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STATUTORY INSTRUMENTS

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**1990 No. 785**

**HOUSING, ENGLAND AND WALES  
HOUSING, SCOTLAND  
SOCIAL SECURITY**

**The Housing Benefit (Subsidy) Order 1990**

<i>Made</i>	- - - -	<i>30th March 1990</i>
<i>Laid before Parliament</i>		<i>30th March 1990</i>
<i>Coming into force</i>	- -	<i>20th April 1990</i>

The Secretary of State for Social Security, with the consent of the Treasury<sup>(1)</sup>, in exercise of the powers conferred by section 30(2), (2A), (3) and (11) of the Social Security Act 1986<sup>(2)</sup>, section 166(1) to (3A) of the Social Security Act 1975<sup>(3)</sup> and of all other powers enabling him in that behalf, after consultation, in accordance with section 61(7) of the Social Security Act 1986, with organisations appearing to him to be representative of the authorities concerned, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order which may be cited as the Housing Benefit (Subsidy) Order 1990 shall come into force on 20th April 1990.

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

“the Act” means the Social Security Act 1986;

“allowance” means a rent allowance;

“authority” means a housing, rating or local authority or, as the case may be, in Scotland, a levying authority;

“rebate” means a rent, rate or community charge rebate;

“relevant date” has the same meaning as in Schedule 4;

“relevant year” means the year ending 31st March 1990;

“scheme” means the housing benefit scheme as defined in section 28 of the Act;

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(1) See section 83(5) of the Social Security Act 1986 (c. 50).

(2) 1986 c. 50; section 30(2) was amended by regulation 3 of S.I.1988/458. Section 30(2A) was inserted by section 15 of the Social Security Act 1989 (c. 24). Section 30(11) was added by the Social Security Act 1988 (c. 7), Schedule 4, paragraph 20.

(3) 1975 c. 14; section 166(1) to (3A) is applied by section 83(1) of the Social Security Act 1986.

“subsidy” means subsidy under section 30(1) or (1A) of the Act (rate rebate, rent rebate, rent allowance and community charge rebate subsidy)(4);

“the Regulations” mean the Housing Benefit (General) Regulations 1987(5);

“the Rent Officers Order” means the Rent Officers (Additional Functions) Order 1989(6) or, as the case may be, the Rent Officers (Additional Functions) (Scotland) Order 1989(7);

“the Scottish Regulations” means the Housing Benefit (Community Charge Rebates) (Scotland) Regulations 1988(8);

“termination date” has the same meaning as in Schedule 4,

and other expressions shall have the same meaning as in the Regulations or, as the case may be, the Scottish Regulations.

(3) In this Order “qualifying expenditure” means the total of rebates and allowances granted by the authority during the relevant year, less—

- (a) the deductions specified in articles 7 and 13; and
- (b) where, under sub-section (6) of section 28 of the Act (arrangements for housing benefit), the authority has modified any part of the scheme administered by it, any amount by which the total of the rebates or allowances which it granted under the scheme during the relevant year exceeds the total of those which it would have granted if the scheme had not been so modified.

(4) In this Order, reference to a numbered article or Schedule is to the article in, or Schedule to, this Order bearing that number and, unless the context otherwise requires, reference in an article or a Schedule to a numbered paragraph is to the paragraph bearing that number in that article or that Schedule.

### **Amount of subsidy**

2. The amount of an authority’s subsidy for the relevant year—
  - (a) for the purposes of section 30(2) of the Act (subsidy in respect of rebates or allowances) shall be the amount or total of the amounts calculated in accordance with article 3;
  - (b) for the purposes of section 30(3) of the Act (subsidy in respect of the costs of administering housing benefit) may include an additional sum in respect of the cost of administering housing benefit calculated in accordance with Schedule 1.

### **Rebates and allowances**

3.—(1) For the purposes of section 30(2) of the Act, an authority’s subsidy for the relevant year shall, subject to paragraph (2), be—

- (a) in the case of an authority to which articles 4, 5, 6, 8, 9, 10 and 11 do not apply, 97 per cent. of its qualifying expenditure;
- (b) in the case of an authority to which at least one of those articles is relevant—
  - (i) 97 per cent. of so much of its qualifying expenditure as remains after deducting the amount of the rebates or allowances to which each of those articles which is relevant applies; and

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(4) Section 30(1A) was inserted by regulation 5(b) of S.I. 1988/1483.

(5) S.I. 1987/1971, amended by S.I. 1988/661, 909, 1444, 1843, 1971, 1989/43, 416, 566, 1017, 1322, 1990/546 and by section 24(3) of the Employment Act 1988 (c. 19).

(6) S.I. 1989/590; relevant amending instrument is S.I. 1989/1430.

(7) S.I. 1989/578; relevant amending instrument is S.I. 1989/1446.

(8) S.I. 1988/1890, amended by 1989/43, 361 and 972.

- (ii) the appropriate amount calculated in respect of the rebates or allowances under each such article,  
plus, in each case, the addition, where applicable, under article 12.
- (2) Where the authority is the Scottish Homes or a new town corporation in Scotland, its subsidy for the relevant year shall include a further sum being—
- (a) in the case of an authority to which sub-paragraph (a) of paragraph (1) applies, 3.5 per cent. of its qualifying expenditure but subject to the relevant maximum specified in column (2) of Schedule 2; or
  - (b) in the case of an authority to which sub-paragraph (b) of paragraph (1) applies, 3.5 per cent. of so much of its qualifying expenditure as remains after the deductions set out in paragraph (1)(b)(i), but subject to the relevant maximum specified in column (2) of Schedule 2.

### **Backdated payments**

- 4.—(1) Subject to paragraph (2), where—
- (a) during the relevant year an authority has, under paragraph (15) of regulation 72 of the Regulations or, as the case may be, paragraph (18) of regulation 59 of the Scottish Regulations (time and manner in which claims are to be made), treated any claim for a rebate or allowance as made on a day earlier than that on which it is made; and
  - (b) any part of that authority’s qualifying expenditure is attributable to such earlier period,
- for the purposes of article 3(1)(b), the appropriate amount for the relevant year in respect of such part shall be 25 per cent. of the qualifying expenditure so attributable.
- (2) This article shall not apply in a case to which article 9 applies.

### **Disproportionate rent increase**

- 5.—(1) Where the average rent increase of an authority’s Category A tenants is greater than the average rent increase of their Category B tenants, for the purposes of article 3(1)(b), the appropriate amount for such part of the qualifying expenditure as is attributable to rent rebates granted during the relevant year shall be—
- (a) 25 per cent. of that portion of the qualifying expenditure as is determined in accordance with paragraph (3); and
  - (b) 97 per cent. of the balance.
- (2) For the purposes of paragraph (1), the average rent increase shall be determined by comparing the average rents of Category A tenants or, as the case may be, Category B tenants on the first relevant date with their average rent on the second relevant date.
- (3) For the purposes of paragraph (1)(a), the portion of the qualifying expenditure shall be determined in accordance with the formula—

$$A - \left( A \times \frac{B}{C} \right)$$

Where—

- A is the total of rent rebates granted by the authority to Category A tenants and other tenants during the relevant year;
- B is the amount calculated in accordance with the formula—

$$\frac{D}{E} \times 100$$

C is the amount calculated in accordance with the formula—

$$\frac{F}{G} \times 100$$

D is the average rent for Category B tenants on the second relevant date;

E is the average rent for Category B tenants on the first relevant date;

F is the average rent for Category A tenants on the second relevant date;

G is the average rent for Category A tenants on the first relevant date.

(4) In this article—

“Category A tenants” means tenants of the authority who on the first and second relevant dates are in receipt of rent rebates and reside at the same address on both dates;

“Category B tenants” means tenants of the authority who are not in receipt of rent rebates on the first and second relevant dates but reside at the same address on both dates;

“first relevant date” means a date, other than a day falling in a rent free period, determined by the authority occurring in March 1989; and

“second relevant date” means the same date occurring in March 1990 but if that date falls in a rent free period the nearest date in March 1990 to that date which is not in a rent free period;

“rent” means either—

- (a) the payments specified in sub-paragraphs (a) to (j) in paragraph (1) of regulation 10 of the Regulations (rent); or
- (b) the eligible rent,

as the authority may determine, provided that wherever the expression “rent” occurs in paragraphs (1) to (3) it has the same meaning throughout.

