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STATUTORY INSTRUMENTS

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**2001 No. 2340**

**SOCIAL SECURITY**

**The Discretionary Housing Payments (Grants) Order 2001**

*Made* - - - - 27th June 2001  
*Laid before Parliament* 28th June 2001  
*Coming into force* - - 2nd July 2001

The Secretary of State for Work and Pensions, with the consent of the Treasury<sup>(1)</sup>, in exercise of the powers conferred upon him by sections 140B(1), 140C(1) and (4) and 189(4) to (6) of the Social Security Administration Act 1992<sup>(2)</sup>, and section 70 of the Child Support, Pensions and Social Security Act 2000<sup>(3)</sup> and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned<sup>(4)</sup>, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Discretionary Housing Payments (Grants) Order 2001 and shall come into force on 2nd July 2001.

(2) In this Order, unless the context otherwise requires—

“the Act” means the Child Support, Pensions and Social Security Act 2000;

“claim” means a claim by a relevant authority for payments towards the cost of making discretionary housing payments;

“relevant year” means any year commencing on or after 1st April 2002.

**Determining the amount of grant**

2. The payments made to a relevant authority in accordance with section 70 of the Act (grants towards the cost of discretionary housing payments) shall be determined by the Secretary of State having regard to—

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(1) 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), paragraph 10 of Schedule 3 to the Social Security (Recovery of Benefits) Act 1997 (c. 27) and paragraphs 57(3) of Schedule 3 to the Social Security (Transfer of Functions etc.) Act 1999 (c. 2).

(2) 1992 c. 5; sections 140B and 140C were inserted by the Housing Act 1996, Schedule 12, paragraph 4 and section 140B(1) was amended by the Social Security Administration (Fraud) Act 1997 (c. 47), Schedule 1, paragraph 7. The sections are applied to the payments to which this Instrument relates by virtue of section 70(2) of the Child Support, Pensions and Social Security Act 2000.

(3) 2000 c. 19.

(4) See section 176(1) of the Social Security Administration Act 1992.

- (a) the most recent figures available in respect of the level of expenditure for housing benefit and council tax benefit by the authority; and
- (b) such other matters as he considers appropriate.

### Claims

3.—(1) Subject to the following paragraphs, a claim made under this Order shall be submitted in such manner and on such form, whether in a printed document or any other format, as may be approved or supplied by the Secretary of State.

(2) A claim shall be submitted by the relevant authority—

- (a) estimating the amount of payments that the relevant authority believes it will make during the period from 2nd July 2001 to 31st March 2002, by 15th July 2001;
- (b) showing the amount of payments made during the year ending 31st March 2002, by 30th June 2002;
- (c) by 30th September 2002—
  - (i) showing the amount of payments made during the year ending 31st March 2002, and
  - (ii) certified by the auditor of the relevant authority that the entries on the claim are fairly stated;
- (d) estimating the amount of payments it believes it will make during the relevant year, by 1st April in that relevant year;
- (e) by 1st September in a relevant year, estimating the amount of payments it has made from 1st April of that relevant year and estimating the amount it shall be making during the remaining part of that relevant year;
- (f) showing the amount of payments made during the relevant year, by 30th June in the following relevant year; and
- (g) by 30th September in a relevant year—
  - (i) showing the amount of payments made during the previous relevant year, and
  - (ii) certified by the auditor of the relevant authority that the entries on the claim are fairly stated.

(3) Claims submitted by a relevant authority in accordance with paragraph (2) of this article shall be signed—

- (a) in the case of a relevant authority in England and Wales, by the officer who is responsible for finance pursuant to section 151 of the Local Government Act 1972<sup>(5)</sup>;
- (b) in the case of a relevant authority in Scotland, by the proper officer pursuant to section 95 of the Local Government (Scotland) Act 1973<sup>(6)</sup>.

### Records and information provisions

4.—(1) The relevant authority shall—

- (a) provide such information; and
- (b) keep and, where asked to do so, produce records as may be required

to show and to enable its auditor to check that—

- (i) the entries on the claim form are fairly stated, and

<sup>(5)</sup> 1972 c. 70.

<sup>(6)</sup> 1973 c. 65.

- (ii) expenditure on which the claim is based has been properly incurred.
- (2) The relevant authority shall—
  - (a) provide to the Secretary of State such information as he requires to satisfy himself that the claim is accurate and properly calculated; and
  - (b) keep, and where the Secretary of State so requires, produce records with a bearing on that claim.

### **Audit provisions**

5. A relevant authority shall procure that the final claim is audited by its auditor by 30th September in the year following the year to which that claim relates.

### **Payment**

6. The Secretary of State may make payments by way of instalments by reference to claims submitted in accordance with article 3 but no final payment shall be made until—

- (a) the relevant authority's auditor has certified on the claim form that the entries on the claim referred to in article 3(2)(c) and (g) are fairly stated;
- (b) the final claim is audited; and
- (c) he is satisfied that no request for relevant information made in accordance with article 4 is outstanding.

### **Limit on total expenditure**

7.—(1) Subject to paragraph (2), for the purposes of section 70(3)(a) of the Act (the limit on the total amount of expenditure in any year that may be incurred by a relevant authority in making discretionary housing payments) the limit in any year is the amount of grant the Secretary of State determines to make to the relevant authority at the beginning of that year multiplied by 2.5.

(2) In the case of the period commencing 2nd July 2001 and ending 31st March 2002, the limit is the amount the Secretary of State has determined to make to a relevant authority as at 2nd July 2001 multiplied by 2.5.

Signed by authority of the Secretary of State for Work & Pensions

26th June 2001

*Malcolm Wicks*  
Parliamentary Under-Secretary of State for Work  
& Pensions

We consent,

27th June 2001

*John Heppell*  
*Nick Ainger*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order sets out the procedure by which the Secretary of State will make payments towards the cost of discretionary housing payments in accordance with section 70 of the Child Support, Pensions and Social Security Act 2000.

Article 2 provides for the determination of the amount of grant the Secretary of State makes to a relevant authority.

Article 3 provides the procedure for making claims.

Article 4 makes provision in respect of the requirement to keep records and provision of information.

Article 5 makes provision in respect of audit requirements.

Article 6 makes provision in respect of payment of the grant.

Article 7 imposes a limit on the total amount of expenditure that may be incurred in any year by a relevant authority in making discretionary housing payments.

This Order does not impose a charge on business.