



Social Security Act 1986

1986 CHAPTER 50

PART II

INCOME-RELATED BENEFITS

Housing benefit

28 Arrangements for housing benefit

- (1) Housing benefit provided by virtue of a scheme under section 20(1) above (in this Act referred to as "the housing benefit scheme")—
 - (a) is to be in the form of a rate rebate funded and administered by the appropriate rating authority, if it is in respect of payments by way of rates;
 - (b) is to be in the form of a rent rebate funded and administered by the appropriate housing authority, if it is in respect of payments, other than payments by way of rates, to be made to a housing authority; and
 - (c) is in any other case to be in the form of a rent allowance funded and administered by the appropriate local authority.
- (2) Regulations may provide that in prescribed cases a payment made by a person entitled to a rent allowance shall be treated for the purposes of subsection (1)(a) above as being, to such extent as may be prescribed, a payment by way of rates.
- (3) For the purposes of this section in its application to any dwelling—
 - (a) the appropriate rating authority is the rating authority for the area in which it is situated;
 - (b) the appropriate housing authority is the housing authority to whom the occupier of the dwelling is liable to make payments; and
 - (c) the appropriate local authority is the local authority for the area in which the dwelling is situated.
- (4) Authorities may agree that one shall carry out responsibilities relating to housing benefit on another's behalf.

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- (5) Circumstances may be prescribed in which a rate rebate may be treated as if it fell to be paid as a rent allowance.
- (6) An authority may modify any part of the housing benefit scheme administered by the authority—
 - (a) so as to provide for disregarding, in determining a person's income (whether he is the occupier of a dwelling or any other person whose income falls to be aggregated with that of the occupier of a dwelling), the whole or part of any war disablement pension or war widow's pension payable to that person ;
 - (b) to such extent in other respects as may be prescribed,and any such modifications may be adopted by resolution of an authority.
- (7) Modifications other than such modifications as are mentioned in subsection (6)(a) above shall be so framed as to secure that, in the estimate of the authority adopting them, the total of the rebates or allowances which will be granted by the authority in any year will not exceed the permitted total of rebates or allowances for that year.
- (8) An authority who have adopted modifications may by resolution revoke or vary them.
- (9) If the housing benefit scheme includes power for an authority to exercise a discretion in awarding housing benefit, the authority shall not exercise that discretion so that the total of the rebates or allowances granted by them in any year exceeds the permitted total of rebates or allowances for that year.
- (10) In relation to any authority the permitted total of rebates or allowances for any year shall be calculated, in the manner specified by an order made by the Secretary of State, by reference to the total housing benefit granted by that authority during the year, less such deductions as are specified in the order.

29 Adjudication and overpayments

- (1) Regulations shall require authorities to notify a person who has claimed housing benefit of their determination of that claim.
- (2) Any such notification shall be given in such form as may be prescribed.
- (3) Regulations shall make provision for reviews of determinations relating to housing benefit.
- (4) Except where regulations otherwise provide, any amount of housing benefit paid in excess of entitlement may be recovered in such manner as may be prescribed either by the Secretary of State or by the authority which paid the benefit.
- (5) Regulations may require such an authority to recover such an amount in such circumstances as may be prescribed.
- (6) An amount recoverable under this section is in all cases recoverable from the person to whom it was paid; but, in such circumstances as may be prescribed, it may also be recovered from such other person as may be prescribed.
- (7) Any amount recoverable under this section may, without prejudice to any other method of recovery, be recovered by deduction from prescribed benefits.