(5) This article shall not apply in a case to which article 9 applies.

### **Treatment of high rents**

6.—(1) Subject to paragraphs (3) and (4), where any part of the qualifying expenditure of an authority within an area listed in column 1 of Schedule 3 is attributable to any allowance granted in respect of a person whose weekly eligible rent exceeds the threshold specified in relation to that authority in column 2 of that Schedule for the purposes of article 3(1)(b), the appropriate amount in respect of that allowance shall be calculated in accordance with paragraph (2).

(2) Where paragraph (1) applies—

- (a) if the allowance granted is the same as or is less than the excess of eligible rent over the threshold, the appropriate amount shall be 25 per cent. of the qualifying expenditure attributable to such allowance;
- (b) if the allowance granted is greater than the excess of the eligible rent over the threshold, the appropriate amount shall be the aggregate of 25 per cent. of the portion of the qualifying expenditure attributable to such allowance which is equal to the excess and 97 per cent. of the balance.

(3) Paragraph (1) shall not apply to an allowance payable by an authority in respect of—

- (a) rents which exceed the threshold and which are registered in respect of a dwelling under Part IV, V or VI of the Rent Act 1977<sup>(9)</sup> or Part V, VI or VII of the Rent (Scotland) Act 1984<sup>(10)</sup> or which have been determined by a rent assessment committee in respect of a dwelling under Part I of the Housing Act 1988<sup>(11)</sup> or Part II of the Housing (Scotland) Act 1988<sup>(12)</sup>; or
  - (b) rents which exceed the threshold and which have been referred to the rent officer under the Rent Act 1977 or the Rent (Scotland) Act 1984 but not registered by him because he is satisfied the rent is at or below the fair rent level and he has in writing so notified the authority; or
  - (c) rents which exceed the threshold where the relevant tenancy is one to which, before 15th January 1989, the provisions of sections 56 to 58 of the Housing Act 1980 applied<sup>(13)</sup>.
- (4) This article shall not apply in a case to which article 7 or 9 applies.

### **Rent Officers' determinations**

7.—(1) Where this article applies the deductions referred to in article 1(3) are deductions, from allowances granted in respect of the period beginning on the relevant date and ending on the termination date, calculated in accordance with Schedule 4.

(2) Subject to article 8, this article applies where—

- (a) an authority applies to a rent officer for a determination in relation to a dwelling under the Rent Officers Order; and
- (b) the officer makes a determination under that Order.

(3) Except where paragraph (4) applies, and subject to article 8, this article applies where an authority could have applied for a determination in relation to a dwelling during the relevant year under Schedule 1 to the Rent Officers Order which a rent officer would have been required to make but the authority fails to apply for the determination.

(4) Subject to article 8, this article applies where an authority makes an application to a rent officer for a determination in a pre-commencement case under regulation 12A(5)<sup>(14)</sup> of the Regulations; and for the purposes of calculating the deduction under this article the assumptions made in paragraph (6) of that regulation shall apply.

(5) This article applies where—

- (a) the dwelling (A) is in a hostel; and
- (b) by virtue of regulation 12A(2) of the Regulations an application for a determination in respect of that dwelling is not required because the dwelling is regarded as similar to another dwelling (B) in that hostel in respect of which a determination has been made, and in such a case the determination made in respect of dwelling (B) shall, for the purposes of this article, be treated as if it were a determination in respect of dwelling (A).

(6) Subject to article 8, this article applies where a rent officer has made a determination in respect of a tenancy of a dwelling and by virtue of paragraph 1 of Schedule 2 to the Rent Officers Order a new determination is not required in respect of another tenancy of the dwelling, and in such a case the determination made shall, for the purposes of this article, be treated as if it were a determination made in respect of that tenancy.

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<sup>(9)</sup> 1977 c. 42.

<sup>(10)</sup> 1984 c. 58.

<sup>(11)</sup> 1988 c. 50.

<sup>(12)</sup> 1988 c. 43.

<sup>(13)</sup> 1980 c. 51; sections 56 to 58 were partially repealed by section 140 of, and Schedule 18 to, the Housing Act 1988.

<sup>(14)</sup> Regulation 12A was inserted by regulation 5 of S.I. 1990/546.

(7) Where a determination as to the rent which a landlord might reasonably be expected to obtain in respect of a dwelling is made by a rent assessment committee following a determination made by a rent officer under paragraph 1 of Schedule 1 to the Rent Officers Order, this article shall cease to apply in so far as it relates to a determination made by a rent officer under paragraph 1 of Schedule 1 to the Rent Officers Order from the date on which the committee's determination takes effect.

### Exception to article 7

**8.—(1)** This article shall apply in the case of any allowances granted in respect of a period ending not later than 31st October 1989 in the case of which—

- (a) disregarding this article, article 7 would apply otherwise than by virtue of paragraph (5) thereof, and
- (b) if article 7 did not apply, article 6 would apply,

in this article referred to as “the relevant allowances”.

(2) Where the authority—

- (a) has made estimates of its likely subsidy in respect of the relevant allowances on the basis of proposals made by the Secretary of State as to the provisions now made by article 6 and Schedule 3 (disregarding the reference in article 6(4) to article 7), and
- (b) has good reason for not making the calculations required by Schedule 4,

then in the case of the relevant allowances article 7 shall not apply and, accordingly, article 6 shall apply.

### Treatment of certain residential accommodation

**9.** Where any part of an authority's qualifying expenditure is attributable to rebates or allowances granted under the Social Security and Housing Benefits Act 1982(**15**) to persons in respect of accommodation provided under—

- (a) sections 21 to 24 and 26 of the National Assistance Act 1948(**16**) (provision of accommodation); or
- (b) section 21(1) of and paragraph 1 or 2 of Schedule 8 to the National Health Service Act 1977(**17**) (prevention, care and after-care); or
- (c) section 59 of the Social Work (Scotland) Act 1968(**18**) (provision of residential and other establishments) where board is available to the claimant,

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(15) 1982 c. 24.

(16) 1948, c. 29; section 21 was amended by the Local Government Act 1972 (c. 70), Schedule 23, paragraphs 1 and 2 and Schedule 30; the National Health Service Reorganisation Act 1973 (c. 32), Schedule 4, paragraph 44 and Schedule 5; the Housing (Homeless Persons) Act 1977 (c. 48), Schedule; the National Health Service Act 1977 (c. 49), Schedule 15, paragraph 5; the Health Services Act 1980 (c. 53), Schedule 1 Part 1, paragraph 5. Section 22 was amended by the Social Work (Scotland) Act 1968 (c. 49), section 87(4) and Schedule 9, Part 1; the Supplementary Benefits Act 1976 (c. 71) Schedule 7, paragraph 3; the Housing (Homeless Persons) Act 1977 (c. 48), Schedule; the Social Security Act 1980 (c. 30), section 20, Schedule 4, paragraph 2(1) and Schedule 5, Part II; the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 20(1)(a) and the Social Security Act 1986 (c. 50), section 86 and Schedule 10 Part II paragraph 32. Section 24 was amended by the National Assistance (Amendment) Act 1959 (c. 30), section 1(1); the National Health Service (Scotland) Act 1972 (c. 58), Schedule 6, paragraph 82; the Local Government Act 1972 (c. 70), Schedule 23, paragraph 2; The National Health Service Reorganisation Act 1973 (c. 32), Schedule 4, paragraph 45 and the Housing (Homeless Persons) Act 1977 (c. 48), Schedule. Section 26 was amended by the Health Services and Public Health Act 1968 (c. 46), section 44 and Schedule 4 and the Social Work (Scotland) Act 1968 (c. 49), Schedule 9, Part I and applied by section 87(3); the Local Government Act 1972 (c. 70), Schedule 23, paragraph 2; the Housing (Homeless Persons) Act 1977 (c. 48), Schedule and the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 20(1)(b).

(17) 1977 c. 49; paragraphs 1 and 2 of Schedule 8 were amended by section 30 Schedule 10, Part I of the Health and Social Services and Social Security Adjudications Act 1983 (c. 41); paragraph 1 was also amended by the Education Reform Act 1988 (c. 40) section 237 and Schedule 12 Part I paragraph 22; paragraph 2 was also amended by section 148, Schedule 4 of the Mental Health Act 1983 (c. 20).

