helens	1,271,078
Stafford	499,237
Staffordshire Moorlands	346,535
Stevenage	520,529
Stockport	1,349,722
Stockton on Tees	1,313,851
Stoke on Trent	1,736,182
Stratford on Avon	462,107
Stroud	412,415
Suffolk Coastal	457,172
Sunderland	2,321,230
Surrey Heath	279,347
Sutton	1,064,597
Swale	797,204
Swindon	1,094,024
Tameside	1,662,183
Tamworth	362,616
Tandridge	294,770
Taunton Deane	563,703
Teignbridge	630,956
Telford and Wrekin	1,155,166
Tendring	962,953
Test Valley	472,871
Tewkesbury	336,178

<i>Local authority</i>	<i>Administration Subsidy</i>
	(£)
Thanet	1,187,246
Three Rivers	366,779
Thurrock	901,153
Tonbridge and Malling	498,407
Torbay	1,137,906
Torridge	346,342
Tower Hamlets	3,881,970
Trafford	1,120,495
Tunbridge Wells	484,158
Uttlesford	233,691
Vale of White Horse	436,295
Wakefield	2,385,884
Walsall	2,137,228
Waltham Forest	2,179,682
Wandsworth	2,447,476
Warrington	1,106,189
Warwick	500,973
Watford	558,973
Waveney	697,149
Waverley	399,571
Wealden	490,517
Wellingborough	454,598
Welwyn Hatfield	600,855
West Berkshire	627,091
West Devon	248,374
West Dorset	434,912
West Lancashire	526,857
West Lindsey	458,111
West Oxfordshire	400,185
West Somerset	223,522
Westminster	2,421,284
Weymouth and Portland	455,164
Wigan	1,902,188
Wiltshire	2,018,760
Winchester	399,358
Windsor and Maidenhead	519,042
Wirral	2,234,386
Woking	398,109
Wokingham	349,850
Wolverhampton	1,977,115
Worcester	569,566
Worthing	549,408
Wychavon	466,328
Wycombe	724,691
Wyre	623,117
Wyre Forest	561,741
York	857,005
Wales	
Blanaau Gwent	589,022
Bridgend	841,844
Caerphilly	1,045,589
Cardiff	2,110,111
Carmarthenshire	929,120
Ceredigion	356,359
Comhairle nan Eilean Siar	164,602
Conwy	659,748

<i>Local authority</i>	<i>Administration Subsidy</i>
	(£)
Denbighshire	568,170
Flintshire	719,672
Gwynedd	653,200
Isle of Anglesey	376,828
Merthyr Tydfil	436,505
Monmouthshire	374,298
Neath Port Talbot	949,055
Newport	1,000,697
Orkney	104,606
Pembrokeshire	610,934
Powys	598,917
Rhondda Cynon Taf	1,493,363
Shetland	83,170
Swansea	1,442,129
Torfaen	662,896
Vale of Glamorgan	634,724
Wrexham	722,474
Scotland	
Aberdeen	994,590
Aberdeenshire	898,607
Angus	617,253
Argyll and Bute	505,935
Clackmannanshire	340,673
Dumfries and Galloway	967,125
Dundee	1,284,890
East Ayrshire	879,320
East Dunbartonshire	374,426
East Lothian	542,696
East Renfrewshire	264,620
Edinburgh	2,843,243
Falkirk	908,441
Fife	2,153,895
Glasgow	6,200,858
Highland	1,193,433
Inverclyde	686,325
Midlothian	488,876
Moray	396,407
North Ayrshire	1,073,196
North Lanarkshire	2,258,213
Perth and Kinross	694,556
Renfrewshire	1,216,850
Scottish Borders	662,940
South Ayrshire	691,064
South Lanarkshire	1,807,810
Stirling	382,704
West Dunbartonshire	870,085
West Lothian	1,081,340◀

►¹SCHEDULE 1A

Articles 12(1)(c) ¹Sch. 1A inserted by art. 2(5) with Sch. 2 of S.I. 2015/1784 as from 9.11.15.

Additional amount of subsidy: Activities to reduce fraud and error

Interpretation

1.—(1) In this Schedule—

“FERIS” means the Fraud and Error Reduction Incentive Scheme in the administration of housing benefit described in the Housing Benefit Circular HB A17/2014(a);

“participating authority” means an authority which notified the Secretary of State on or before 30th January 2015 that it is participating in FERIS;

“performance”, in relation to a period, means the amount by which payments of housing benefit by the participating authority are reduced in that period as a result of relevant activities;

“relevant activities” means activities carried out by a participating authority in order to reduce fraud and error in payments of housing benefit.

