



Social Security Administration Act 1992

1992 CHAPTER 5

PART VIII

^{XI}ARRANGEMENTS FOR HOUSING BENEFIT AND COMMUNITY CHARGE BENEFITS AND RELATED SUBSIDIES

Housing benefit

134 Arrangements for housing benefit

[^{F1}(1) Housing benefit provided by virtue of a scheme under section 123 of the Social Security Contributions and Benefits Act 1992 (in this Part referred to as “the housing benefit scheme”) shall be funded and administered by the appropriate housing authority or local authority.

(1A) Housing Benefit in respect of payments which the occupier of a dwelling is liable to make to a housing authority shall take the form of a rent rebate or, in prescribed cases, a rent allowance funded and administered by that authority. The cases that may be so prescribed do not include any where the payment is in respect of property within the authority's Housing Revenue Account.

(1B) In any other case housing benefit shall take the form of a rent allowance funded and administered by the local authority for the area in which the dwelling is situated or by such other local authority as is specified by an order made by the Secretary of State.]

(2) The rebates and allowances referred to in [^{F2}subsections (1A) and (1B)] above may take any of the following forms, that is to say—

- (a) a payment or payments by the authority to the person entitled to the benefit;
- (b) a reduction in the amount of any payments which that person is liable to make to the authority by way of rent ^{F3}...; or
- (c) such a payment or payments and such a reduction;

and in any enactment or instrument (whenever passed or made) “pay”, in relation to housing benefit, includes discharge in any of those forms.

Changes to legislation: Social Security Administration Act 1992, Cross Heading: Housing benefit is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- ^{F4}(3)
- ^{F4}(4)

^{F5}(5) Authorities may—

- (a) agree that one shall discharge functions relating to housing benefit on another's behalf; or
- (b) discharge any such functions jointly or arrange for their discharge by a joint committee.

(5A) Nothing in this section shall be read as excluding the general provisions of the Local Government Act 1972 or the Local Government (Scotland) Act 1973 from applying in relation to the housing benefit functions of a local authority.]

- ^{F6}(6)
- ^{F6}(7)

(8) An authority may modify any part of the housing benefit scheme administered by the authority—

- (a) so as to provide for disregarding, in determining a person's income (whether he is the occupier of a dwelling or any other person whose income falls to be aggregated with that of the occupier of a dwelling), the whole or part of any [^{F7}prescribed] war disablement pension or [^{F7}prescribed] war widow's ^{F8}... pension payable to that person;
 - (b) to such extent in other respects as may be prescribed,
- and any such modifications may be adopted by resolution of an authority.

(9) Modifications other than such modification as are mentioned in subsection (8)(a) above shall be so framed as to secure that, in the estimate of the authority adopting them, the total of [^{F9}the housing benefit which will be paid by the authority in any year] ill not exceed the permitted total or any subsidiary limit specified by order of the Secretary of State.]

(10) An authority who have adopted modifications by resolution revoke or vary them.

(11) If the housing benefit scheme includes power for an authority to exercise a discretion in awarding housing benefit, the authority shall not exercise that discretion so that the total of [^{F10}the housing benefit paid by them during the year exceeds the permitted total or any subsidiary limit specified by order of the Secretary of State.]

^{F11}(12) The Secretary of State—

- (a) shall by order specify the permitted total of housing benefit payable by any authority in any year; and
- (b) may by order specify one or more subsidiary limits on the amount of housing benefit payable by any authority in any year in respect of any matter or matters specified in the order.

The power to specify the permitted total or a subsidiary limit may be exercised by fixing an amount or by providing rules for its calculation.]

(13) In this section “modifications” includes additions, omissions and amendments, and related expressions shall be construed accordingly.

^{F12}(14) In this section “war widow's pension” includes any corresponding pension payable to a widower or surviving civil partner.]