(18) 1968 c. 49.

for the purposes of article 3(1)(b), the appropriate amount for the relevant year in respect of such part shall be 90 per cent. of the qualifying expenditure so attributable.

### Homeless cases

**10.**—(1) Where any part of an authority’s qualifying expenditure is attributable to a rebate granted in respect of the reasonable amount which a person is required to pay to an authority under section 69(2)(b) of the Housing Act 1985<sup>(19)</sup> for board and lodging accommodation made available to that person, for the purposes of article 3(1)(b), the appropriate amount shall be—

- (a) if the rebate granted is the same as or less than the difference between the weekly eligible rent and the appropriate maximum amount, nil per cent. of the qualifying expenditure attributable to such rebate;
- (b) if the rebate granted is greater than the difference between the weekly eligible rent and the appropriate maximum amount, nil per cent. of the portion of qualifying expenditure attributable to such rebate which is equal to the excess and 97 per cent. of the balance.

(2) In paragraph (1) the appropriate maximum amount shall be determined in accordance with the formula—

$$(A \times B) - C$$

Where—

A is the weekly amount specified in column (2) of Schedule 5 in relation to an authority specified in column (1) of that Schedule;

B is the number equal to the number of persons aged 11 or over in respect of whom the accommodation has been made available; and

C is the product of £6 multiplied by the number equal to the number of persons aged under 11 in respect of whom the accommodation has been made available.

(3) In this article “board and lodging accommodation” means—

- (a) accommodation provided for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which are both cooked or prepared and consumed in that accommodation or associated premises; or
- (b) accommodation provided in a hotel, guest house, lodging home or some similar establishment,

but it does not include accommodation in a residential care home or nursing home within the meaning of the Income Support (General) Regulations 1987<sup>(20)</sup> nor in a hostel within the meaning of regulation 12A of the Regulations<sup>(21)</sup>.

### Overpayment of rebates or allowances

**11.**—(1) Where any part of an authority’s qualifying expenditure is attributable to an overpayment of rebates or allowances made and discovered in the relevant year, for the purposes of article 3(1)(b), the appropriate amount for the year in respect of such part shall be calculated in accordance with paragraph (2).

(2) Subject to paragraph (3), the appropriate amount shall be—

- (a) in the case of an overpayment caused by an error of the authority making the payment, 15 per cent. of the qualifying expenditure attributable to the overpayment; and

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<sup>(19)</sup> 1985 c. 68.

<sup>(20)</sup> S.I. 1987/1967; relevant amending instruments are S.I. 1988/663, 1445 and 2022.

<sup>(21)</sup> S.I. 1987/1971; relevant amending instrument is S.I. 1990/546.

- (b) in the case of an overpayment caused by official error, 97 per cent. of so much of the qualifying expenditure attributable to the overpayment as has not been recovered by the authority; and
- (c) in the case of any other overpayment, 30 per cent. of the qualifying expenditure attributable to the overpayment.

(3) In paragraph 2(b) “overpayment caused by official error” means an overpayment caused by a mistake made or something done or omitted to be done by an officer of the Department of Social Security or the Department of Employment, acting as such, or a decision of an adjudication officer appointed in accordance with section 97(1) of the Social Security Act 1975<sup>(22)</sup> where the claimant, a person acting on his behalf or any other person to whom the payment is made did not cause or materially contribute to that mistake, act or omission.

(4) This article shall not apply in a case to which paragraph (15) of regulation 72 of the Regulations or, as the case may be, paragraph (18) of regulation 59 of the Scottish Regulations (time and manner in which claims are to be made) applies.

#### **Addition to subsidy**

**12.** Where, following the loss, destruction or non-receipt, or alleged loss, destruction or non-receipt of original instruments of payment, an authority makes duplicate payments and the original instruments have been or are subsequently encashed, the addition referred to in article 3(1) shall be equal to 30 per cent. of the amount of the duplicate payments.

#### **Deductions to be made in calculating subsidy in respect of rebates or allowances**

**13.—**(1) The deductions referred to in article 1(3) are of the following amounts where—

- (a) a tenant of an authority, who is in receipt of rent rebate, while continuing to occupy, or when entering into occupation of, a dwelling as his home, either under his existing tenancy agreement or by entering into a new tenancy agreement—
  - (i) is during, or was at any time prior to, the relevant year able to choose whether or not to be provided with any services, facilities or rights and chooses or chose to be so provided; or
  - (ii) is during, or was at any time prior to, the relevant year able to choose either to be provided with any services or facilities or, whether or not in return for an award or grant from the authority, to provide such services or facilities for himself; or
  - (iii) would be able during, or would have been able at any time prior to, the relevant year to exercise the choice set out in sub-paragraph (i) or (ii) of this paragraph if he were not or had not at that time been in receipt of a rent rebate,

the amounts attributable during the relevant year to such services, facilities or rights whether they are or would be expressed as part of the sum fixed as rent, otherwise reserved as rent or expressed as an award or grant from the authority;

- (b) during the relevant year a person becomes entitled to a rent-free period which has not been, or does not fall to be, taken into account in calculating the amount of rent rebate to which he is entitled under the Regulations, the amount of rebate which is or was payable to him in respect of such rent free period;
- (c) during the relevant year an award in the form of a payment of money or monies worth, a credit to the person’s rent account or in some other form is made by an authority to one of its tenants in receipt of rent rebate, whether or not the person is immediately entitled

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(22) 1975 c. 14.



to the award, the amount or value of the award, but no such deduction shall be made in respect of an award—

- (i) made to a tenant for a reason unrelated to the fact that he is a tenant;
  - (ii) made under a statutory obligation;
  - (iii) made under section 137 of the Local Government Act 1972<sup>(23)</sup> (power of local authorities to incur expenditure for certain purposes not otherwise authorised);
  - (iv) except where sub-paragraph (a)(ii) applies, made as reasonable compensation for reasonable repairs or redecoration the tenant has, or has caused to be, carried out whether for payment or not and which the authority would otherwise have carried out or have been required to carry out; or
  - (v) of a reasonable amount made as compensation for loss, damage or inconvenience of a kind which occurs only exceptionally suffered by the tenant by virtue of his occupation of his home;
- (d) during the relevant year the weekly amount of rebate or allowance is increased under paragraph (8) of regulation 69 of the Regulations or, as the case may be, regulation 57 of the Scottish Regulations (calculations of weekly amounts), the amount of such increase;
- (e) during the relevant year a rebate has been paid in advance and an overpayment has occurred because a change in the circumstances of the recipient has reduced or eliminated entitlement to such rebate, the amount overpaid calculated from the end of the second benefit week after the recipient has disclosed such change of circumstances to the authority;
- (f) during the relevant year it is discovered that a rebate or allowance has been paid under the Social Security and Housing Benefits Act 1982 in excess of entitlement, the amount of such overpayment;
- (g) except where paragraph (h) applies, where during the relevant year it is discovered that an overpayment of rebate or allowance has been made in the preceding year an amount equal to—
- (i) in the case of an overpayment caused by an error of the authority making the payment, 85 per cent. of the overpayment;
  - (ii) in the case of an overpayment caused by official error within the meaning of article 11(3), 3 per cent. of so much of the overpayment as has not been recovered by the authority; or
  - (iii) in the case of any other overpayment, 70 per cent. of the overpayment;
- (h) where during the relevant year it is discovered that an overpayment of rebate or allowance has been made in the preceding year in circumstances to which regulation 91A of the Regulations<sup>(24)</sup> (payment on account of a rent or rate rebate) or regulation 4A of the Housing Benefit (Transitional) Regulations 1987<sup>(25)</sup> (payments on account of housing benefit applied), the amount of such overpayment.

### **Modification of subsidy on payments in excess of entitlement made before 1 April 1988**

**14.—**(1) Notwithstanding any provision made under the Social Security and Housing Benefits Act 1982 in respect of housing benefit paid in excess of entitlement, where an overpayment of benefit to which any such provision applies made before 1st April 1988 under that Act in a certificated

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<sup>(23)</sup> 1972 c. 70; section 137 was amended by the Local Government (Miscellaneous Provisions) Act 1982 (c. 30), section 44; the Local Government Finance Act 1982 (c. 32), section 34, Schedule 5, paragraph 5; and by the Local Government Act 1986 (c. 10), section 3.

