



Social Security Administration Act 1992

1992 CHAPTER 5

PART VIII

^{X1}ARRANGEMENTS FOR HOUSING BENEFIT AND COMMUNITY CHARGE BENEFITS AND RELATED SUBSIDIES

Editorial Information

X1 Unreliable words in heading.

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;

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- (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.

^{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] will 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.

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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.]

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.](#))

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^{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.](#))

Community charge benefits

^{F14}138 **Nature of benefits**

^{F15}(1) Regulations shall provide that where a person is entitled to council tax benefit in respect of council tax payable to a billing authority or ^{F16}local authority in Scotland] the benefit shall take such of the following forms as is prescribed in the case of the person—

- (a) a payment or payments by the authority to the person;
- (b) a reduction in the amount the person is or becomes liable to pay to the authority in respect of the tax for the relevant or any subsequent financial year;
- (c) both such payment or payments and such reduction.]

^{F17}References in any enactment or instrument (whenever passed or made) to payment, in relation to council tax benefit, include any of those ways of giving the benefit.]

^{F18}(3)

^{F18}(4)

(5) For the purposes of ^{F19}subsection (1)] above the relevant ^{F20}financial year] is the ^{F20}financial year] in which the relevant day falls; and the relevant day is the day in respect of which the person concerned is entitled to the benefit.

^{F21}(6)

^{F21}(7)

^{F21}(8)

(9) Regulations under subsection (1) ^{F22}... above may include such supplementary, incidental or consequential provisions as appear to the Secretary of State to be necessary or expedient; and any such provisions may include provisions amending or adapting provisions of ^{F23}Part I or II of the Local Government Finance Act 1992].

Textual Amendments

F14 Ss. 138-140G repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), **Sch. 4** (with arts. 9, 10, **Sch. 5**)

F15 S. 138(1) substituted for s. 138(1)(2) (1.4.1993) by [Local Government Finance Act 1992 \(c.14\)](#), **Sch. 9 para. 19(1)**

F16 Words in s. 138(1) substituted (1.4.1996) by [Local Government etc. \(Scotland\) Act 1994 \(c. 39\)](#), s. 184(2), **Sch. 13 para. 175(3)**; S.I. 1996/323, art. 4(1)(c)

F17 Words in s. 138(1) inserted (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), **Sch. 12 para. 2**; S.I. 1997/618, art. 2(1) (with [Sch.](#))

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- F18** S. 138(3)(4) repealed (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para. 19\(2\), Sch. 14](#)
- F19** Words in s. 138(5) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para. 19\(3\)](#)
- F20** Words in s. 138(5) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para. 19\(3\)](#)
- F21** S. 138(6)-(8) repealed (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para. 19\(4\), Sch. 14](#)
- F22** Words in s. 138(9) repealed (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para. 19\(5\), Sch. 14](#)
- F23** Words in s. 138(9) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para. 19\(5\)](#)

139 Arrangements for community charge benefits

- (1) [^{F24}Council tax benefit] provided for by virtue of a scheme under section 123 of the Contributions and Benefits Act (in this Act referred to as a [^{F25}council tax benefit scheme]) is to be administered by the appropriate authority.
- [^{F26}(2) For the purposes of this section the appropriate authority is the billing authority or [^{F27}local authority in Scotland] which levied the council tax as regards which a person is entitled to the benefit.]
- [^{F28}(4) 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 council tax benefit functions of a local authority.]
- (6) A [^{F29}billing authority] or [^{F30}local authority in Scotland] may modify any part of the [^{F31}council tax benefit scheme] administered by the authority—
- (a) so as to provide for disregarding, in determining a person's income, the whole or part of any [^{F32}prescribed] war disablement pension or [^{F32}prescribed] war widow's pension payable to that person or to his partner or to a person to whom he is polygamously married;
- (b) to such extent in other respects as may be prescribed,
- and any such modifications may be adopted by resolution of an authority.
- (7) Modifications other than such modifications as are mentioned in subsection (6)(a) above shall be so framed as to secure that, in the estimate of the authority adopting them, the total of [^{F33}the amount of benefit which will be paid by them in any year will not exceed the permitted total or any subsidiary limit specified by order of the Secretary of State].
- (8) An authority which has adopted modifications may by resolution revoke or vary them.
- (9) If the [^{F34}council tax benefit scheme] includes power for an authority to exercise a discretion in allowing [^{F35}council tax benefit], the authority shall not exercise that discretion so that the total of [^{F36}the amount of benefit paid by them in any year exceeds the permitted total or any subsidiary limit specified by order of the Secretary of State.]
- [^{F37}(10) The Secretary of State—
- (a) shall by order specify the permitted total of council tax benefit payable by any authority in any year; and

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- (b) may by order specify one or more subsidiary limits on the amount of council tax 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.]