(2) A reference in this Schedule to the “administration subsidy” for a participating authority for a relevant year is—

- (a) in relation to the relevant year beginning on 1st April 2014, a reference to the amount specified in relation to that authority in—
 - (i) the Annex to HB Subsidy Circular S8/2013 for authorities in Wales(b);
 - (ii) the Annex to HB Subsidy Circular S9/2013 for authorities in England(c);
 - (iii) the Annex to HB Subsidy Circular S10/2013 for authorities in Scotland(d);
- (b) in relation to the relevant year beginning on 1st April 2015, a reference to the amount specified in relation to that authority in—
 - (i) the Annex to HB Subsidy Circular S6/2014 for authorities in Scotland(e);
 - (ii) the Annex to HB Subsidy Circular S7/2014 for authorities in Wales (f);
 - (iii) the Annex to HB Subsidy Circular S8/2014 for authorities in England(g);

Additional amount: relevant year beginning with 1st April 2014

2.—(1) This paragraph has effect for the purposes of determining the additional amount of subsidy payable under article 12(1)(c) for the relevant year beginning with 1st April 2014.

(2) If the performance of the participating authority in the performance period—

- (a) does not exceed the baseline performance of the authority in that period; or
- (b) exceeds the baseline performance of the authority in that period by less than 8 per cent.,

there is no additional amount.

(a) <https://www.gov.uk/government/collections/housing-benefit-for-local-authorities-circulars-2014>.

(b) <https://www.gov.uk/government/publications/hb-subsidy-circular-s82013-housing-benefit-subsidy-arrangements-2014-to-2015-for-welsh-authorities>.

(c) <https://www.gov.uk/government/publications/hb-subsidy-circular-s92013-revised-administration-subsidy-arrangements-for-english-local-authorities-201415>.

(d) <https://www.gov.uk/government/publications/hb-subsidy-circular-s102013-administration-costs-for-scottish-authorities-201415>.

(e) <https://www.gov.uk/government/publications/hb-subsidy-circular-s62014-housing-benefit-administration-subsidy-arrangements-for-scottish-local-authorities-apr-2015-to-mar-2016>.

(f) <https://www.gov.uk/government/publications/hb-subsidy-circular-s72014-housing-benefit-administration-subsidy-arrangements-for-welsh-local-authorities-apr-2015-to-mar-2016>.

(g) <https://www.gov.uk/government/publications/hb-subsidy-circular-s82014-housing-benefit-administration-subsidy-arrangements-for-english-local-authorities-apr-2015-to-mar-2016>.

(3) Otherwise, the additional amount is determined as follows.

Step 1

Calculate the percentage (“the out-performance percentage”) by which the performance of the authority exceeds its baseline performance in the performance period.

Step 2

Look up the percentage (“the additional amount percentage”) specified in column (2) of the following Table in the row applicable to the authority’s out-performance percentage.

Step 3

Multiply the additional amount percentage by the administration subsidy for the authority for the relevant year.

Table

<i>Out performance percentage (1)</i>	<i>Additional amount percentage (2)</i>
at least 8 per cent, but less than 10 per cent.	1.75 per cent.
at least 10 per cent, but less than 12 per cent.	2.1 per cent.
at least 12 per cent, but less than 14 per cent.	2.45 per cent.
at least 14 per cent, but less than 16 per cent.	2.8 per cent.
at least 16 per cent, but less than 18 per cent.	3.15 per cent.
at least 18 per cent.	3.5 per cent.

(4) In this paragraph, “performance period” means the period beginning with 1st December 2014 and ending with 31st March 2015.

(5) References in this paragraph to “the baseline performance” of the authority in the performance period are to the higher of the following amounts—

- (a) the amount by which, in the Secretary of State’s opinion, the total payments of housing benefit made by the authority in the period beginning with 1st December 2013 and ending with 31st March 2014 were reduced as a result of relevant activities;
- (b) the average of—
 - (i) the amount specified in paragraph (a); and
 - (ii) the amount by which, in the Secretary of State’s opinion, the total payments of housing benefit made by the authority in the period beginning with 1st December 2012 and ending with 31st March 2013 were reduced as a result of relevant activities;

Additional amount: relevant year beginning with 1st April 2015

3.—(1) This paragraph and paragraph 4 have effect for the purposes of determining the additional amount of subsidy payable under article 12(1)(c) for the relevant year beginning with 1st April 2015.