<sup>(24)</sup> Regulation 91A was inserted by S.I. 1988/661, regulation 8.

<sup>(25)</sup> S.I. 1987/1972, regulation 4A was inserted by S.I. 1988/458.

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case is discovered in the relevant year an authority's subsidy in respect of such a payment shall be calculated as set out in paragraph (2).

(2) The amount of that subsidy shall be—

- (a) in the case of an overpayment caused by an error of the authority making the payment, 15 per cent. of the overpayment; and
- (b) in the case of an overpayment caused by official error within the meaning of article 11(3), 97 per cent. of so much of the overpayment as has not been recovered by the authority; and
- (c) in the case of any other overpayment, 30 per cent. of the overpayment.

(3) In paragraph (1) “certificated case” has the meaning assigned to that expression by regulation 2(1) of the Housing Benefits Regulations(26) as previously in force.

Signed by authority of the Secretary of State for Social Security.

28th March 1990.

*Gillian Shephard*  
Parliamentary Under Secretary of State,  
Department of Social Security

We consent,

30th March 1990.

*Kenneth Carlisle*  
*D. Lightbown*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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(26) S.I. 1985/677.

## SCHEDULE 1

Article 2

### CALCULATION OF SUBSIDY IN RESPECT OF ADMINISTRATION COSTS

1. Subject to paragraphs 3, 4, 5 and 6, the additional sum which may be paid to an authority under section 30(3) of the Act (referred to in this Schedule as “the additional sum”) shall be calculated in accordance with the following formula—

$$A \times \left( \frac{0.25B}{C} + \frac{0.75D}{E} \right)$$

Where—

A is the amount available as subsidy in respect of the costs of administering housing benefit being—

- (a) in the case of the new town corporations in England, Wales or Scotland, the Development Board for Rural Wales, or the Scottish Homes, £1,842,000; or
- (b) in the case of authorities other than those specified in sub-paragraph (a) of this paragraph—
  - (i) in England, £109,800,000;
  - (ii) in Wales, £4,950,000; or
  - (iii) in Scotland, £12,000,000;

B is the estimate of administration costs for the two years immediately preceding the year beginning 1st April 1988 submitted by that authority before 11th December 1987;

C is the total of such estimates submitted by all authorities in the category specified in sub-paragraph (a), (b)(i), (b)(ii) or (b)(iii), as the case may be, of the definition of A;

D is the figure for that authority’s workload, calculated in accordance with paragraph 2;

E is the total of the figures for the workload of all authorities in the category specified in sub-paragraph (a), (b)(i), (b)(ii) or (b)(iii), as the case may be, of the definition of A.

2. The figure for an authority’s workload shall be the aggregate of the amounts obtained by applying the relevant formula to each of the categories of rebates and allowances applicable to that authority listed in column (1) of Table 2 below, that formula being—

- (a) in the case of an authority specified in column (1) of Table 1 below, the product of  $F \times G \times H$ ;
- (b) in the case of any other authority, the product of  $F \times G$ .

Where—

F is—

- (a) in the case of an authority which submitted before 17th November 1988 details of the numbers of persons in each of the categories listed in column 1 of Table 2 below who were in receipt of rebates or allowances both on 31st May 1988 and 31st August 1988—
  - (i) the average number of such persons in each of the categories; plus
  - (ii) in the category of case specified in paragraph (b)(i) of column (1) of Table 2 (persons on income support, other tenants rent allowance cases) the number of boarders in an authority’s area estimated before 17th November 1988 by the Secretary of State, or in the case of an authority within the Greater London area, the number submitted before that date by that authority, to be in receipt of income support on a date in June 1988 multiplied by 5/4;

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- (b) in the case of an authority listed in column (1) of Schedule 6 the figures for rebates and allowances specified for each of the categories listed in columns (2) and (3) of Schedule 6.

G is the figure specified in relation to that category in whichever of columns (2) to (6) of that Table is appropriate to that authority;

H is the cost adjustment figure specified in column (2) of Table 1 below.

For the purposes of “F”–

“the authorities within the Greater London area” are the authorities of Barking, Barnet, Bexley, Brent, Bromley, Camden, City of London, Croydon, Ealing, Enfield, Greenwich, Hackney, Hammersmith, Haringey, Harrow, Havering, Hillingdon, Hounslow, Islington, Kensington and Chelsea, Kingston upon Thames, Lambeth, Lewisham, Merton, Newham, Redbridge, Richmond upon Thames, Southwark, Sutton, Tower Hamlets, Waltham Forest, Wandsworth and Westminster.

**TABLE 1**

<i>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Cost Adjustment Figure</i>
BARKING	1.093
BARNET	1.093
BASILDON	1.047
BASILDON NEW TOWN	1.047
BEXLEY	1.093
BRACKNELL	1.047
BRENT	1.093
BRENTWOOD	1.047
BROMLEY	1.093
BROXBOURNE	1.070
CAMDEN 1.120	
CHILTERN	1.047
CITY OF LONDON	1.228
CRAWLEY	1.047
CRAWLEY NEW TOWN	1.047
CROYDON	1.093
DACORUM	1.047
DARTFORD	1.070
EALING	1.093
EAST HERTFORDSHIRE	1.047
ELMBRIDGE	1.070
ENFIELD	1.093

<i>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Cost Adjustment Figure</i>
EPPING FOREST	1.070
EPSOM AND EWELL	1.070
GREENWICH	1.120
GUILDFORD	1.047
HACKNEY	1.120
HAMMERSMITH	1.120
HARINGEY	1.093
HARLOW	1.047
HARROW	1.093
HAVERING	1.093
HEMEL HEMPSTEAD NEW TOWN	1.047
HERTSMERE	1.070
HILLINGDON	1.093
HOUNSLOW	1.093
ISLINGTON	1.120
KENSINGTON AND CHELSEA	1.120
KINGSTON UPON THAMES	1.093
LAMBETH	1.120
LEWISHAM	1.120
MERTON	1.093
MOLE VALLEY	1.047
NEWHAM	1.093
REDBRIDGE	1.093
REIGATE AND BANSTEAD	1.070
RICHMOND UPON THAMES	1.093
RUNNYMEDE	1.047
SEVENOAKS	1.047
SLOUGH	1.070
SOUTH BUCKINGHAMSHIRE	1.070
SOUTHWARK	1.120
SPELTHORNE	1.070
ST ALBANS	1.047
SURREY HEATH	1.047
SUTTON	1.093

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<i>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Cost Adjustment Figure</i>
TANDRIDGE	1.047
THREE RIVERS	1.070
THURROCK	1.047
TOWER HAMLETS	1.120
WALTHAM FOREST	1.093
WANDSWORTH	1.120
WATFORD	1.070
WAVERLEY	1.047
WELWYN HATFIELD	1.047
WESTMINSTER	1.120
WINDSOR AND MAIDENHEAD	1.047
WOKING	1.047

TABLE 2

<i>(1)</i> Category of case	<i>(2)</i> Non-metropolitan authorities and new town corporations in England	<i>(3)</i> Non-metropolitan authorities and new town corporations in Scotland and the Scottish Homes	<i>(4)</i> Non-metropolitan authorities and new town corporations in Wales and the Development Board for Rural Wales	<i>(5)</i> Metropolitan authorities	<i>(6)</i> London boroughs
<i>Persons on income support</i>					
(a) Tenants of an authority—					
(i) rent rebate	7.98	8.27	9.55	8.49	8.83
(ii) rate rebate	7.93	—	8.99	8.36	9.05
(iii) community—charge rebate		10.81	—	—	—

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(1) Category of case	(2) Non-metropolitan authorities and new town corporations in England	(3) Non-metropolitan authorities and new town corporations in Scotland and the Scottish Homes	(4) Non-metropolitan authorities and new town corporations in Wales and the Development Board for Rural Wales	(5) Metropolitan authorities	(6) London boroughs
<b>(b) Other tenants—</b>					
(i) rent allowance	43.45	45.80	43.06	38.48	42.15
(ii) rate rebate	42.45	—	37.72	38.95	43.84
(iii) community—charge rebate		56.91	—	—	—
<b>(d) Persons other than tenants—</b>					
(i) rate rebate	7.85	—	9.19	7.65	8.23
(ii) community—charge rebate		9.81	—	—	—
<i>Persons not on income support</i>					
<b>(a) Tenants of an authority—</b>					
(i) rent rebate	9.75	7.96	10.88	11.53	11.47
(ii) rate rebate	9.72	—	10.93	11.39	11.71
(iii) community—charge rebate		10.45	—	—	—
<b>(b) Other tenants—</b>					

