

---

STATUTORY INSTRUMENTS

---

**1998 No. 562**

**The Income-related Benefits  
(Subsidy to Authorities) Order 1998**

**PART III**

**CALCULATION OF SUBSIDY**

**Interpretation of Part III**

**11.—(1)** In this Part, unless the context otherwise requires—

“allowance” means a rent allowance;

[<sup>F1</sup>“appeal tribunal” has the meaning it bears in section 39(1) of the Social Security Act 1998;]

“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 house or some similar establishment,

but it does not include accommodation in a residential care home or nursing home within the meaning of regulation 19(3) of the Income Support (General) Regulations 1987 <sup>M1</sup> nor in a hostel within the meaning of [<sup>F2</sup>regulation 14 of the Housing Benefit Regulations or, as the case may be, regulation 14 of the Housing Benefit (State Pension Credit) Regulations];

[<sup>F3</sup>“Commissioner” has the meaning it bears in section 39(1) of the Social Security Act 1998;]

<sup>F4</sup>  
...

[<sup>F5</sup>“the Consequential Provisions Regulations” means the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006;]

<sup>F6</sup>  
...

<sup>F6</sup>  
...

[<sup>F7</sup>“the Housing Benefit Regulations” means the Housing Benefit Regulations 2006;]

[<sup>F8</sup>“the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;]

“overpayment” includes <sup>F9</sup>... <sup>F10</sup>... overpayments under the Housing Benefit Regulations and any reference in this Order to “overpayment” in relation to any of the previous Orders shall bear the meaning it has in this Order;

<sup>F6</sup>  
...

“rebate” means a rent rebate <sup>F11</sup>... <sup>M2</sup>;

“the Rent Officers Order” means the Rent Officers (Housing Benefits Functions) Order 1997<sup>M3</sup> or the Rent Officers (Housing Benefits Functions) (Scotland) Order 1997<sup>M4</sup>, as the case may be;

“the Rent Officers Order 1995” means the Rent Officers (Additional Functions) Order 1995<sup>M5</sup> or the Rent Officers (Additional Functions) (Scotland) Order 1995<sup>M6</sup>, as the case may be;

“scheme” means the housing benefit scheme<sup>F12</sup>... as prescribed under section 123(1) of the Social Security [F13Contributions and Benefits Act 1992];

F14 ...

and other expressions used in this Part and in [F15the Housing Benefit Regulations [F16or the Housing Benefit (State Pension Credit) Regulations], as the case may be, shall have the same meanings in this Part as they have in those Regulations.

(2) In this Part

“qualifying expenditure” means, in relation to an authority, the total of [F17housing benefit], including any payments under [F18regulation 93] of the Housing Benefit Regulations [F19and regulation 74 of the Housing Benefit (State Pension Credit) Regulations] (payments on account of a rent allowance)<sup>M7</sup> and any extended payments, lawfully paid [F20or treated as lawfully paid under paragraph (3)] by the authority during the relevant year, less—

- (a) the deduction, if any, calculated for that authority in article 15 [F21or 15A];
- (b) any deductions specified in article 19 relevant to that authority, and
- (c) where, under [F22section 134(8) (arrangements for housing benefit) of the Act], the authority has modified any part of a scheme it administers, any amount by which the total of [F17housing benefit] paid under that scheme during the relevant year by it exceeds the total it would have paid if the scheme had not been so modified.

[F23(3) An amount of [F24housing benefit] which—

- (a) would fall to be paid in the relevant year for a period in a preceding year; and
- (b) is not paid by virtue of [F25regulation 98 or 102 of the Housing Benefit Regulations or, as the case may be, regulation 79 or 83 of the Housing Benefit (State Pension Credit) Regulations] (offsetting and method of recovery) on the ground that an overpayment of benefit was made in that preceding year for that period,

shall be treated as lawfully paid in the relevant year for that period.]]

#### Textual Amendments

- F1** Words in art. 11(1) inserted (25.9.2000) by The Income-related Benefits (Subsidy to Authorities) Amendment (No. 2) Order 2000 (S.I. 2000/2340, art. 1, 2(a)(i))
- F2** Words in art. 11(1) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 13(2)(a)(i)** (with regs. 2, 3, Schs. 3, Sch. 4)
- F3** Words in art. 11(1) inserted (25.9.2000) by The Income-related Benefits (Subsidy to Authorities) Amendment (No. 2) Order 2000 (S.I. 2000/2340, art. 1, 2(a)(i))
- F4** Words in art. 11 omitted (9.11.2015) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2015 \(S.I. 2015/1784\)](#), arts. 1(1), **5(2)(a)**
- F5** Words in art. 11(1) inserted (with effect in accordance with art. 1(3) of the commencing S.I.) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2011 \(S.I. 2011/2957\)](#), arts. 1(1), **4(2)**