(2) The additional amount is determined as follows—

Step 1

Calculate the percentage (“the out-performance percentage”), if any, by which the performance of the authority exceeds its baseline performance in the performance period beginning with 1st April 2015.

Step 2

Look up the percentage (“the additional amount percentage”) specified in column (2) of the following Table in the row applicable to the authority’s out-performance percentage.

Step 3

Multiply the additional amount percentage by the enhanced administration subsidy.

Step 4

Repeat Steps 1 to 3 for each of the other performance periods.

Step 5

Add the amounts determined for each performance period under Step 3.

Step 6

Add the amount, if any, determined under paragraph 4.

Table

<i>Out-performance percentage (1)</i>	<i>Additional amount percentage (2)</i>
less than 10 per cent.	0 per cent.
at least 10 per cent, but less than 12 per cent.	1.25 per cent.
at least 12 per cent, but less than 14 per cent.	1.5 per cent.
at least 14 per cent, but less than 16 per cent.	1.75 per cent.
at least 16 per cent, but less than 18 per cent.	2 per cent.
at least 18 per cent. but less than 20 per cent.	2.25 per cent.
at least 20 per cent.	2.5 per cent.

(3) In this paragraph, “performance period” means the period of 3 months beginning with 1st April 2015, 1st July 2015, 1st October 2015 or 1st January 2016.

(4) In sub-paragraph (2), “enhanced administration subsidy” means 110 per cent. of the administration subsidy for the authority for the relevant year.

(5) References in this paragraph to “the baseline performance” of the authority in a performance period are to the amount determined in accordance with sub-paragraphs (6) to (9).

(6) For the performance period beginning with 1st April 2015 the baseline performance is the higher of the following amounts—

- (a) the amount by which, in the Secretary of State’s opinion, the total payments of housing benefit made by the authority in the period of 3 months beginning with 1st April 2014 were reduced as a result of relevant activities;
- (b) the average of—
 - (i) the amount specified in paragraph (a); and
 - (ii) the amount by which, in the Secretary of State’s opinion, the total payments of housing benefit made by the authority in the period of 3 months beginning with 1st April 2013 were reduced as a result of relevant activities;

(7) For the performance period beginning with 1st July 2015 the baseline performance is the higher of the following amounts—

- (a) the amount by which, in the Secretary of State’s opinion, the total payments of housing benefit made by the authority in the period of 3 months beginning with 1st July 2014 were reduced as a result of relevant activities;

- (b) the average of–
 - (i) the amount specified in paragraph (a); and
 - (ii) the amount by which, in the Secretary of State’s opinion, the total payments of housing benefit made by the authority in the period of 3 months beginning with 1st July 2013 were reduced as a result of relevant activities;
- (8) For the performance period beginning with 1st October 2015 the baseline performance is the higher of the following amounts–
 - (a) the amount by which, in the Secretary of State’s opinion, the total payments of housing benefit made by the authority in the period of 3 months beginning with 1st October 2013 were reduced as a result of relevant activities;
 - (b) the average of–
 - (i) the amount specified in paragraph (a); and
 - (ii) the amount by which, in the Secretary of State’s opinion, the total payments of housing benefit made by the authority in the period of 3 months beginning with 1st October 2012 were reduced as a result of relevant activities;
- (9) For the performance period beginning with 1st January 2016 the baseline performance is the higher of the following amounts–
 - (a) the amount by which, in the Secretary of State’s opinion, the total payments of housing benefit made by the authority in the period of 3 months beginning with 1st January 2014 were reduced as a result of relevant activities;
 - (b) the average of–
 - (i) the amount specified in paragraph (a); and
 - (ii) the amount by which, in the Secretary of State’s opinion, the total payments of housing benefit made by the authority in the period of 3 months beginning with 1st January 2013 were reduced as a result of relevant activities;

Additional amount: relevant year beginning with 1st April 2015: supplementary

4.—(1) If the performance of the participating authority in the extended performance period does not exceed the baseline performance of the authority in that period, the amount determined under this paragraph is nil.

(2) Otherwise, the amount under this paragraph is determined as follows–

Step 1

Calculate the percentage (“the out-performance percentage”) by which the performance of the authority exceeds its baseline performance in the extended performance period.

Step 2

Look up the calculation specified in column (2) of the following Table in the row applicable to the authority’s out-performance percentage and perform the calculation.

Step 3

Subtract from the amount calculated under Step 2 the sum of the amounts payable to the authority by virtue of–

- (a) paragraph 2; and
- (b) paragraph 3, disregarding any amount determined under this paragraph.