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(1) Category of case	(2) Non-metropolitan authorities and new town corporations in England	(3) Non-metropolitan authorities and new town corporations in Scotland and the Scottish Homes	(4) Non-metropolitan authorities and new town corporations in Wales and the Development Board for Rural Wales	(5) Metropolitan authorities	(6) London boroughs
(i) rent allowance	46.08	32.82	46.63	51.21	49.50
(ii) rate rebate	45.02	—	44.97	48.18	52.96
(iii) community—charge rebate		42.38	—	—	—
(d) Person(s) other than tenants—					
(i) rate rebate	7.68	—	7.79	7.98	9.12
(ii) community—charge rebate		8.33	—	—	—

**3.—(1)** If the additional sum, as calculated under paragraph 1—

(a) exceeds—

- (i) in England and Wales, 120 per cent. of an amount calculated in accordance with sub-paragraph (2) of this paragraph, the additional sum for that authority for that year shall be 120 per cent. of such amount; or
- (ii) in Scotland, 130 per cent. of an amount calculated in accordance with sub-paragraph (2) of this paragraph, the additional sum for that authority for that year shall be 130 per cent. of such amount;

(b) is less—

- (i) in England and Wales, than 80 per cent. of an amount calculated in accordance with sub-paragraph (2) of this paragraph, the additional sum for that authority for that year shall be 80 per cent. of such amount; or
- (ii) in Scotland, than 90 per cent. of an amount calculated in accordance with sub-paragraph (2) of this paragraph, the additional sum for that authority for that year shall be 90 per cent. of such amount.



(2) The amount referred to in paragraph (1) shall be the additional sum payable to the authority calculated in accordance with Schedule 1 to the Housing Benefit (Subsidy) Order 1989(27).

4. Where the total of additional sums calculated under paragraphs 1 and 3 is less or more than—
- (a) for new town corporations in England, Wales or Scotland, the Development Board for Rural Wales or the Scottish Homes, £1,842,000; or
  - (b) for authorities other than those specified in sub-paragraph (a) of this paragraph—
    - (i) in England, £109,800,000;
    - (ii) in Wales, £4,950,000; or
    - (iii) in Scotland, £12,000,000,

the amount of the additional sum for an authority to which paragraph 3 does not apply shall be calculated, subject to paragraph 5, in accordance with the following formula—

$$J \times \frac{L}{K}$$

Where—

J is the additional sum calculated under paragraph 1 in respect of the authority;

K is the total of the additional sums calculated under paragraph 1 in respect of all authorities to which paragraph 3 does not apply in the category specified in sub-paragraph (a), (b)(i), (b)(ii) or (b)(iii) of this paragraph respectively;

L is the balance of the total amount specified in paragraph 1 available as subsidy in respect of the cost of administering housing benefit for authorities in the category specified in sub-paragraph (a), (b)(i), (b)(ii) or (b)(iii) of this paragraph respectively, after deduction of the additional sums for such authorities to which paragraph 3 applies.

5.—(1) If the additional sum for an authority for the relevant year as calculated under paragraph 4—

- (a) exceeds—
  - (i) in England and Wales, 120 per cent. of an amount calculated under paragraph 3(2), the additional sum for that authority for that year shall be 120 per cent. of such amount; or
  - (ii) in Scotland, 130 per cent. of an amount calculated under paragraph 3(2), the additional sum for that authority for that year shall be 130 per cent. of such amount;
- (b) is less—
  - (i) in England and Wales, than 80 per cent. of an amount calculated under paragraph 3(2), the additional sum for that authority for that year shall be 80 per cent. of such amount; or
  - (ii) in Scotland, than 90 per cent. of an amount calculated under paragraph 3(2), the additional sum for that authority for that year shall be 90 per cent. of such amount.

6. Until the aggregate of the additional sums calculated under paragraphs 3, 4 and 5 equals the amount available as subsidy in respect of the cost of administering housing benefit for authorities in the category specified in sub-paragraph (a), (b)(i), (b)(ii), or (b)(iii) respectively of paragraph 4 the formula set out in paragraph 4 and paragraph 5 shall, subject to the modifications specified below, continue to apply to calculate the additional sum for those authorities to which neither paragraph 3 nor paragraph 5 has applied; and for that purpose—

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(27) S.I. 1989/607.

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- (a) J shall apply as if the additional sum were the sum calculated under paragraph 4, or, if by virtue of this paragraph there has been more than one calculation, last calculated under that paragraph in respect of the authority;
- (b) K shall apply as if the total of the additional sums were the total of the additional sums calculated under paragraph 4, or, if by virtue of this paragraph there has been more than one calculation last calculated under that paragraph in respect of all authorities to which paragraph 5 did not apply in that calculation; and
- (c) L shall apply as if the amount to be deducted to determine the balance of the total amount available were the additional sums for authorities to which, in the calculation under paragraphs 4 and 5, or, if there has been more than one calculation under those paragraphs, the last such calculation paragraph 5 applied.

## SCHEDULE 2

Article 3

MAXIMUM AMOUNTS OF SUBSIDY PAYABLE IN  
RESPECT OF CERTAIN AUTHORITIES IN SCOTLAND

<i>(1)</i> <i>Authority granting rebates or allowances</i>	<i>(2)</i> <i>Maximum amount of subsidy £</i>
Scottish Homes	1,265,894
Cumbernauld (DC)	144,443
East Kilbride (DC)	202,317
Glenrothes	124,273
Irvine	75,090
Livingston	159,643

## SCHEDULE 3

Article 6

THRESHOLD ABOVE WHICH REDUCED  
SUBSIDY IS PAYABLE ON RENT ALLOWANCES

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Threshold (weekly sum) £</i>
Barking	69.38
Barnet	94.93
Bexley	94.81
Brent	72.38
Bromley	82.22
City of London	85.97
Camden	104.75
Croydon	86.45

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Threshold (weekly sum) £</i>
Ealing	79.37
Enfield	71.17
Greenwich	55.13
Hackney	73.77
Hammersmith	81.34
Haringey	71.35
Harrow	83.03
Havering	79.26
Hillingdon	73.65
Hounslow	89.55
Islington	68.71
Kensington & Chelsea	90.24
Kingston upon Thames	75.10
Lambeth	69.91
Lewisham	63.18
Merton	83.65
Newham	64.98
Redbridge	76.19
Richmond upon Thames	79.50
Southwark	69.16
Sutton	75.83
Tower Hamlets	71.80
Waltham Forest	61.24
Wandsworth	79.47
Westminster	129.05
Avon	56.52
Bedfordshire	45.45
Berkshire	55.64
Buckinghamshire	48.51
Cambridgeshire	47.33
Cheshire	51.14
Cleveland	46.39
Cornwall	54.42
Cumbria	35.26

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Threshold (weekly sum) £</i>
Derbyshire	40.86
Devon	52.52
Dorset	50.76
Durham	40.72
East Sussex	55.51
Essex	48.25
Gloucestershire	50.71
Greater Manchester	52.17
Hampshire	49.17
Hereford and Worcester	47.48
Hertfordshire	44.28
Humberside	42.94
Isles of Scilly	54.42
Isle of Wight	45.31
Kent	58.28
Lancashire	60.48
Leicestershire	40.92
Lincolnshire	44.46
Merseyside	44.91
Norfolk	51.33
Northamptonshire	48.09
Northumberland	43.50
Nottinghamshire	43.88
North Yorkshire	46.64
Oxfordshire	57.87
Shropshire	47.68
Somerset	51.29
South Yorkshire	39.78
Staffordshire	42.55
Suffolk	49.89
Surrey	55.72
Tyne and Wear	39.27
Warwickshire	41.03
West Midlands	41.52

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Threshold (weekly sum) £</i>
West Sussex	51.73
West Yorkshire	40.38
Wiltshire	50.03
Clwyd	42.66
Dyfed	44.32
Gwent	46.07
Gwynedd	41.47
Mid-Glamorgan	45.94
Powys	43.14
South Glamorgan	49.30
West Glamorgan	42.06
Borders	78.38
Central	72.99
Dumfries & Galloway	79.48
Fife	64.72
Grampian	63.50
Highland	60.64
Lothian	69.54
Orkneys	48.32
Shetlands	48.32
Strathclyde	79.94
Tayside	64.88
Western Isles	60.64

## SCHEDULE 4

Article 7

## RENT OFFICERS DETERMINATIONS

**Calculation of deductions****1. The deductions—**

- (a) in a case to which paragraph (2), (4), (5) or (6) of article 7 applies, shall be calculated in accordance with paragraph 2 or 3 as appropriate;
- (b) in a case to which paragraph (3) of that article applies, shall be calculated in accordance with paragraph 6.