(11) In this section—

“modifications” includes additions, omissions and amendments, and related expressions shall be construed accordingly;

“partner”, in relation to a person, means the other member of the couple concerned;

F38

[^{F39}“war widow's pension” includes any corresponding pension payable to a widower or surviving civil partner].

Textual Amendments

- F14** Ss. 138-140G repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F24** Words in s. 139(1) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 20\(1\)](#)
- F25** Words in s. 139(1) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 20\(1\)](#)
- F26** S. 139(2) substituted for s. 139(2)(3) (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 20\(2\)](#)
- F27** Words in s. 139(2) substituted (1.4.1996) by [Local Government etc. \(Scotland\) Act 1994 \(c. 39\)](#), s. 184(2), [Sch. 13 para. 175\(3\)](#); S.I. 1996/323, [art. 4\(1\)\(c\)](#)
- F28** S. 139(4) substituted for s. 139(4)(5) (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 12 para. 3\(2\)](#); S.I. 1997/618, [art. 2\(1\)](#) (with [Sch.](#))
- F29** Words in s. 139(6) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 20\(5\)](#)
- F30** Words in s. 139(6) substituted (1.4.1996) by [Local Government etc. \(Scotland\) Act 1994 \(c. 39\)](#), s. 184(2), [Sch. 13 para. 175\(3\)](#); S.I. 1996/323, [art. 4\(1\)\(c\)](#)
- F31** Words in s. 139(6) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 20\(5\)](#)
- F32** Word in s. 139(6)(a) inserted by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), [Sch. 5 para. 4\(a\)](#)
- F33** Words in s. 139(7) substituted (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 12 para. 3\(3\)](#); S.I. 1997/618, [art. 2\(1\)](#) (with [Sch.](#))
- F34** Words in s. 139(9) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 20\(7\)\(a\)](#)
- F35** Words in s. 139(9) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 20\(7\)\(b\)](#)
- F36** Words in s. 139(9) substituted (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 12 para. 3\(4\)](#); S.I. 1997/618, [art. 2\(1\)](#) (with [Sch.](#))
- F37** S. 139(10) substituted (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 12 para. 3\(5\)](#); S.I. 1997/618, [art. 2\(1\)](#) (with [Sch.](#))
- F38** Words in s. 139(11) repealed by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), [Sch. 5 para. 4\(b\)](#)
- F39** Words in s. 139(11) substituted by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), [Sch. 5 para. 4\(b\)](#)

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F⁴⁰ Reports

Textual Amendments

F40 Ss. 139A-139C and cross-heading inserted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), [ss. 5, 25\(1\)](#); S.I. 1997/1577, [art. 2](#), [Sch.](#)

139A Persons to report on administration

[^{F41}(1) The Secretary of State may authorise persons to consider and report to him on the administration by authorities of housing benefit and council tax benefit.

(2) The Secretary of State may ask persons authorised under subsection (1) to consider in particular—

- (a) authorities' performance in the prevention and detection of fraud relating to housing benefit and council tax benefit;
- (b) authorities compliance with the requirements of Part I of the Local Government Act 1999 (best value) [^{F42}or the performance requirements set out in section 89 of the Local Government and Elections (Wales) Act 2021].

(2A) A person may be authorised under subsection (1)—

- (a) on such terms and for such period as the Secretary of State thinks fit;
- (b) to act generally or in relation to a specified authority or authorities;
- (c) to report on administration generally or on specified matters.]

(3) In sections 139B and 139C below—

“benefit” means housing benefit or council tax benefit; and

“authority” means an authority which is administering either of those benefits.

Textual Amendments

F41 S. 139A(1)-(2A) substituted for s. 139A(1)(2) (27.7.1999) by [Local Government Act 1999 \(c. 27\)](#), [s. 14\(1\)](#); S.I. 1999/2169, [art. 4\(1\)](#)

F42 Words in s. 139A(2)(b) substituted (1.4.2021) by virtue of [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments\) Regulations 2021 \(S.I. 2021/296\)](#), [regs. 1\(2\), 3\(2\)](#) (with [reg. 3\(5\)](#))

139B Powers of investigation

(1) A person authorised under section 139A(1) above—

- (a) has a right of access at all reasonable times to any document relating to the administration of benefit;
- (b) is entitled to require from any person holding or accountable for any such document such information and explanation as he thinks necessary; and
- (c) is entitled, if he thinks it necessary, to require any such person to produce any such document or to attend before him in person to give such information or explanation.