Table

<i>Out-performance percentage (1)</i>	<i>Calculation (2)</i>
less than 2 per cent.	the sum of 1.75 per cent. of the 2014/15 administration subsidy and 5 per cent. of the 2015/16 enhanced administration subsidy.
at least 2 per cent, but less than 4 per cent.	the sum of 2.1 per cent. of the 2014/15 administration subsidy and 6 per cent. of the 2015/16 enhanced administration subsidy.
at least 4 per cent, but less than 6 per cent.	the sum of 2.45 per cent. of the 2014/15 administration subsidy and 7 per cent. of the 2015/16 of the enhanced administration subsidy.
at least 6 per cent, but less than 8 per cent.	the sum of 2.8 per cent. of the 2014/15 administration subsidy and 8 per cent. of the 2015/16 enhanced administration subsidy.
at least 8 per cent, but less than 10 per cent.	the sum of 3.15 per cent. of the 2014/15 administration subsidy and 9 per cent. of the 2015/16 enhanced administration subsidy.
at least 10 per cent.	the sum of 3.5 per cent. of the 2014/15 administration subsidy and 10 per cent. of the 2015/16 enhanced administration subsidy.

(3) References in this paragraph to the “baseline performance” of the authority in the extended performance period are to the sum of—

- (a) 108 per cent. of the baseline performance of the authority determined under paragraph 2(5);
- (b) 110 per cent. of the baseline performance of the authority determined under paragraph 3(6);
- (c) 110 per cent. of the baseline performance of the authority determined under paragraph 3(7);
- (d) 110 per cent. of the baseline performance of the authority determined under paragraph 3(8); and
- (e) 110 per cent. of the baseline performance of the authority determined under paragraph 3(9);

(4) In this paragraph—

“2014/15 administration subsidy” means the administration subsidy for the authority for the relevant year beginning with 1st April 2014;

“2015/16 enhanced administration subsidy” means 110 per cent. of the administration subsidy for the authority for the relevant year beginning with 1st April 2015;

“extended performance period” means the period beginning with 1st December 2014 and ending with 31st March 2016.◀

Sch. 2 ▶¹◀

Sch. 3 ▶²◀

¹Schedule 2 to the principal Order omitted by art. 4(2) of S.I. 2006/54 as from 9.2.06.

²Schedule 3 to the principal Order omitted by art. 4(3) of S.I. 2006/54 as from 9.2.06.

SCHEDULE 4

Articles 13(1) and 16

HIGH RENTS AND RENT ALLOWANCES



PART II

RENT OFFICERS' DETERMINATIONS

Calculation of the appropriate amount

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 ▶²paragraph 6, 7, 8 or 9◀ as appropriate.

¹Part 1 to Sch. 4 omitted by art. 4(4)(a) of S.I. 2006/54 as from 9.2.06.

Rent officers' determinations

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.

²Words substituted in para. 2 by art. 5(2) of S.I. 2011/2957 as from 1.2.12.

4. This Part also applies in a case where the dwelling A is in a hostel and, by virtue of ▶³regulation 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.

³Words substituted in para. 4 by para. 13(10(a)) of Sch. 2 to S.I. 2006/217 as from 6.3.06.

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 ▶⁴paragraph 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.

⁴Words substituted in paras. 5, 6, 7(b) by para. 13(10(b)-(d)) of Sch. 2 to S.I. 2006/217 as from 6.3.06.

6. ▶⁵Except where paragraph 5 applies, this Part also applies in a case where an authority is required, under ▶⁴regulation 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—

⁵Para. 6 to Sch. 4 substituted by art. 4(4)(b) of S.I. 2006/54 as from 9.2.06.

- (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.◀

▶⁶Rent officers' property-specific rent and claim-related rent

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 ▶⁴under 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,

⁶For the year commencing 1.4.00 and any relevant year thereafter, para. 7 of Sch. 4 substituted by art. 7(2) of S.I. 2001/2350 as from 25.7.01.

Sch. 4

¹Words substituted in paras. 7, 8(3), 9(2) & (3) to Sch. 4 by art. 4(2)(a) of S.I. 2007/26 as from 1.4.04.

²For the year commencing 1.4.00 and any relevant year thereafter, para. 8(1) of Sch. 4 substituted by art. 7(2) of S.I. 2001/2350 as from 25.7.01.