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Textual Amendments

- F1** S. 134(1)-(1B) substituted for s. 134(1) (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), **Sch. 12 para. 1(2)**; [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))
- F2** Words in s. 134(2) substituted (retrospective to 1.4.1997) by [Local Government Act 2003 \(c. 26\)](#), s. 128(1)(b), **Sch. 7 para. 35(1)** (with [Sch. 7 para. 35\(2\)](#))
- F3** Words in s. 134(2) omitted (1.4.1997) by virtue of [Housing Act 1996 \(c. 52\)](#), s. 232(3), **Sch. 12 para. 1(3)**; [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))
- F4** S. 134(3)(4) omitted (1.4.1997) by virtue of [Housing Act 1996 \(c. 52\)](#), s. 232(3), **Sch. 12 para. 1(4)**; [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))
- F5** S. 134(5)(5A) substituted for s. 134(5) (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), **Sch. 12 para. 1(5)**; [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))
- F6** S. 134(6)(7) omitted (1.4.1997) by virtue of [Housing Act 1996 \(c. 52\)](#), s. 232(3), **Sch. 12 para. 1(4)**; [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))
- F7** Word in s. 134(8)(a) inserted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), **Sch. 5 para. 3(a)**
- F8** Words in s. 134(8)(a) repealed (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), [Sch. 5 para. 3\(b\)](#), **Sch. 8**
- F9** Words in s. 134(9) substituted (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), **Sch. 12 para. 1(6)**; [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))
- F10** Words in s. 134(11) substituted (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), **Sch. 12 para. 1(7)**; [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))
- F11** S. 134(12) substituted (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), **Sch. 12 para. 1(8)**; [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))
- F12** S. 134(14) inserted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), **Sch. 5 para. 3(c)**

F13 135

Textual Amendments

- F13** Ss. 135-137 repealed (24.9.1996) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), **Sch. 19 Pt. VI**; [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))

F13 136

Textual Amendments

- F13** Ss. 135-137 repealed (24.9.1996) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), **Sch. 19 Pt. VI**; [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))

F13 137

Textual Amendments

- F13** Ss. 135-137 repealed (24.9.1996) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), **Sch. 19 Pt. VI**; [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Act modified by [S.I. 2019/1302 art. 2](#) (This amendment not applied to legislation.gov.uk S.I. 2019/1302 revoked (17.12.2020) by The Social Security (Iceland, Liechtenstein and Norway) (Citizens' Rights Agreement) (Revocation) Order 2020 (S.I. 2020/1569), arts. 1(2), 2)
- Act modified by [S.I. 2019/1303 art. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/1303 revoked (17.12.2020) by The Social Security (Switzerland) (Citizens' Rights Agreement) (Revocation) Order 2020 (S.I. 2020/1570), arts. 1(2), 2)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2G(1)(d) inserted by [2012 c. 5 s. 59\(5\)](#)
- s. 5(1A)-(1C) inserted by [2009 c. 24 s. 22\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 22 repealed (1.4.2013) by 2012 c. 5, s. 101(2); S.I. 2013/358, art. 4(2))
- s. 78A inserted by [2009 c. 24 s. 16\(2\)](#) (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- s. 121B(1)(aa) inserted by [2007 asp 3 Sch. 5 para. 19\(a\)](#) (S. 121B repealed by Finance Act 2008 (c. 9), Sch. 43 para. 14)
- s. 121B(4) words inserted by [2007 asp 3 Sch. 5 para. 19\(b\)](#) (S. 121B repealed by Finance Act 2008 (c. 9), Sch. 43 para. 14)
- s. 122F(5) inserted by [2012 c. 5 Sch. 4 para. 12\(4\)](#)
- s. 122G inserted by [2009 c. 24 s. 18](#) (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- s. 122H inserted by [2009 c. 24 s. 20\(3\)](#) (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- s. 134(2)-(2B) substituted for s. 134(2) by [2007 c. 5 s. 37](#)
- s. 148AB inserted by [2008 c. 30 Sch. 4 para. 14](#) (This amendment not applied to legislation.gov.uk. Sch. 4 paras. 13-22 repealed (1.10.2014) without ever being in force by 2014 c. 19, Sch. 12 para. 96(c); S.I. 2014/2377, art. 2(1)(a)(ii)(3)(c))
- s. 148AB(1)(2) words substituted by [2011 c. 19 Sch. 3 para. 8\(2\)](#)
- s. 148AB(9) inserted by [2011 c. 19 Sch. 3 para. 8\(3\)](#)
- s. 151(10)(b)(i)(ii) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 160C inserted by [2012 c. 5 Sch. 2 para. 24](#)
- s. 165(1)(b)(viii) and word inserted by [2023 c. 20 Sch. para. 19\(2\)\(b\)](#)
- s. 190(1)(ac) inserted by [2009 c. 24 s. 21](#) (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- Sch. 4 Pt. 3 para. 5 word substituted by [S.I. 2010/978 art. 2](#)