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- (2) A person authorised under section 139A(1) above is entitled to require any officer or member of an authority or any person involved in the administration of benefit for an authority—
- (a) to give him such information and explanation relating to the administration of benefit as he thinks necessary; and
 - (b) if he thinks it necessary, to require any such person to attend before him in person to give the information or explanation.
- (3) A person who without reasonable excuse fails to comply with a requirement under subsection (1) or (2) above is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) A person authorised under section 139A(1) above may—
- (a) require any document or information which is to be given to him under subsection (1) or (2) above to be given in any form reasonably specified by him; and
 - (b) take copies of any document produced to him.
- (5) In this section “document” means anything in which information of any description is recorded.]

^{F43}139BA Interaction with Audit Commission

.....

Textual Amendments

F43 S. 139BA omitted (1.4.2015) by virtue of [Local Audit and Accountability Act 2014 \(c. 2\), s. 49\(1\), Sch. 12 para. 29](#); S.I. 2015/841, art. 3(x)

^{F40}139C Reports

- (1) A report about an authority by a person authorised under section 139A(1) above may include recommendations about improvements which could be made by that authority in its administration of benefit and, in particular, in the prevention and detection of fraud relating to benefit and, ^{F44}in particular—
- (a) in the prevention and detention of fraud relating to benefit, or
 - (b) for the purposes of complying with requirements of Part I of the Local Government Act 1999 (best value) ^{F45}or the performance requirements set out in section 89 of the Local Government and Elections (Wales) Act 2021].]

(2) When the Secretary of State receives a report about an authority from a person authorised under section 139A(1) above, he shall send a copy to the authority.]

Textual Amendments

F44 Words in s. 139C(1) substituted (1.4.2000 for E.W., 27.7.2000 for S.) by the [Local Government Act 1999 \(c. 27\), ss. 14\(2\), 27](#); S.I. 1999/2169, art. 4(1)

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F45 Words in s. 139C(1)(b) substituted (1.4.2021) by virtue of [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments\) Regulations 2021 \(S.I. 2021/296\)](#), regs. 1(2), **3(3)** (with reg. 3(5))

[^{F46}Directions by Secretary of State

Textual Amendments

F46 S. 139D and cross-heading inserted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), ss. 8, 25(1); S.I. 1997/1577, art. 2, Sch.

139D Directions

- (1) This section applies where—
- (a) a copy of a report has been sent to an authority under section 139C(2) above;
 - (b) a copy of a report has been sent [^{F47}to the Secretary of State under section 37(1) of or paragraph 3 of Schedule 7 to the Local Audit and Accountability Act 2014];
 - [^{F48}(ba) a copy of a report has been sent to an authority under section 22(5) or (6) of the Public Audit (Wales) Act 2004 and to the Secretary of State under section 51(3) of that Act;]
 - [^{F49}(bb) a copy of a report has been sent to a local authority under subsection (3) of section 13 of the Local Government Act 1999 and to the Secretary of State under subsection (4A) of that section;]
 - [^{F50}(c) a copy of a report under section 102(1)(b) or (c) of the Local Government (Scotland) Act 1973 which to any extent relates to the administration of benefit has been sent to a local authority and the Secretary of State under section 102(2) of that Act;]
 - [^{F51}(ca) a copy of a report has been sent to a local authority under section 95(7)(b)(i) of the Local Government and Elections (Wales) Act 2021 and to the Secretary of State under subsection (9) of that section];
 - (d) a copy of a report has been sent to an authority under ^{F52}... [^{F53}section 45(5) of the Public Audit (Wales) Act 2004] or section 105A(7) of the Local Government (Scotland) Act 1973.
- (2) The Secretary of State may [^{F54}require] the authority to consider the report and to submit proposals for—
- (a) improving its performance in relation to the prevention and detection of fraud relating to benefit or otherwise in relation to the administration of benefit; and
 - (b) remedying any failings identified by the report.
- [A requirement under subsection (2) above may specify—
- ^{F55}(2A) (a) any information or description of information to be provided;
- (b) the form and manner in which the information is to be provided.
- (2B) The authority must respond to a requirement under subsection (2) above before the end of such period (not less than one month after the day on which the requirement is made) as the Secretary of State specifies in the requirement.
- (2C) The Secretary of State may extend the period specified under subsection (2B) above.]

