
STATUTORY INSTRUMENTS

2018 No. 985

The Income-related Benefits (Subsidy to Authorities) Amendment Order 2018

Subsidy claims made by authorities in England

5.—(1) In article 2 (interpretation of Parts 2 and 4), insert in the appropriate places the following definitions—

““HBAP” means the Housing Benefit Assurance Process published by the Department for Work and Pensions on 29th March 2017 and last updated on 27th March 2018(1);”;

““report of factual findings” means the report completed by the reporting accountant in accordance with HBAP setting out the details of, and the relevant matters arising from, the test;”;

““test” means a test of the claim for final subsidy by the authority and the reporting accountant in accordance with HBAP and “tested” shall be construed accordingly.”.

(2) In article 3A (electronic communications)(2), in paragraph (1)—

(a) for “or auditor” substitute “a reporting accountant or an auditor”

(b) after “claim,” insert “test,”.

(3) In article 4 (requirement of claim)(3), in paragraph (3), for the words from “the authority’s auditor” to the end of the paragraph substitute—

“—

(a) in the case of an authority in England, the authority’s reporting accountant;

(b) in the case of an authority in Wales or Scotland, the authority’s auditor,

by 30th April in the following year”.

(4) In article 5 (requirement to keep records and provide information)(4), in paragraph (2)—

(a) before sub-paragraph (a) insert—

“(za) in relation to an authority in England, the claim is in accordance with the report of factual findings and with the relevant articles of this Order;”;

(b) at the beginning of sub-paragraph (a) insert “in relation to an authority in Wales or Scotland,”.

(5) After article 5 insert—

“Test and reporting requirement: authorities in England

5A.—(1) In relation to an authority in England and subject to article 9(4), the third condition is that the authority shall—

(1) <https://www.gov.uk/government/publications/housing-benefit-assurance-process-hbap>.

(2) Article 3A was inserted by S.I. 2007/26.

(3) Article 4(3) was amended by S.I. 2007/26 and 2014/1667.

(4) Article 5 was substituted by S.I. 1998/2865 and amended by S.I. 2007/26.

- (a) inform the Secretary of State in writing of the identity of the authority's reporting accountant by 1st March in the year before the relevant year;
 - (b) procure the test of the final claim by the reporting accountant;
 - (c) send the report of factual findings to the Secretary of State by 30th November in the year after the relevant year; and
 - (d) comply with the following provisions of this article.
- (2) The authority shall—
- (a) provide such information in written or electronic form;
 - (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 reporting accountant to enable the reporting accountant to test the claim and to complete the report of factual findings.
- (3) Where the authority does not inform the Secretary of State in writing of the identity of its reporting accountant by 1st March in the year before the relevant year, the Secretary of State may withhold payment of subsidy until the authority—
- (a) informs the Secretary of State in writing of the identity of its reporting accountant; or
 - (b) provides reasons for the delay which the Secretary of State regards as satisfactory.
- (4) No final subsidy shall be paid until—
- (a) the authority's reporting accountant has confirmed in writing that the claim has been tested; and
 - (b) the Secretary of State has received the report of factual findings.”.
- (6) In article 6 (requirement of audit)(5)—
- (a) at the end of the heading insert “: authorities in Wales and Scotland”;
 - (b) in paragraph (1)—
 - (i) at the beginning insert “In relation to an authority in Wales or Scotland, and”;
 - (ii) omit sub-paragraphs (iza) and (ia).
- (7) In article 8A (payment of subsidy before audit complete)(6)—
- (a) before “audit”, in each place where that word occurs (including the heading), insert “test or”;
 - (b) in paragraph (1), after “yet been” insert “tested in accordance with article 5A or”.
- (8) In article 9 (payment of subsidy for the relevant year)—
- (a) in paragraph (1)—
 - (i) after sub-paragraph (a) insert—
 - “(aa) in the case of an authority in England, the report of factual findings has been properly completed;”;
 - (ii) at the beginning of sub-paragraph (b) insert “in the case of an authority in Wales or Scotland;”;
 - (b) in paragraph (3), after “occurred” insert “or, as the case may be, once the report of factual findings has been sent to the Secretary of State”.
- (9) In Schedule 6 (electronic communications)(7)—

(5) Article 6 was amended by [S.I. 2004/646](#), [2007/26](#), [2009/30](#) and [2017/900](#).

(6) Article 8A was inserted by [S.I. 2006/54](#).

(7) Schedule 6 was substituted by [S.I. 2007/26](#).

- (a) in paragraph 2, after “An authority”, in each place where those words occur, insert “, reporting accountant”;
- (b) in paragraph 3(b), after “authorities” insert “, reporting accountants”.