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### **Reasonable market rent**

2. Where the rent officer determines a reasonable market rent and the amount of eligible rent exceeds the reasonable market rent less ineligible amounts, the amount to be deducted from allowances granted in respect of the period beginning with the relevant date and ending with the termination date shall be—

- (a) an amount equal to 100% of the excess or the amount of the allowances granted, whichever is the lower, or
- (b) where paragraph 5 applies, the difference between—
  - (i) the amount determined in accordance with sub-paragraph (a) of this paragraph; and
  - (ii) the amount obtained by dividing that amount by 97 and multiplying the quotient by 50.

### **Determination as to size**

3. Subject to paragraph 4, where the rent officer makes a determination under paragraph 2 of Schedule 1 of the Rent Officers Order that the dwelling exceeds the size criteria for its occupiers and he determines a reasonable market rent and a comparable rent for suitably sized accommodation, the amount to be deducted from allowances granted in respect of the period beginning on the relevant date and ending on the termination date shall be—

- (a) for the period of 13 weeks beginning on the relevant date or, if shorter, for the period beginning on that date and ending on the termination date, if the amount of the eligible rent exceeds the reasonable market rent less ineligible amounts—
  - (i) an amount equal to 100% of the excess or the amount of the allowances granted in respect of that period, whichever is the lower or
  - (ii) where paragraph 5 applies, the difference between the amount determined in accordance with head of this sub-paragraph and the amount obtained by dividing that amount by 97 and multiplying the quotient by 50;
- (b) for the period after the end of that period, if the amount of the eligible rent exceeds the comparable rent for suitably sized accommodation less ineligible amounts,
  - (i) an amount equal to 100% of the excess or the amount of the allowances granted in respect of that period, whichever is the lower or
  - (ii) where paragraph 5 applies, the difference between the amount determined in accordance with head of this sub-paragraph and the amount obtained by dividing that amount by 97 and multiplying the quotient by 50.

### **Modification where determination is made as to size**

4.—(1) Where the rent officer has made a determination under paragraph 2 of Schedule 1 to the Rent Officers Order before paragraph (1) of article 2 of the Amendment Order came into force and it is probable that had that amendment been in force at the time of the determination—

- (a) the rent officer would not have made the determination that the dwelling exceeded the size criteria, the amount to be deducted from allowances provided in respect of the period beginning on the relevant date shall be, if the amount of the eligible rent exceeds the reasonable market rent less ineligible amounts,
  - (i) the amount equal to 100% of the excess or the amount of the allowances granted, whichever is the lower or

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- (ii) where paragraph 5 applies, the difference between the amount determined in accordance with head of this sub-paragraph and the amount obtained by dividing that amount by 97 and by multiplying the quotient by 50; or
- (b) the rent officer would have determined a higher comparable rent for suitably sized accommodation, the comparable rent shall be increased by an amount determined in accordance with the formula—

$$\frac{B}{A} \times (C - D),$$

unless it is impracticable for an authority to calculate its subsidy otherwise than by reference to the determination actually made by the rent officer.

- (2) In sub-paragraph (1)(b) of this paragraph—

“A” means the number equal to the number of rooms in excess of the size criteria which the rent officer has determined as suitable;

“B” means the number equal to the number of rooms in excess of the size criteria which it is probable the rent officer would have determined as suitable had the amendment been in force;

“C” means the reasonable market rent; and

“D” means, but for this paragraph, the comparable rent for suitably sized accommodation; and

“the Amendment Order” means the Rent Officers (Additional Functions) (Amendment) Order 1989 or, as the case may be, the Rent Officers (Additional Functions) (Scotland) Amendment Order 1989.

5. This paragraph applies where an authority has not considered it appropriate to treat a person’s eligible rent as reduced under regulation 11 or 12 of the Regulations (restrictions on unreasonable rents or on rent increases).

#### **Failure to refer to rent officer**

6. Where article 7(3) applies, the amount to be deducted from allowances granted from 1st April 1989 shall be 100 per cent. of such allowances.

#### **Relevant date**

- 7. For the purposes of this Schedule—

- (a) in a case where a claim for a rent allowance is made on or after 1st April 1989, the relevant date is the date on which entitlement to benefit commences;

- (b) in a case where on 1st April 1989 there is, current on that date, a benefit period relating to a claim for an allowance in relation to the dwelling, the relevant date is—

- (i) the date first occurring after 16th April 1989 on which any change of circumstances take effect; or

- (ii) the date on which the benefit period ends, or if it ends before 17 April 1989, the date on which the next benefit period ends,

whichever is the earlier;

- (c) in a case which would be an excluded tenancy under paragraph 1 of Schedule 2 to the Rent Officers Order but for the change to which sub-paragraph (a) or (b) of, or the rent increase to which sub-paragraph (c) of, that paragraph refers, the relevant date is—

- (i) if the change or, as the case may be, rent increase affects a person’s entitlement to the allowance, the date on which his entitlement is affected;

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- (ii) if his entitlement is not affected, the date on which the change or, as the case may be, rent increase occurs;
- (d) in a case where a rent officer makes both an interim determination and a further determination in accordance with paragraph 4 of Schedule 1 to the Rent Officers Order, the relevant date is—
  - (i) if the reasonable market rent determined under the further determination is higher than or equal to the amount determined under the interim determination, the date determined under the foregoing sub-paragraphs of this paragraph as appropriate;
  - (ii) if the reasonable market rent determined under the further determination is lower than the amount determined under the interim determination, the date on which the further determination is made by the rent officer or, if the authority has already paid benefit for the week in which that date falls, the following Monday, whichever the authority determines;
- (e) in a case where the rent officer has made a re-determination under paragraph 1 of Schedule 4 to the Rent Officers Order, the relevant date is—
  - (i) if the reasonable market rent or, as the case may be, comparable rent for suitably sized accommodation determined under the re-determination is higher than or equal to the amount determined under the original determination, the date determined under the foregoing sub-paragraphs of this paragraph as appropriate;
  - (ii) if the reasonable market rent or, as the case may be, comparable rent for suitably sized accommodation determined under the re-determination is lower than the amount determined under the original determination, the date on which the re-determination is made by the rent officer or, if the authority has already paid benefit for the week in which that date falls, the following Monday, whichever the authority determines;
- (f) in a case where—
  - (i) the dwelling is in a hostel; and
  - (ii) by virtue of regulation 12A(2) of the Regulations an application for a determination in respect of that dwelling is not required; and
  - (iii) there is current, on 9th October 1989, a benefit period relating to a claim for an allowance in relation to the dwelling,the relevant date is the date (after that date) on which any change of circumstances takes effect or the date on which the benefit period subsequent to the benefit period current on 9th October 1989, begins, whichever is the earlier;
- (g) in a case where—
  - (i) immediately before 10th April 1989 one of the occupiers of the dwelling was in receipt of income support under the Act and his applicable amount fell to be calculated in accordance with regulation 20 or regulation 71(1)(b) of, or paragraph 17 of Schedule 7 to, the Income Support (General) Regulations 1987; and
  - (ii) there is, on 10th April 1989, a benefit period relating to a claim for an allowance in relation to the dwelling,the relevant date is the date (after 16th April 1989) on which any change of circumstances takes effect or the date on which the benefit period subsequent to the benefit period on 10th April 1989, begins, whichever is the earlier;
- (h) in a case where—



- (i) the dwelling is an assured tenancy by virtue of the Housing Act 1988(28) granted after 15th January 1989 but before 1st April 1989; and
- (ii) there is, on 1st April 1989, a benefit period relating to a claim for an allowance in relation to the dwelling,

the relevant date is the date (after 16th April 1989) on which a relevant change of circumstances takes effect or the date on which the benefit period subsequent to the benefit period on 10th April 1989, begins, whichever is the earlier.

