
WELSH STATUTORY INSTRUMENTS

2008 No. 254

The Rent Repayment Orders (Supplementary Provisions) (Wales) Regulations 2008

Amendment of a rent repayment order application to remove Housing benefit not properly payable

2.—(1) Paragraph (2) applies if, in the course of proceedings on an application under subsection (5) of section 73 of the Act (other consequences of operating unlicensed HMOs⁽¹⁾: rent repayment orders) or subsection (5) of section 96 of the Act (other consequences of operating unlicensed houses⁽²⁾: rent repayment orders), it comes to the notice of the local housing authority that in respect of periodical payments payable in connection with occupation of the part or parts of the HMO or of the whole or part of the house to which the application applies there may have been a payment of housing benefit⁽³⁾ that was not properly payable.

(2) A local housing authority may apply to the residential property tribunal for leave to amend the authority's application by substituting for the total amount of housing benefit paid, such part of that amount as the authority believes is properly payable.

(3) For the purposes of paragraphs (1) and (2) an amount of housing benefit is properly payable if the person to whom, or in respect of whom, it is paid is entitled to it under the Housing Benefit Regulations 2006⁽⁴⁾ or the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006⁽⁵⁾ (whether on the initial decision or as subsequently revised or superseded, or further revised or superseded).

(1) As to the meaning of "HMO", see sections 55(2) and 77 of the Act.

(2) As to the meaning of "house", see section 99 of the Act

(3) As to "housing benefit", and "periodical payments", see section 96(10) of the Act.

(4) S.I.2006/213.

(5) S.I. 2006/214.