30 Housing benefit finance

- (1) For each year the Secretary of State shall pay—
 - (a) a subsidy to be known as " rate rebate subsidy " to each rating authority;
 - (b) a subsidy to be known as " rent rebate subsidy " to each housing authority; and
 - (c) a subsidy to be known as " rent allowance subsidy " to each local authority.
- (2) The subsidy under subsection (1) above which is to be paid to an authority—
 - (a) shall be calculated, in the manner specified by an order made by the Secretary of State, by reference to the total housing benefit granted by that authority during the year with any additions specified in the order but subject to any deductions so specified; and
 - (b) shall be subject to deduction of any amount which the Secretary of State considers it unreasonable to meet out of money provided by way of subsidy under subsection (1) above.
- (3) For each year the Secretary of State may pay to an authority as part of the subsidy under subsection (1) above an additional sum calculated, in the manner specified by an order made by the Secretary of State, in respect of the costs of administering housing benefit.
- (4) The Secretary of State may pay to an authority, for the financial year 1987-88, a subsidy, calculated in the manner specified by an order made by the Secretary of State, in connection with the costs incurred by the authority in implementing the housing benefit scheme.
- (5) Rent rebate subsidy shall be payable—
 - (a) in the case of a local authority in England and Wales—
 - (i) for the credit of their Housing Revenue Account to the extent that it is calculated by reference to Housing Revenue Account rebates and any costs of administering such rebates; and
 - (ii) for the credit of their general rate fund to the extent that it is not so calculated;
 - (b) in the case of a local authority in Scotland, for the credit of their rent rebate account;
 - (c) in the case of a new town corporation in England and Wales or the Development Board for Rural Wales, for the credit of their housing account; and
 - (d) in the case of a new town corporation in Scotland or the Scottish Special Housing Association, for the credit of the account to which rent rebates granted by them are debited.
- (6) Every local authority shall make for each year a rate fund contribution to their Housing Revenue Account of an amount equal to the difference between—
 - (a) so much of their rent rebate subsidy for the year as is credited to that Account; and
 - (b) the total of—
 - (i) the Housing Revenue Account rebates granted by them during the year; and
 - (ii) the cost of administering such rebates.
- (7) Rent allowance subsidy shall be payable—

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- (a) in the case of a local authority in England and Wales, for the credit of their general rate fund ; and
 - (b) in the case of a local authority in Scotland, for the credit of their rent allowance account.
- (8) Subsidy under this section shall be payable by the Secretary of State at such time and in such manner as the Treasury may direct, but subject—
- (a) to the making of a claim for it in such form and containing such particulars as the Secretary of State may from time to time determine; and
 - (b) to such conditions as to records, certificates, audit or otherwise as the Secretary of State may, with the approval of the Treasury, impose.
- (9) The amount of any subsidy payable to an authority shall be calculated to the nearest pound, by disregarding an odd amount of 50 pence or less and by treating an odd amount exceeding 50 pence as a whole pound.
- (10) If an order made by the Secretary of State so provides—
- (a) the rate fund contribution under subsection (6) above made by a local authority for any year; and
 - (b) the rent allowances granted by a local authority during any year,
- or such proportion of them as may be calculated in the manner specified by the order, shall not count as relevant expenditure for the purposes of section 54 of the Local Government, Planning and Land Act 1980 (rate support grant).

31 Information

- (1) The Secretary of State may supply to authorities such information of a prescribed description obtained by reason of the exercise of any of his functions under the benefit Acts as they may require in connection with any of their functions relating to housing benefit.
- (2) Authorities shall supply to the Secretary of State such information of a prescribed description obtained by reason of the exercise of their functions relating to housing benefit as he may require in connection with any of his functions under the benefit Acts.
- (3) It shall also be the duty of an authority to supply the Secretary of State, in the prescribed manner and within the prescribed time—
 - (a) with such information as he may require concerning their performance of any of their functions relating to housing benefit; and
 - (b) with such information as he may require to enable him—
 - (i) to prepare estimates of likely future amounts of housing benefit expenditure ; and
 - (ii) to decide questions relating to the development of housing benefit policy.
- (4) Every authority granting housing benefit—
 - (a) shall take such steps as appear to them appropriate for the purpose of securing that persons who may be entitled to housing benefit from the authority become aware that they may be entitled to' it; and

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- (b) shall make copies of the housing benefit scheme, with any modifications adopted by them under section 28 above, available for public inspection at their principal office at all reasonable hours without payment.
- (5) In order to assist authorities to give effect to the housing benefit scheme, where a rent is registered under Part IV of the Rent Act 1977. there shall be noted on the register the amount (if any) of the registered rent which, in the opinion of the rent officer or rent assessment committee, is fairly attributable to the provision of services, except any amount which is negligible in the opinion of the officer or, as the case may be, the committee.