³Words substituted in para. 8(1)(b) by para. 13(10)(d) of Sch. 2 to S.I. 2006/217 as from 6.3.06.

the appropriate amount in respect of the period beginning with the relevant date and ending with the termination date shall be ►¹100 per cent◄ of that part of the qualifying expenditure attributable to the eligible rent.◄

8.—►²(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 ►³under 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 ►¹100 per cent◄ of the qualifying expenditure which remains after deducting the excess.

Rent officers' property-specific and size-related rents

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 sub-paragraphs of this paragraph.

(2) Where the eligible rent does not exceed the designated rent, less ineligible amounts, the appropriate amount shall be ►¹100 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 ►¹100 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 ►¹100 per cent◄ of the qualifying expenditure which remains after deducting the excess.

¹Words substituted in paras. 9(4)(b) & (5) of Sch. 4 by art. 4(2)(a) of S.I. 2007/26 as from 1.4.04.

(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 ►¹100 per cent◄ of the qualifying expenditure which remains after deducting the excess.

►²(6) This paragraph does not apply where a rent officer determines a claim-related rent.◄

²For year commencing 1.4.00 and any relevant year thereafter, sub-para. 9(6) inserted in Sch. 4 by art. 7(4) of S.I. 2001/2350 as from 25.7.01.

Restriction on unreasonable rents or on rent increases

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)(a), (4), as in force on 1st January 1996, or 12(2)(b) of the ►³Housing Benefit (General) Regulations 1987◄, (restrictions on unreasonable rents or rent increases)(c), as in force on 5th October 1997.

³Words substituted in paras. 10 by para. 13(10)(e) of Sch. 2 to S.I. 2006/217 as from 6.3.06.

11. ►⁴◄

⁴Para. 11 omitted by art. 5(3) of S.I. 2011/2957 as from 1.2.12.

Relevant date

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 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;

(a) Paragraph (3A) was added by regulation 2(c) of S.I. 1989/566.

(b) Paragraph (2) was added by regulation 3(b) of S.I. 1989/566.

(c) 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.

Sch. 4

¹Words substituted in para. 12(c) by para. 13(10)(g) of Sch. 2 to S.I. 2006/217 as from 6.3.06.

- (c) in a case where, during the relevant year—
- (i) there has been a change relating to a rent allowance within the meaning of ►¹regulation 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 ►¹regulation 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 ►¹regulation 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)(a) 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;

²For year commencing 1.4.00 and any relevant year thereafter, sub-para. 12(e) of Sch. 4 substituted by art. 7(5) of S.I. 2001/2350 as from 25.7.01.

- ²(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.◄

Termination date

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.

(a) Regulation 12A was added by S.I. 1990/546 and paragraph 8 was amended by S.I. 1993/317.

PART III

RECKONABLE RENT CASES

14. ▶¹◀

15. In a case where article 16(4)(c) applies, the appropriate amount shall be, for the period of 13 weeks prescribed in ▶²regulation 13(14) of the Housing Benefit Regulations or, as the case may be, regulation 13(14) of the Housing Benefit (State Pension Credit) Regulations◀ ▶³100 per cent.◀ of the eligible rent less ineligible amounts.

¹Para. 14 to Sch. 4 omitted by art. 4(4)(c) of S.I. 2006/54 as from 9.2.06.

²Words substituted in paras. 15 & 16 by para. 13(10)(h) & (i) of Sch. 2 to S.I. 2006/217 as from 6.3.06.

³Words substituted in para. 15 of Sch. 4 by art. 4(2)(b) of S.I. 2007/26 as from 1.4.04.

PART IV

GENERAL AND INTERPRETATION

Apportionment

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 ▶²regulation 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).

Interpretation

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 ▶⁴paragraph 2 of part I 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 ▶⁵◀ charges);

▶⁵“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(a) or, as the case may be, the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997(b);◀

“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;

▶⁵(c) in a case where a rent officer has determined a claim-related rent, that rent;◀

▶⁵“ineligible amounts” means—

(a) in a case where the rent officer has determined a claim-related rent—

⁴Words substituted in defns. of “appropriate indicative rent level” by para. 13(10)(j) of Sch. 2 to S.I. 2006/217, as from 6.3.06.

⁵For year commencing 1.4.00 & any relevant year thereafter words deleted in defn. of “Appropriate indication rent level”, defn. of “claim-related rent” inserted, para. (c) inserted in defn. of “designated rent” & defn. of “ineligible amounts” substituted by art. 7 of S.I. 2001/2350 as from 25.7.01.

(a) S.I. 1997/1984, the relevant amending instrument in S.I. 2000/1.

(b) S.I. 1997/1995 (S. 144), the relevant amending instrument is S.I. 2000/3.

