

## SCHEDULE

Regulation 2

### **Prescribed particulars relating to claims for Housing Benefit and Community Charge Benefit subsidy for the relevant year**

1. The total rent rebate and total rent allowance expenditure in the relevant year for all cases, other than rent rebate under Part VI of the Local Government and Housing Act 1989<sup>(1)</sup>.
2. The total rent rebate expenditure in the relevant year in respect of the amount which a person is required to pay to an authority under section 69(2)(b) of the Housing Act 1985<sup>(2)</sup> or Part II of the Housing (Scotland) Act 1987<sup>(3)</sup> for board and lodging accommodation.
3. The total rent rebate expenditure in the relevant year in cases to which paragraph 4 refers, which is attributable to that part of the eligible rent which exceeds the relevant threshold specified in a Subsidy Order under section 30(2) or 31F(2) of the Act for the purpose of calculating subsidy on such rents.
4. The average weekly rent for local authority tenants in Scotland, for tenants of a New Town Corporation established under the New Towns Act 1981<sup>(4)</sup> or the New Towns (Scotland) Act 1968<sup>(5)</sup> and for tenants of the Development Board for Rural Wales, in respect of tenants who received rent rebates in March 1989 and March 1991 and for those who did not, where the tenants lived at the same address for both periods.
5. The total number of awards of rent rebates, rent allowances and community charge benefits in the relevant year made in respect of periods before the date of a person's claim where there is a good cause for the claim not having been made at an earlier date and the total amount of rebate, allowances and benefits awarded for such periods.
6. The total number and amounts of overpayments of housing benefit in respect of rent rebates, rent allowances, community charge rebates or of excess community charge benefits, which are identified in the relevant year and are in consequence of—
  - (a) official errors by the Department of Social Security;
  - (b) official errors by the authority claiming subsidy;
  - (c) the disclosure of changes of circumstances affecting awards of benefit paid or credited in advance where the awards are made in the two benefit weeks following the date of the disclosure;
  - (d) the crediting of rebates in advance of entitlement other than awards to which subparagraph (c) refers;
  - (e) errors or fraud by claimants;
  - (f) duplicate payments following non-receipt, loss or theft of benefit where the original instrument of payment has been encashed.
7. Any overpayments of housing benefit identified in the relevant year made under the Housing Benefit Regulations 1985<sup>(6)</sup> or the Housing Benefit (Transitional) Regulations 1987<sup>(7)</sup> where the claimant was not in receipt of supplementary benefit.

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(1) 1989 c. 42.  
(2) 1985 c. 68.  
(3) 1987 c. 26.  
(4) 1981 c. 64.  
(5) 1968 c. 16.  
(6) S.I.1985/677.  
(7) S.I. 1987/1972.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**8.** The total amount of overpayments of housing benefit made under the Housing Benefit Regulations 1985 which are recovered in the relevant year from claimants to whom Regulation 24 of those Regulations (persons in receipt of supplementary benefit) applied.

**9.** The total amount of overpayments of housing benefit or excess community charge benefits in the relevant year in consequence of official errors by the Department of Social Security which are recovered in the relevant year.

**10.** The total amount of awards of excess benefits allowed in the relevant year as defined by regulation 83(a), (b) or (c) of the 1989 Regulations (meaning of excess benefits)(**8**).

**11.** Any other overpayments of housing benefit or excess community charge benefits in the relevant year.

**12.** The total number and total amount of awards of benefit backdated in the relevant year under regulation 72(15) of the 1987 Regulations or 60(18) of the 1989 Regulations (backdated awards of benefit which are over aid or excess benefits).

**13.** The total rent allowance expenditure in the relevant year attributable to—

- (a) that part of any weekly eligible rents which exceeds any relevant threshold specified in a Subsidy Order under section 30(2) or 31F(2) of the Act for the purpose of calculating subsidy on such rents;
- (b) that part of any weekly eligible rents which were at or below any such threshold; and
- (c) that part of any weekly eligible rents to which any such threshold did not apply excluding cases which have been referred to a rent officer for a determination under section 121 of the Housing Act 1988(**9**) or section 70 of the Housing (Scotland) Act 1988(**10**).

**14.** The total rent allowance expenditure in the relevant year not attributable to any excess of eligible rent over the threshold in cases to which paragraph 13(a) refers.

**15.** The total rent allowance expenditure in the relevant year attributable to tenancies which are liable to determinations of the rent officer of the rent which a landlord might reasonably expect to obtain made under Schedule I of the Rent Officers (Additional Functions) Order 1990(**11**) or the Rent Officers (Additional Functions) (Scotland) Order 1990(**12**).

**16.** The total rent allowance expenditure in the relevant year—

- (a) which is attributable to weekly eligible rents which do not exceed any determination of a rent officer of a reasonable market rent or notional rent, under the Orders to which paragraph 15 refers;
- (b) which is attributable to the difference between the reasonable market rent for the accommodation and the comparable rent for suitably sized properties in cases where the rent officer has determined that accommodation is unreasonably large and is paid for a period of up to 13 calendar weeks;
- (c) which is attributable to that part of the weekly eligible rents which exceeded the rent officer's determination of a reasonable market rent or notional rent, in respect of which no restriction under regulation 11 (restrictions of unreasonable payments) or regulation 12 (restrictions on rent increases) of the 1987 Regulations would be made(**13**) other than expenditure to which sub-paragraph (b) of this paragraph refers;

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(8) Regulation 83 was amended by S.I. 1990/834.

(9) 1988 c. 50.

(10) 1988 c. 43.

(11) S.I. 1990/428.

(12) S.I. 1990/396.

(13) S.I. 1987/1971; relevant amending instruments are S.I. 1989/566 and 1990/546.

- (d) which is attributable to that part of the weekly eligible rents which exceeded a rent officer's determination of a reasonable market rent or notional rent, but excluding amounts to which sub-paragraphs (b) or (c) refer;
  - (e) which is attributable to the eligible rents in respect of deregulated housing association tenancies not referred to the rent officer;
  - (f) which is attributable to cases subject to referral to the rent officer for a determination but where no such determination has been obtained.
- 17.** In Scotland, the total community charge rebate expenditure in the relevant year.
- 18.** The total rate rebate expenditure in the relevant year.
- 19.** The total community charge benefit expenditure in the relevant year.
- 20.** The total expenditure in the relevant year in respect of discretionary increases of benefit where modifications of the 1987 Regulations have been made in accordance with section 28(6) of the Act or modifications of the 1989 Regulations have been made in accordance with section 31B(6) of the Act<sup>(14)</sup>.
- 21.** The total expenditure in the relevant year in respect of increases of benefit under either regulation 69(8) of the 1987 Regulations, regulation 57 of the 1988 Regulations, or regulation 58 of the 1989 Regulations (increases of weekly benefit for exceptional circumstances).

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<sup>(14)</sup> Section 31B(6) of the Act was amended in accordance with section 22A(6) of the Act by S.I. [1989/1321](#), regulation 11.