
STATUTORY INSTRUMENTS

1996 No. 1314

SOCIAL SECURITY

**The Housing Benefit and Council Tax Benefit
(Subsidy) Amendment Regulations 1996**

<i>Made</i>	- - - -	<i>15th May 1996</i>
<i>Laid before Parliament</i>		<i>21st May 1996</i>
<i>Coming into force</i>	- -	<i>11th June 1996</i>

The Secretary of State for Social Security in exercise of powers conferred upon him by sections 137(2) and (3), 140(7), 189(1) and (3) to (6) and 191 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) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(3), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit and Council Tax Benefit (Subsidy) Amendment Regulations 1996 and shall come into force on 11th June 1996.

(2) In these Regulations—

“the Subsidy Regulations” means the Housing Benefit and Council Tax Benefit (Subsidy) Regulations 1994(4).

Amendment of regulation 1(2) of the Subsidy Regulations

2. In regulation 1(2) of the Subsidy Regulations (interpretation) there shall be inserted, after the definition of “the Subsidy Order 1995”, the following definition —

““the Subsidy Order 1996” means the Housing Benefit and Council Tax Benefit (Subsidy) Order 1996(5).”

(1) 1992 c. 5; section 140(7) is amended by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraph 21(7); section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”.
(2) See section 176(1) of the Social Security Administration Act 1992.
(3) See section 173(1)(b) and (7) of the Social Security Administration Act 1992.
(4) S.I.1994/781, amended by S.I. 1995/874.
(5) S.I. 1996/1217.

Amendment of the Schedule to the Subsidy Regulations

3.—(1) The Schedule to the Subsidy Regulations (prescribed particulars relating to claims for housing benefit and council tax benefit subsidy for the relevant year) shall be amended in accordance with the following provisions of this regulation.

(2) For paragraph 12 there shall be substituted the following paragraph—

“**12.** The total rent allowance expenditure in the relevant year attributable to tenancies liable to determinations by the rent officer—

- (a) under the Rent Officers (Additional Functions) Order 1995(6) or as the case may be the Rent Officers (Additional Functions) (Scotland) Order 1995(7); and
- (b) where the application for determination by the Rent Officer was made before 2nd January 1996, under the Rent Officer (Additional Functions) Order 1990(8) or as the case may be the Rent Officers (Additional Functions) (Scotland) Order 1990(9).”

(3) For paragraph 13 there shall be substituted the following paragraph—

“**13.** The total rent allowance expenditure in the relevant year as specified in each of the following paragraphs—

- (a) expenditure on eligible rents in respect of deregulated housing association tenancies not referred to a rent officer;
- (b) expenditure in cases subject to referral to a rent officer for determination, but where no such referral was made;
- (c) expenditure in cases referred to a rent officer before 2nd January 1996, and in cases to which regulation 10 of the Housing Benefit (General) Amendment Regulations 1995(10) applies, which falls under each of the following sub-paragraphs —
 - (i) weekly eligible rents which do not exceed any determination made under the Orders to which paragraph 12 above refers;
 - (ii) expenditure representing the difference between the property-specific rent for the accommodation and the size-related rent in cases where a rent officer has determined that accommodation is unreasonably large but has not determined a high rent under—
 - (aa) paragraph 2A (high rent determinations)(11) of Schedule 1 to the Rent Officers (Additional Functions) Order 1995 or as the case may be the Rent Officers (Additional Functions) (Scotland) Order 1995; or
 - (bb) in a case where the application for a determination by the rent officer is made on or after 2nd January 1996, paragraph 3 of the Rent Officers (Additional Functions) Order 1995 or as the case may be the Rent Officers (Additional Functions) (Scotland) Order 1995, incurred over a period of up to 13 calendar weeks;

(6) S.I. 1995/1642, amended by S.I. 1995/2365 and 3148 and 1996/959.

(7) S.I. 1995/1643, amended by S.I. 1995/2361 and 3185 and 1996/975.

(8) S.I. 1990/428, amended by S.I. 1991/426, 1993/652, 1994/568 and 3040 and revoked (with savings) by S.I. 1995/1642 as from 2.1.96.

(9) S.I. 1990/396, amended by S.I. 1991/533, 1993/646, 1994/582 and 3108 and revoked (with savings) by S.I. 1995/1643 as from 2.1.96.

(10) S.I. 1995/1644.

(11) Paragraph 2A was added by S.I. 1994/568 and amended by S.I. 1994/3040 in the case of England and Wales and by S.I. 1994/582 and 3108 in the case of Scotland.

- (iii) that part of the weekly eligible rents which exceeded the relevant rent, in respect of a case to which paragraph 5 of Schedule 6 to the Subsidy Order 1996 (no restriction on unreasonable rents or on rent increases) applies other than expenditure to which sub-paragraph (ii) of this paragraph refers;
 - (iv) expenditure to which paragraph 7 of Schedule 6 to the Subsidy Order 1996 (deductions in respect of allowances) applies;
 - (d) expenditure in cases referred to a rent officer and determined in accordance with regulations 10 and 11 of the 1987 Regulations as in force on 2nd January 1996;
 - (e) expenditure incurred by an authority resulting from the authority placing on the ineligible amounts a value less than that placed by the rent officer.”.
- (4) For paragraph 16 there shall be substituted the following paragraph—

“**16.** The total expenditure in the relevant year in respect of increases of benefit under each of regulation 61(2) or (3) of the 1987 Regulations(**12**) and regulation 51(5) or 54(4) of the 1992 Regulations(**13**) (increases of weekly benefit for exceptional circumstances), as the case may be.”.

Savings and transitional

4. The Subsidy Regulations, as previously in force, shall continue to apply to any claims for subsidy, particulars to be supplied therewith and conditions and questions relating to payment of subsidy under the Act for any relevant year before 1st April 1996, as if these Regulations had not been made.

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

15th May 1996

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

(12) Paragraph (2) of regulation 61 was inserted by S.I. 1994/578 and paragraph (3) by S.I. 1995/1644.

(13) Regulation 51(5) and 54(4) were added by S.I. 1994/2137.

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 Regulations)

These Regulations amend the Housing Benefit and Council Tax Benefit (Subsidy) Regulations 1994, subject to the saving provisions in regulation 4, to provide for the particulars which are required to be provided by an authority to the Secretary of State on the making of claims for housing benefit subsidy and council tax benefit subsidy.

These Regulations do not impose a charge on businesses.