Sch. 4

¹Words substituted in defns. of “ineligible amounts” & “property-specific rent less ineligible amounts” by para. 13(10)(j) of Sch. 2 to S.I. 2006/217 as from 6.3.06.

- (i) any amount in respect of amounts ineligible to be met by housing benefit under ►¹paragraph 2 of part I 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◄ (amounts ineligible for meals);
- ¹(ii) 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 ►¹under 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 ►¹paragraph 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 ►¹paragraph I 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 ►¹paragraph 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 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.

¹Words substituted in para. 17(1) by para. 13(10)(j)(iv) of Sch. 2 to S.I. 2006/217 as from 6.3.06.

(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.

▶¹PART V

THRESHOLD ABOVE WHICH REDUCED SUBSIDY IS PAYABLE ON RENT ALLOWANCES

¹Sch. 4 part V substituted by Art. 11 of S.I. 2003/3179 as from 1.4.02

18. The Table referred to in paragraph 1 is—

(1) Rent Registration Area	(2) <i>Threshold</i> (<i>weekly sum</i>) (£)
England	
Avon	169.06
Barking and 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 of London	257.93
Cleveland	123.96
Cornwall	152.47
Croydon	210.30
Cumbria	148.07
Derbyshire	109.04
Devon	102.29
Dorset	118.76
Durham	120.78
Ealing	201.31
East Sussex	243.14
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 & 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	236.29
Kent	129.78
Kingston-Upon-Thames	252.06
Lambeth	162.14
Lancashire	167.71
Leicestershire	124.72
Lewisham	150.72
Lincolnshire	114.45

Sch 4

(1) Rent Registration Area	(2) Threshold (weekly sum) (£)
Merseyside	183.43
Merton	223.17
Newham	163.27
Norfolk	85.12
North Yorkshire	120.36
Northamptonshire	134.38
Northumberland	118.67
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 and 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	111.49
Wales	
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

(1) Rent Registration Area	(2) Threshold (weekly sum) (£)
Scotland	
Aberdeen	116.83
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

(1) Rent Registration Area	(2) Threshold (weekly sum) (£)
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◀

►¹SCHEDULE 4A

Article 20A

¹Sch. 4A inserted by para. 7 of Sch. to S.I. 2004/646 as from 1.4.04.

RENT REBATE LIMITATION DEDUCTIONS (HOUSING REVENUE ACCOUNT DWELLINGS)

PART 1

INTERPRETATION

1. In this Schedule - ►²“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(a) (which requires the initial rent to be set at no more than 80% of the local market rent (including service charges));

²Defns. of “Affordable Rent” & “Affordable Rent dwelling” inserted in Part 1 of Sch. 4A by art. 4(2)(a) of S.I. 2013/266 as from 18.3.13.

“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;◀

►³“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,

³Words inserted into Part 1 of Sch. 4A by art. 4(5)(a) of S.I. 2006/54 as from 9.2.06.

“new service” means—

- (a) a service provided in the relevant year that was not provided in 2001-02,
- ⁴(b) 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 HRA subsidy),

⁴Para. (b) of defn. of “new service” substituted by art. 4(5)(b) of S.I. 2006/54 as from 9.2.06.

(a) 2008 c. 17. Section 194 was amended by S.I. 2010/844 and by section 179 of, and Schedule 17 to, the Localism Act 2011 (2011 c. 20).

Sch. 4A

¹Defn. of “relevant party” inserted in Part 1 of Sch. 4A by art. 4(2)(b) of S.I. 2013/266 as from 18.3.13.

²Words substituted in defns. of “rent” by para. 13(11)(a) of Sch. 2 to S.I. 2006/217 as from 6.3.06.

³Words in defn. of “rent” substituted by Sch. to S.I. 2009/2564 as from 30.10.09.

⁴Defn. of “RPI figure” & “service charge” omitted by art. 6(2) of S.I. 2011/2957 as from 1.2.12.

⁵Sub-para. (2) of para. 2 substituted & sub-para. (4) omitted by art. 6(3)(a) & (b) of S.I. 2011/2957 as from 1.2.12.

⁶Words in Sch 4A, Part 2 sub-para. (3) substituted by art. 4(2)(a) of S.I. 2015/1784 as from 9.11.15.

⁷Words in sub-para. (5) & (8) substituted & sub-paras. (6) & (7) omitted by art. 6(3)(c) & (d) of S.I. 2011/2957 as from 1.2.12.

⁸Words in para. 2(5) of Sch. 4A inserted by art. 4(3) of S.I. 2013/266 as from 18.3.13.