### **Termination date**

8. For the purposes of this Schedule “termination date” means–

- (a) 31st March 1990; or
- (b) the date on which a new determination by the rent officer in relation to the same dwelling is made; or
- (c) the end of the tenancy in relation to which the determination is made,

whichever is earlier.

### **Apportionment**

9. For the purposes of this Schedule where more than one person is liable to make payments in respect of a dwelling the “comparable rent for suitably sized accommodation” or “reasonable market rent” shall be apportioned on the same basis as such payments are apportioned under regulation 10(5) of the Regulations.

### **Interpretation**

10. In this Schedule, unless the context otherwise requires–

“comparable rent for suitably sized accommodation” means the rent determined by a rent officer under paragraph 2(2) of Schedule 1 to the Rent Officers Order;

“ineligible amounts” means–

- (a) any amount which the rent officer determines under paragraph 3 of Schedule 1 to the Rent Officers Order is attributable to the provision of services ineligible to be met by housing benefit, except to the extent that it relates to fuel charges, plus the amount in respect of such charges ineligible to be met under Part II of Schedule 1 to the Regulations;
- (b) for a period beginning on or after 5th September 1989, in England and Wales, and 6th September 1989, in Scotland, any amount in respect of amounts ineligible to be met by housing benefit under paragraph 1A of Schedule 1 to the Regulations;
- (c) where the dwelling is a hostel within the meaning of regulation 12A of the Regulations (requirement to refer to rent officers), for the period beginning on or after 9th October 1989, any amount ineligible to be met by housing benefit under paragraph 1 of Schedule 1 to the Regulations, other than under sub-paragraphs (d) to (f) of that paragraph,

“reasonable market rent” means the rent determined by a rent officer under paragraph 1 of Schedule 1 to the Rent Officers Order;

and other expressions have the same meanings as in the Rent Officers Order.

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## SCHEDULE 5

Article 10

AMOUNT BY REFERENCE TO WHICH APPROPRIATE  
MAXIMUM AMOUNT IS DETERMINED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Weekly amount £</i>
Barking	52.15
Barnet	52.15
Bexley	52.15
Brent	52.15
Bromley	52.15
City of London	52.15
Camden	52.15
Croydon	52.15
Ealing	52.15
Enfield	52.15
Greenwich	52.15
Hackney	52.15
Hammersmith	52.15
Haringey	52.15
Harrow	52.15
Havering	52.15
Hillingdon	52.15
Hounslow	52.15
Islington	52.15
Kensington & Chelsea	52.15
Kingston upon Thames	52.15
Lambeth	52.15
Lewisham	52.15
Merton	52.15
Newham	52.15
Redbridge	52.15
Richmond upon Thames	52.15
Southwark	52.15
Sutton	52.15
Tower Hamlets	52.15

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Weekly amount £</i>
Waltham Forest	52.15
Wandsworth	52.15
Westminster	52.15
Merseyside	30.55
Cheshire	34.85
Greater Manchester	35.95
Lancashire	34.85
West Midlands	35.95
Hereford and Worcester	35.95
Shropshire	35.95
Staffordshire	33.25
Warwickshire	35.95
Tyne and Wear	38.10
Cleveland	35.95
Cumbria	35.95
Durham	37.30
Northumberland	37.30
Humberside	35.95
North Yorkshire	33.80
South Yorkshire	35.95
West Yorkshire	35.95
Derbyshire	35.95
Leicestershire	35.95
Lincolnshire	34.60
Northamptonshire	33.25
Nottinghamshire	33.25
Essex	40.45
Norfolk	37.75
Suffolk	37.75
Bedfordshire	41.35
Berkshire	44.05
Buckinghamshire	41.35
Cambridgeshire	41.35
Hertfordshire	43.15

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Weekly amount £</i>
Oxfordshire	44.05
East Sussex	35.95
Kent	35.95
Surrey	46.75
West Sussex	38.65
Dorset	35.95
Hampshire	39.55
Isle of Wight	41.35
Avon	33.25
Gloucestershire	35.95
Somerset	34.15
Wiltshire	38.65
Cornwall	27.85
Devon	31.90
Clwyd	30.55
Dyfed	34.60
Gwent	33.25
Gwynedd	31.90
Mid-Glamorgan	35.95
Powys	33.25
South Glamorgan	35.95
West Glamorgan	35.95
Borders	35.95
Central	41.35
Dumfries & Galloway	41.35
Fife	44.05
Grampian	41.35
Highland	37.75
Lothian	41.35
Strathclyde	41.35
Tayside	44.95
Islands Councils	37.75

## SCHEDULE 6

Schedule 1

## CASELOAD FIGURES FOR REBATES AND ALLOWANCES

(1) Authority	(2) Figures for Income Support Caseload				(3) Figures for Non-Income Support Caseload					
	(a) Local Authority Tenants		(b) Private Tenants/ Occupiers		(a) Local Authority Tenants		(b) Private Tenants		(c) Owner Occupiers	
	(i)	(ii)	(i)	(ii)	(i)	(i)	(ii)	(i)	(ii)	(i)
	RENT	RATES	RENT	RATES	RATES	RENT	RATES	RENT	RATES	RATES
<b>ENGLAND</b>										
ASHFIELD	2112	2664	493	499	1070	2659	2543	415	345	1731
BLYTH VALLEY	2723	2666	764	809	625	2798	2725	586	552	590
BOLSOVER	1885	1826	429	425	773	2653	2583	424	370	937
BOOTHFERRY CLIFF	1714	1714	425	343	809	1289	1255	200	169	684
BOURNEMOUTH	2603	2603	4732	4837	3022	1824	1574	2937	2320	3337
BRECKLAND	2448	2361	662	370	1599	1596	1427	367	84	1442
BRENT	6763	6622	8032	8436	2316	1897	1847	2337	2200	2554
BRISTOL	4534	14370	7058	6789	7821	7876	8174	4557	2874	5810
BROXBORNE	1446	1446	274	290	654	1021	980	177	167	763
BROXTON	2176	2170	750	795	1024	1753	1707	749	705	1223
BURNLEY	2735	2477	1503	1553	1455	1706	1471	393	324	960
CAMBRIDGE	3038	3038	2657	2754	562	2706	2851	2456	2004	1402
CARRICKFERGUS	1862	1786	743	695	1664	1165	920	635	445	857
CHARNWOOD	2238	2238	756	495	1761	2120	2141	1078	540	2389
CHERWELL	1910	1909	863	857	598	2029	1902	517	454	1218
CHESTERFIELD	3818	3818	911	961	844	3382	3292	655	616	937
CHRISTCHURCH	1489	1489	350	295	638	450	393	332	250	967
DARLINGTON	3417	3417	1335	1330	1642	1642	1663	609	475	1612
DURHAM	1707	2650	1222	1284	433	2957	2879	1137	1022	679
EAST HAMPSHIRE	1171	1146	397	287	611	1026	888	301	176	831
EAST LINDSEY	1957	1908	2009	1824	2008	1357	1274	843	682	1583
EASTOUSE	1507	1507	1540	1607	907	1287	1148	1319	1039	1686
FOREST HEATH	1562	1527	408	386	588	1327	1170	298	133	484

