
STATUTORY INSTRUMENTS

2003 No. 3179

The Income-related Benefits (Subsidy to Authorities) Amendment Order 2003

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Income-related Benefits (Subsidy to Authorities) Amendment Order 2003 and shall come into force on 2nd January 2004.

(2) Except where otherwise provided, the amendments made by this Order shall have effect from 1st April 2002.

(3) In this Order, “the principal Order” means the Income-related Benefits (Subsidy to Authorities) Order 1998(1).

Amendments to Part II of the principal Order

2. In article 4(2)(c) and (3) of the principal Order (requirement of claim for payment of subsidy), for “30th September” there shall be substituted “31st August”.

Amendments to Part III of the principal Order

3. In article 11(1) of the principal Order (interpretation of Part III)(2), for the definition of “X per cent.” there shall be substituted—

““X per cent.” means 95 per cent. except in relation to the authority Stirling where it means 94.65 per cent.”.

4. In article 13 of the principal Order (calculation of relevant benefit)(3), there shall be omitted—

- (a) in paragraph (1), “, subject in the case of Scottish Homes to paragraph (2),”; and
- (b) paragraph (2).

5. In article 14(2) of the principal Order (backdated benefit)(4), “(iia) or” shall be omitted.

6.—(1) Article 17 of the principal Order (subsidy in respect of homeless and short lease rebate cases)(5) shall be amended in accordance with the following provisions of this article.

(2) In paragraph (1), “Subject to paragraphs (5) and (6),” and “, except Scottish Homes,” shall be omitted.

(3) In paragraph (2)(a), for the words after “the appropriate amount” there shall be substituted—
“shall be—

- (i) where paragraph (4)(a) applies, 12.5 per cent. of that part of the qualifying expenditure attributable to such rebates; or

(1) S.I.1998/562. Relevant amending instruments are S.I.s 1998/2865, 1999/550, 2000/1091, 2000/2340, 2001/2350, 2002/1859 and 2002/3116.

(2) The definition of “X per cent.” was inserted by S.I. 2000/1091.

(3) Relevant amending instruments are S.I.s 2000/1091 and 2002/1859.

(4) Amending instruments are S.I.s 2000/2340 and 2002/3116.

(5) Amending instrument is S.I. 2001/2350.

(ii) where paragraph (4)(b) or (c) applies, 95 per cent. of that part of the qualifying expenditure attributable to such rebates;”.

(4) In paragraph (2)(b), for the words after “amount shall be” there shall be substituted—
“95 per cent. of the qualifying expenditure attributable to the balance after deducting the excess plus—

(i) where paragraph (4)(a) applies, 12.5 per cent. of that part of the qualifying expenditure attributable to such rebates which is equal to that excess; or

(ii) where paragraph (4)(b) or (c) applies, 95 per cent. of that part of the qualifying expenditure attributable to such rebates which is equal to that excess.”.

(5) For paragraph (3)(b)(ii), there shall be substituted—

“(ii) where paragraph (4)(a) applies, 12.5 per cent. of that part of the qualifying expenditure attributable to such rebates which is equal to the excess over the threshold, but not over the cap;

(iia) where paragraph (4)(b) or (c) applies, 95 per cent. of that part of the qualifying expenditure attributable to such rebates which is equal to the excess over the threshold, but not over the cap; and”.

(6) Paragraphs (5) and (6) shall be omitted.

7.—(1) Article 18 of the principal Order (additions to subsidy)(6) shall be amended in accordance with the following provisions of this article.

(2) Paragraph (1)(b)(iia) and (iv) shall be omitted.

(3) For paragraph (1)(b)(iii), there shall be substituted—

“except where heads (i) or (ii) above apply, 40 per cent. of the overpayment;”.

(4) In paragraph (1)(c), the words from “80 per cent.” to “new incentive scheme,” shall be omitted.

(5) For paragraph (1)(d), there shall be substituted—

“where, during the relevant year, it is discovered that an overpayment in respect of which a deduction was made—

(i) under article 19 (other than a deduction under article 19(1)(ea)); and

(ii) in respect of a year which begins after 31st March 2001 and which is earlier than the relevant year,

was a claimant error overpayment, the amount, if any, by which 40 per cent. of any such overpayment exceeds the amount of any subsidy that has been paid in respect of that overpayment.”.

(6) In paragraph (4)(a)—

(a) after “Work and Pensions”, there shall be inserted “or of the Inland Revenue”; and

(b) after “that Department”, there shall be inserted “or to the Inland Revenue”.

(7) In paragraph (4A), for “(1)(b)(iia)” there shall be substituted “(1)(d) and in article 19(1)(ea)”.

(8) In paragraph (5), for “(1)(b)(iia) and (iii) and (c) and (4A)” there shall be substituted “(1)(c) and (4A)”.

8. In article 19(1) of the principal Order (deductions to be made in calculating subsidy)—

(a) after sub-paragraph (e) there shall be inserted—

“(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);” and

(b) in sub-paragraph (g), after “sub-paragraphs (e)” there shall be inserted “, (ea)”.

Amendments to the Schedules to the principal Order

9. For Schedule 1 to the principal Order⁽⁷⁾, there shall be substituted the Schedule set out in Schedule 1 to this Order.

10.—(1) Column 2 of Schedule 1 to the principal Order (administration subsidy)⁽⁸⁾ shall be amended by substituting “£311,101” for “£316,876” for the authority Ashfield.

(2) This article shall have effect in respect of the year commencing on 1st April 2001.

11. For Part V of Schedule 4 to the principal Order (high rents and rent allowances)⁽⁹⁾, there shall be substituted the Part in Schedule 2 to this Order.

12. In paragraph 1(2) of Schedule 5 to the principal Order (benefit savings threshold)⁽¹⁰⁾—

(a) for the definition of “F” there shall be substituted—

“F is the sum specified in column (5) of Schedule 1 (Benefit Savings Threshold) for an authority identified in column (1) of that Schedule;” and

(b) the definition of “weekly benefit savings scheme” shall be omitted.

Signed by authority of the Secretary of State for Work and Pensions.

4th December 2003

Chris Pond
Parliamentary Under-Secretary of State,
Department for Work and Pensions

We consent,

8th December 2003

John Heppell
Jim Murphy
Two of the Lords Commissioners of Her
Majesty’s Treasury

(7) Amending Instruments are S.I.s [1999/550](#), [2000/1091](#), [2001/2350](#) and [2002/1859](#).

(8) S.I. [2002/1859](#) substituted Schedule 1 to introduce the figure £316,876.

(9) Part V of Schedule 4 was substituted by S.I. [1999/550](#) and the table in that Part was amended by S.I.s [2000/1091](#), [2000/2340](#), [2001/2350](#) and [2002/1859](#).

(10) Schedule 5 was substituted by S.I. [2000/1091](#) and was amended by S.I.s [2002/1859](#) and [2002/3116](#).