⁹Para. 2(8) inserted by art. 4(3)(b) of S.I. 2007/26 as from 5.2.07.

►¹“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 ►²regulation 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 ►³regulation 12(1)(e)◄,

►⁴◄

“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).

PART 2

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.

►⁵(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).◄

►⁶(3) The rebate proportion for 2015-16 is 0.746.◄

(4) ►⁵◄

(5) For the purposes of ►⁷sub-paragraph (3)◄, void dwellings ►⁸and dwellings which are Affordable Rent dwellings◄ are disregarded.

(6)-(7) ►⁷◄

►⁹(8) For the purposes of calculating the total number of weeks for which rent is charged in ►⁷sub-paragraph (3)◄ rent free periods shall be included.◄

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 HRA 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

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.

►¹(3) The rebate proportion for each year commencing with 2010-11 is 0.761.◀

¹Sub-para. 3(3) substituted by art. 6(3) of S.I. 2010/2481 as from 26.11.10.

Sch. 4A

¹Part 3 of Sch. 4A substituted by art. 4(b) & Sch. 3 of S.I. 2014/1667 as from 25.7.14 and having effect from 1.4.14.

►¹PART 3

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

RELEVANT YEAR 2015-16

<i>Authority</i>	<i>Weekly rent limit</i>
Adur	£96.11
Arun	£93.35
Ashfield	£70.31
Ashford	£91.47
Babergh	£91.80
Barking & Dagenham	£101.67
Barnet	£118.30
Barnsley	£76.97
Barrow	£77.12
Basildon	£89.52
Bassetlaw	£74.46
Birmingham	£85.11
Blackpool	£73.10
Bolsover	£84.21
Bournemouth	£85.28
Brent	£119.20
Brentwood	£97.05
Brighton and Hove	£86.74
Bristol	£83.44
Broxtowe	£76.34
Bury	£78.90
Cambridge	£105.62
Camden	£124.21
Cannock Chase	£75.58
Canterbury	£90.97
Castle Point	£91.10
Central Bedfordshire	£104.71
Charnwood	£76.56
Cheltenham	£82.61
Cheshire West and Chester	£84.83
Chesterfield	£81.96
City of London	£111.81
City of York	£81.61
Colchester	£89.95
Corby	£81.13
Cornwall	£72.94
Crawley	£106.04
Croydon	£109.11
Dacorum	£111.70
Darlington	£72.92
Dartford	£92.05
Derby	£80.82
Doncaster	£75.26
Dover	£86.71
Dudley	£85.19
Durham	£72.38
Ealing	£105.47
East Devon	£83.42
East Riding	£81.37
Eastbourne	£79.65
Enfield	£104.23

<i>Authority</i>	<i>Weekly rent limit</i>
Epping Forest	£102.18
Exeter	£77.41
Fareham	£92.61
Gateshead	£78.70
Gloucester City	£80.07
Gosport	£86.34
Gravesham	£92.04
Great Yarmouth	£77.12
Greenwich	£105.93
Guildford	£113.82
Hackney	£102.62
Hammersmith	£119.12
Haringey	£108.58
Harlow	£94.96
Harrogate	£82.99
Harrow	£116.96
Havering	£99.27
High Peak	£75.32
Hillingdon	£111.71
Hinckley and Bosworth	£80.55
Hounslow	£105.77
Hull	£77.22
Ipswich	£87.84
Islington	£122.41
Kensington	£131.74
Kettering	£84.03
Kingston upon Thames	£115.33
Kirklees	£71.87
Lambeth	£111.49
Lancaster	£79.50
Leeds	£75.87
Leicester	£74.27
Lewes	£92.17
Lewisham	£98.92
Lincoln	£70.77
Luton	£89.27
Manchester	£75.10
Mansfield	£75.30
Medway	£84.29
Melton	£79.18
Mid Devon	£80.68
Mid Suffolk	£84.49
Milton Keynes	£88.18
North East Derbyshire	£83.59
New Forest	£102.26
Newark and Sherwood	£80.49
Newcastle upon Tyne	£77.45
Newham	£99.46
North Kesteven	£78.82
North Tyneside	£78.72
North Warwickshire	£91.02
North West Leicestershire	£81.14
Northampton	£85.67
Northumberland	£70.22
Norwich	£81.72
Nottingham	£77.20
Nuneaton and Bedworth	£80.06
Oadby and Wigston	£81.66
Oldham	£72.17