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(1) Authority	(2) Figures for Income Support Caseload					(3) Figures for Non-Income Support Caseload				
	(a) Local Authority Tenants		(b) Private Tenants(c) Owner Occupiers		(a) Local Authority Tenants	(b) Private Tenants		(c) Owner Occupiers		
	(i)	(ii)	(i)	(ii)	(i)	(i)	(ii)	(i)	(ii)	
	RENT	RATES	RENT	RATES	RATES	RENT	RATES	RENT	RATES	RATES
GREENWICH	10886	10886	1923	3537	0	5001	5178	1201	3428	0
GRIMSBY	3826	3747	1916	1594	3055	1859	1733	676	200	1750
HACKNEY	5492	15181	6269	6257	1266	5606	6292	1999	2336	1030
HARLOW	354	3654	217	224	259	3336	3783	117	110	298
HART	649	629	169	111	403	570	521	185	100	507
HAVANT	436	1404	529	553	3156	842	713	217	101	1964
HORSHAM	18	1379	448	443	489	1413	1313	444	348	978
LAMBETH	6773	16503	7942	6901	971	5892	6315	2469	1815	312
LANGBATH	6909	6909	2257	1688	3234	3607	3439	551	260	2389
LEEDS	31924	31254	8901	9253	6341	18611	18120	6885	6350	5753
LEWISHAM	3196	12920	5024	2504	3456	5788	5814	1509	2170	1025
LICHFIELD	1874	1845	459	485	742	1340	1298	240	226	906
LINCOLN	463	3971	1302	1319	1041	2057	1805	427	330	596
LIVERPOOL	7020	26454	16623	17550	6538	12249	11926	5928	5580	8665
MAIDSTONE	2314	2314	717	170	1039	1711	1551	538	74	1164
MERTON	3807	3754	1418	1456	1406	2743	2488	1792	1363	1639
NEWCASTLE UNDER LYME	3324	3254	606	639	1174	2983	2905	565	532	1934
NEWCASTLE UPON TYNE	9217	18896	5621	5023	3287	10490	10202	3726	4150	2698
NEWHAM	574	10352	5070	5319	3303	5706	5707	2160	2076	2616
NORTH BEDFORDSHIRE	2674	2618	1343	1416	1687	1653	1610	931	876	1569
NORTH DEVON	1536	1416	1370	1340	1126	907	694	571	337	897
NORTH KESTEVEN	1540	1497	364	349	790	1214	1017	185	142	668
NORTHAMPTON	5636	636	1970	2016	1617	3848	3747	1034	1038	2155
NUNEATON	620	3046	939	972	1609	2505	2416	445	404	1825
OSWESTRY	836	836	307	153	352	549	512	231	97	398

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	(i)	(ii)	(i)	(ii)	(i)	(i)	(ii)	(i)	(ii)	(i)
	RENT	RATES	RENT	RATES	RATES	RENT	RATES	RENT	RATES	RATES
OXFORD	250	3182	5326	5626	1266	2555	2488	6204	5839	1874
PETERBOROUGH	3545	3021	4628	1969	2104	2049	896	1427	1920	
PRESTON	4390	4301	1923	1943	1766	2449	2221	1547	1336	1377
READING	2971	2909	2348	2277	1617	1879	1829	1723	1427	1499
REDDITCH	2970	2970	395	311	676	1975	1856	263	145	795
RICHMOND UPON THAMES	2442	2442	1774	1876	990	2084	2027	1522	1433	1232
ROCHDALE	9284	9284	1590	905	4358	4919	5280	941	392	3150
ROSSENDALE	2568	2568	683	463	1131	2158	2101	306	144	1035
ROTHERHAM	10561	10561	1744	1744	2345	7899	7753	1237	968	1960
RUNNYMEDE	864	864	871	384	570	1090	1046	806	273	1118
SALFORD	14461	14461	3596	3803	2320	9358	9277	1723	1622	3279
SCUNTHORPE	3409	3409	1467	1450	926	1991	1902	260	199	1183
SHEPWAY	1545	1545	2158	2240	1195	1014	988	689	649	1218
SLOUGH	2691	2691	798	234	1026	2284	2224	407	39	852
SOUTH HAMS	1191	1132	537	553	647	970	789	365	258	599
SOUTH KESTEVEN	2925	2799	766	732	816	2530	2181	558	463	1074
SOUTH OXFORDSHIRE	1783	1745	735	1280	851	1646	1602	875	882	1185
SOUTH SOMERSET	2721	2664	893	691	1202	2968	2890	579	221	2047
SOUTH WIGHT	915	861	780	804	915	563	468	305	239	1068
SOUTH WYKE	17999	17999	4175	2460	527	7364	7609	1516	1817	843
SPELTHORNE	1091	1091	404	428	668	1165	1171	448	357	960
SURREY HEATH	1903	1864	439	465	371	706	688	510	480	620
TANDRIDGE	1029	1029	350	212	438	1020	902	301	73	577
THANE	2924	2870	3236	2794	2844	1709	1561	1248	1042	2352

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	(i)	(ii)	(i)	(ii)	(i)	(i)	(ii)	(i)	(ii)	
	RENT	RATES	RENT	RATES	RATES	RENT	RATES	RENT	RATES	RATES
THURROCK	5057	697	598	1453	2662	2641	250	166	1265	
WALTHAM FOREST	8727	3848	4346	3806	3757	5561	2550	2660	5370	
WEALDEN	1695	965	587	1582	1503	1207	627	393	3045	
WEST LINDSEY	1662	1615	594	607	832	1163	989	267	812	
WEST NORFOLK	3761	3636	1112	880	1547	1871	1668	572	1639	
WEYMOUTH & PORTLAND	1209	1011	1039	626	1090	951	462	324	890	
WIGAN	12674	12409	1462	1543	3937	8153	7938	1034	4333	
WOKING	1348	592	626	607	1469	1430	605	569	1237	
WOKINGHAM	864	335	289	703	939	871	448	370	1312	
WOLVERHAMPTON	2518	2180	4480	8166	7995	1213	785	4097		
WOODSPRING	2909	1697	1221	1722	2480	2414	1310	941	3232	
WYRE	1738	1703	1112	909	2368	1032	983	598	2469	
<b>WALES</b>										
BRECKNOCK	697	309	306	323	934	635	140	90	341	
COLWYN	1003	1104	1312	1331	934	703	534	169	931	
LLANELLI	2661	897	472	1474	1820	1283	204	24	1005	
RHYMNEY VALLEY	4258	745	878	1821	2745	1929	370	300	1204	
TAFF-ELY	3047	2927	589	669	1228	2158	1489	985	779	690
TORFAEN	4482	559	524	812	3705	2979	136	107	687	
VALE OF GLAMORGAN	2837	2745	1545	1817	1464	1401	1022	527	299	641
<b>SCOTLAND</b>										
ABERDEEN	0	2046	0	0	7741	0	2754	0	0	
BEARSDEN & MILNGAVIE	0	28	0	0	485	0	39	0	0	



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	(i)	(ii)	(i)	(ii)	(i)	(i)	(ii)	(i)	(ii)	(i)
	RENT	RATES	RENT	RATES	RATES	RENT	RATES	RENT	RATES	RATES
BORDERS	2932	0	649	397	0	3703	0	477	1089	
CAITHNESS	0	167	0	0	681	0	72	0	0	
CENTRAL	15027	0	1641	1049	0	13045	0	1384	1494	
CUMBERNAULD		73	0	0	967	0	18	0	0	
CUMNOULT & DOON	0	143	0	0	2609	0	82	0	0	
ETTRICK & LAUDERDALE	0	171	0	0	957	0	195	0	0	
FALKIRK	0	544	0	0	6105	0	363	0	0	
INVERNESS	0	613	0	0	1378	0	169	0	0	
MOTHERWELL	0	381	0	0	10494	0	250	0	0	
ORKNEY	359	140	62	138	301	236	62	20	185	
RENFREW	0	1347	0	0	8797	0	605	0	0	
STIRLING	0	444	0	0	3646	0	669	0	0	
STRATHCLYDE	174372	0	25245	11561	0	118474	0	9770	20314	
TWEEDDALE	0	124	0	0	359	0	128	0	0	
WESTERN ISLES	1158	201	90	1416	485	501	58	0	412	
<b>NEW TOWNS</b>										
BASILDON (DC)	0	0	0	0	2407	0	0	0	0	
PETERBROUGH (DC)	0	0	0	0	1005	0	0	0	0	

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## EXPLANATORY NOTE

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

This Order makes provision for the calculation of housing benefit subsidy payable under sections 30(2), (2A) and (3) of the Social Security Act 1986 to authorities who grant rent rebates or allowances, rate rebates or, in Scotland, community charge rebates under that Act in the year ending 31st March 1990.

The Order sets out the manner in which the total figure for an authority's subsidy in respect of rebates and allowances for the year is calculated (articles 2(a) and 3 to 11 and Schedules 2, 3, 4 and 5), and the manner of calculating the additional sum payable to an authority in respect of the costs of administering housing benefit (article 2(b) and Schedules 1 and 6).

The Order makes provision for additions and deductions to subsidy in respect of rebates or allowances (articles 12 and 13) and for the modification of the provisions for subsidy in respect of payments of housing benefit in excess of entitlement, made before 1st April 1988 under section 32 of the Social Security and Housing Benefits Act 1982 and discovered in the relevant year (article 14).