
STATUTORY INSTRUMENTS

1995 No. 1954

SOCIAL SECURITY

The Housing Benefit (Permitted Totals) Order 1995

<i>Made</i>	- - - -	<i>25th July 1995</i>
<i>Laid before Parliament</i>		<i>31st July 1995</i>
<i>Coming into force</i>	- -	<i>2nd January 1996</i>

The Secretary of State for Social Security, in exercise of powers conferred on him by sections 134(12) and 189(1) and (3) to (6) of the Social Security Administration Act 1992⁽¹⁾, and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned⁽²⁾, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Housing Benefit (Permitted Totals) Order 1995 and shall come into force on 2nd January 1996.

(2) In this Order—

“housing benefit” means either rent rebate or rent allowance as the circumstances may require;

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987⁽³⁾;

“increase in housing benefit” means the difference between—

(a) the amount of housing benefit granted in a case in which an authority makes a determination under regulation 61(2) of the Housing Benefit Regulations (increase in the appropriate maximum housing benefit)⁽⁴⁾, and

(b) the amount of housing benefit which would have been granted in that case if the authority had not made a determination under regulation 61(2) of those Regulations; and

“increase above maximum rent” means the difference between—

(a) the amount of housing benefit granted in a case in which an authority makes a determination under regulation 61(3) of the Housing Benefit Regulations⁽⁵⁾, and

(b) the amount of housing benefit which would have been granted in that case if the authority had not made a determination under regulation 61(3) of those Regulations.

(1) 1992 c. 5.

(2) See section 176(1)(b) of the Social Security Administration Act 1992.

(3) S.I.1987/1971.

(4) Regulation 61(2) was added by S.I. 1994/578.

(5) Regulation 61(3) was added by S.I. 1995/1644.

Permitted totals of benefit

2. For the purpose of section 134(11) of the Social Security Administration Act 1992, the permitted total of rebates or allowances for the year commencing on 1st April 1995 in relation to an authority shall be the total of the amounts obtained by the calculations set out in articles 3 and 4 below.

Increase in housing benefit

3. The calculation referred to in article 2 above, shall be the amount obtained by deducting 100% of any increases in housing benefit in cases in which that authority has during that year made a determination under regulation 61(2) of the Housing Benefit Regulations from the total housing benefit granted by that authority during that year, after deduction of any increase above maximum rent, and multiplying the resulting figure by 100.1%.

Increase above maximum rent

4.—(1) The calculation referred to in article 2 above, shall be the amount obtained by deducting 100% of any increases above maximum rent in cases in which that authority has during that year made a determination under regulation 61(3) of the Housing Benefit Regulations from the total housing benefit granted by that authority during that year, less the deductions specified in paragraph (2) below, and multiplying the resulting figure by 100.15%.

(2) The deductions referred to in paragraph (1) above are—

- (a) all rent rebates granted during that year;
- (b) subject to paragraph (3) below, all rent allowances granted during that year in cases where the local authority did not refer a claim for housing benefit, in relation to the dwelling in respect of which that allowance was granted, to the rent officer pursuant to regulation 12A of the Housing Benefit Regulations⁽⁶⁾; and
- (c) any increase in housing benefit.

(3) No rent allowance shall be deducted pursuant to sub-paragraph (b) above, if that case was not referred to the rent officer by reason of paragraph (2) of regulation 12A of those Regulations.

Revocation

5. The Housing Benefit (Permitted Totals) Order 1994⁽⁷⁾ is hereby revoked.

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

25th July 1995

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

⁽⁶⁾ Regulation 12A was added by S.I. 1990/546 and amended by S.I. 1993/317, 1995/560 and 1644.

⁽⁷⁾ S.I. 1994/579.

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order sets out the basis for calculating the permitted total of rent rebates or rent allowances for the year 1995/1996 for authorities granting housing benefit under Part VIII of the Social Security Administration Act 1992, and limits the amount by which the housing benefit payments may be increased on the exercise of the discretions provided by regulation 61(2) and (3) of the Housing Benefit (General) Regulations 1987.

This Order does not impose a charge on businesses.