Sch. 4A

<i>Authority</i>	<i>Weekly rent limit</i>
Oxford City	£112.63
Poole	£87.82
Portsmouth	£87.33
Reading	£107.52
Redbridge	£105.85
Redditch	£80.74
Richmondshire	£79.81
Rotherham	£78.12
Rugby	£88.93
Runnymede	£112.72
Salford	£77.14
Sandwell	£83.83
Sedgemoor	£79.75
Selby	£80.51
Sheffield	£74.05
Shepway	£86.46
Shropshire	£84.16
Slough	£109.05
Solihull	£84.59
South Cambridgeshire	£109.65
South Derbyshire	£81.60
South Holland	£77.98
South Kesteven	£81.15
South Tyneside	£77.22
Southampton	£87.29
Southend on Sea	£88.62
Southwark	£111.00
St Albans	£116.38
Stevenage	£100.93
Stockport	£77.05
Stoke on Trent	£72.52
Stroud	£84.84
Sutton	£110.16
Swindon	£85.38
Tamworth	£82.56
Tandridge	£101.26
Taunton Deane	£84.87
Tendring	£85.95
Thanet	£83.39
Thurrock	£88.37
Tower Hamlets	£114.00
Uttlesford	£102.48
Waltham Forest	£105.26
Wandsworth	£128.34
Warwick	£96.72
Waveney	£81.44
Waverley	£116.95
Wealden	£87.53
Welwyn Hatfield	£110.99
West Lancashire	£78.24
Westminster	£128.49
Wigan	£80.26
Wiltshire	£90.39
Winchester	£104.12
Woking	£106.44
Wokingham	£117.21
Wolverhampton	£82.23◀

Sch. 4A

PART 4

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) ►¹ and (5) ◀).

¹Words added to defn. of Q in para. 4 by para. 3 of Sch. to S.I. 2008/695 as from 1.4.08.

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 HRA 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).

²Para. 5(2) substituted by para. 5 of Sch. to S.I. 2006/559 as from 1.4.06.

►²(2) The rebate proportion for Wales for each relevant year commencing with 2006-07 is 0.66. ◀

▶¹PART 5

AMOUNTS FOR PURPOSES OF PART 4, PARAGRAPH 4:

AUTHORITIES IN WALES

¹Part 5 substituted by Sch. 3 of S.I. 2014/1667 as from 25.7.14 and having effect from 1.4.14.

RELEVANT YEAR 2015-16

<i>Local Authority</i>	<i>(1)</i> <i>Specified amount "O"</i> <i>(£)</i>	<i>(2)</i> <i>Guideline rent increase</i> <i>"P" (£)</i>
Caerphilly	74.09	4.82
Cardiff	84.91	4.27
Carmarthen	74.55	3.97
Denbighshire	72.40	3.89
Flintshire	75.34	3.29
Isle of Anglesey	71.25	3.90
Pembrokeshire	76.31	3.78
Powys	76.31	4.04
Swansea	73.27	3.97
Vale of Glamorgan	81.95	4.26
Wrexham	74.52	4.01 ◀

Sch. 5 ▶²◀▶³SCHEDULE 6

Articles 3A

ELECTRONIC COMMUNICATIONS

²Sch. 5 omitted by art. 5(2) of S.I. 2005/369 as from 1.4.02.

³Sch. 6 inserted by Sch. 2 of S.I. 2007/26 as from 5.2.07.

PART 1

INTERPRETATION

Interpretation

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

ELECTRONIC COMMUNICATIONS - GENERAL PROVISIONS

Conditions for the use of electronic communications

- 2.—(1) An authority or auditor must use an approved method of—
- (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

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

ELECTRONIC COMMUNICATION - EVIDENTIAL PROVISIONS

Effect of delivering information by means of electronic communication

- 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

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

- 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

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. ◀

▶¹SCHEDULE 7

Article 17A

¹Sch. 7 inserted by art. 2(4) of S.I. 2009/2580 as from 1.4.10.

Authorities in London

Barking and Dagenham
 Barnet
 Bexley
 Brent
 Bromley
 Camden
 City of London
 Croydon
 Ealing
 Enfield
 Greenwich
 Hackney
 Hammersmith and Fulham
 Haringey
 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 ◀

Sch. 8

¹Sch. 8 inserted by art.
5(5) of S.I. 2010/2481
as from 26.11.10.

►¹SCHEDULE 8

Article 17 & 17A

Broad rental market areas in London

Central London
Inner East London
Inner North London
Inner South East London
Inner South West London
Inner West London
Outer South West London◀

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.