- F6** Words in art. 11(1) omitted (31.10.2021) by virtue of *The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031)*, art. 1(1), **Sch. 5 para. 6(a)(i)**
- F7** Words in art. 11(1) substituted (6.3.2006) by *The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217)*, reg. 1(1), **Sch. 2 para. 13(2)(a)(iv)** (with regs. 2, 3, Schs. 3, Sch. 4)
- F8** Words in art. 11(1) inserted (6.3.2006) by *The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217)*, reg. 1(1), **Sch. 2 para. 13(2)(a)(v)** (with regs. 2, 3, Schs. 3, Sch. 4)
- F9** Words in art. 11 omitted (9.11.2015) by virtue of *The Income-related Benefits (Subsidy to Authorities) Amendment Order 2015 (S.I. 2015/1784)*, arts. 1(1), **5(2)(b)**
- F10** Words in art. 11(1) omitted (31.10.2021) by virtue of *The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031)*, art. 1(1), **Sch. 5 para. 6(a)(ii)**
- F11** Words in art. 11(1) omitted (1.4.2004) by virtue of *Income-related Benefits (Subsidiary to Authorities) Amendment Order 2004 (S.I. 2004/646)*, art. 1(1), **Sch. 1 para. 4**
- F12** Words in art. 11(1) omitted (31.10.2021) by virtue of *The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031)*, art. 1(1), **Sch. 5 para. 6(a)(iii)**
- F13** Words in art. 11(1) substituted (10.5.2000 with effect in accordance with art. 1(3)) by *The Income-related Benefits (Subsidy to Authorities) Amendment Order 2000 (S.I. 2000/1091)*, arts. 1, **4(1)**
- F14** Words in art. 11(1) omitted (with effect in accordance with art. 1(2) of the commencing S.I.) by virtue of *Income-related Benefits (Subsidy to Authorities) Amendment Order 2006 (S.I. 2006/54)*, arts. 1(1), **3(2)(a)**
- F15** Words in art. 11(1) substituted (6.3.2006) by *The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217)*, reg. 1(1), **Sch. 2 para. 13(2)(a)(vi)** (with regs. 2, 3, Schs. 3, Sch. 4)
- F16** Words in art. 11 substituted (31.10.2021) by *The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031)*, art. 1(1), **Sch. 5 para. 6(a)(iv)**
- F17** Words in art. 11(2) substituted (31.10.2021) by *The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031)*, art. 1(1), **Sch. 5 para. 6(b)(i)**
- F18** Words in art. 11(2) substituted (6.3.2006) by *The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217)*, reg. 1(1), **Sch. 2 para. 13(2)(b)** (with regs. 2, 3, Schs. 3, Sch. 4)
- F19** Words in art. 11(2) inserted (6.3.2006) by *The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217)*, reg. 1(1), **Sch. 2 para. 13(2)(b)** (with regs. 2, 3, Schs. 3, Sch. 4)
- F20** Words in art. 11(2) inserted (25.9.2000) by *The Income-related Benefits (Subsidy to Authorities) Amendment (No. 2) Order 2000 (S.I. 2000/2340)*, art. 1, 2(a)(ii)
- F21** Words in art. 11(2) inserted (with effect in accordance with art. 1(2) of the commencing S.I.) by *Income-related Benefits (Subsidy to Authorities) Amendment Order 2006 (S.I. 2006/54)*, arts. 1(1), **3(2)(b)**
- F22** Words in art. 11(2) substituted (31.10.2021) by *The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031)*, art. 1(1), **Sch. 5 para. 6(b)(ii)**
- F23** Art. 11(3) inserted (25.9.2000) by *The Income-related Benefits (Subsidy to Authorities) Amendment (No. 2) Order 2000 (S.I. 2000/2340)*, art. 1, 2(a)(iii)
- F24** Words in art. 11(3) substituted (31.10.2021) by *The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 (S.I. 2021/1031)*, art. 1(1), **Sch. 5 para. 6(c)**

---

**Changes to legislation:** There are currently no known outstanding effects for the *The Income-related Benefits (Subsidy to Authorities) Order 1998, Section 11*. (See end of Document for details)

---

**F25** Words in art. 11(3) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#) , reg. 1(1) , **Sch. 2 para. 13(2)(c)** (with regs. 2 , 3 , Schs. 3 , Sch. 4 )

---

**Marginal Citations**

- M1** [S.I. 1987/1967](#) ; relevant amending instruments are [S.I. 1988/663](#) , 1445, 2022, 1989/1678, 1992/3147 and 1993/2119.
- M2** See the meaning of “relevant benefit” in section 140B(2) of the Social Security Administration Act 1992, inserted by paragraph 4 of Schedule 12 to the [Housing Act 1996 \(c.52\)](#).
- M3** [S.I. 1997/1984](#) .
- M4** [S.I. 1997/1995](#) .
- M5** [S.I. 1995/1642](#) , amended by [S.I. 1995/2365](#) , 3148, 1996/959, 1997/1000 and 1984.
- M6** [S.I. 1995/1643](#) , amended by [S.I.1995/2361](#) , 3185, 1996/975, 1997/1003 and 1995.
- M7** Regulation 91 was amended by [S.I. 1995/2868](#) .

**Changes to legislation:**

There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998, Section 11.