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[^{F56}(3) After considering—

- (a) the report,
- (b) any proposals made by the authority in response to it, and
- (c) any other information he thinks is relevant,

the Secretary of State may give directions to the authority under subsection (3A) or (3B) or both.

(3A) Directions under this subsection are directions as to—

- (a) standards which the authority is to attain in the prevention and detection of fraud relating to benefit or otherwise in the administration of benefit;
- (b) the time within which the standards are to be attained.

(3B) Directions under this subsection are directions to take such action as the Secretary of State thinks necessary or expedient for the purpose of improving the authority's exercise of its functions—

- (a) in relation to the prevention and detection of fraud relating to benefit;
- (b) otherwise in relation to the administration of benefit.

(3C) A direction under subsection (3B) may specify the time within which anything is to be done.]

(4) When giving directions to an authority under [^{F57}subsection (3A)] above, the Secretary of State may make recommendations to the authority setting out any course of action which he thinks it might take to attain the standards which it is directed to attain.

[If the Secretary of State proposes to give a direction under this section he must
^{F58}(4A) give the authority to which the direction is to be addressed an opportunity to make representations about the proposed direction.

(4B) The Secretary of State may specify a period within which representations mentioned in subsection (4A) above must be made.

(4C) The Secretary of State may extend a period specified under subsection (4B) above.

(4D) Subsections (4A) to (4C) do not apply if the Secretary of State thinks that it is necessary for a direction to be given as a matter of urgency.

(4E) If the Secretary of State acts under subsection (4D) he must give in writing to the authority to which the direction is addressed his reasons for doing so.]

(5) In this section “benefit” means housing benefit or council tax benefit.]

Textual Amendments

- F47** Words in s. 139D(1)(b) substituted (1.4.2015) by virtue of [Local Audit and Accountability Act 2014](#) (c. 2), **ss. 37(2)(a)**, 49(1) (with s. 37(3)); S.I. 2015/841, art. 3(w)
- F48** S. 139D(1)(ba) inserted (1.4.2005) by the [Public Audit \(Wales\) Act 2004](#) (c. 23), **Sch. 2 para. 15(2)**; S.I. 2005/558, art. 2, Sch. 1
- F49** S. 139D(1)(bb) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), **s. 147(2)**; S.I. 2008/172, art. 4(b)
- F50** S. 139D(1)(c) substituted (1.4.2008) by the [Welfare Reform Act 2007](#) (c. 5), **ss. 39(2)**, 70(2); S.I. 2008/411, art. 2(3)(b)
- F51** S. 139D(1)(ca) substituted (1.4.2021) by virtue of [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments\) Regulations 2021](#) (S.I. 2021/296), regs. 1(2), **3(4)** (with reg. 3(5))

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- F52** Words in s. 139D(1)(d) omitted (1.4.2015) by virtue of [Local Audit and Accountability Act 2014 \(c. 2\), ss. 37\(2\)\(b\), 49\(1\) \(with s. 37\(3\)\); S.I. 2015/841, art. 3\(w\)](#)
- F53** Words in s. 139D(1)(d) inserted (1.4.2005) by the [Public Audit \(Wales\) Act 2004 \(c. 23\), Sch. 2 para. 15\(3\); S.I. 2005/558, art. 2, Sch. 1](#)
- F54** Word in s. 139D(2) substituted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\), ss. 39\(4\), 70\(2\); S.I. 2008/411, art. 2\(3\)\(b\)](#)
- F55** S. 139D(2A)-(2C) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\), ss. 39\(5\), 70\(2\); S.I. 2008/411, art. 2\(3\)\(b\)](#)
- F56** S. 139D(3)-(3C) substituted for s. 139D(3) (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\), ss. 39\(6\), 70\(2\); S.I. 2008/411, art. 2\(3\)\(b\)](#)
- F57** Words in s. 139D(4) substituted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\), ss. 39\(7\), 70\(2\); S.I. 2008/411, art. 2\(3\)\(b\)](#)
- F58** S. 139D(4A)-(4E) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\), ss. 39\(8\), 70\(2\); S.I. 2008/411, art. 2\(3\)\(b\)](#)

[^{F59}139D] Directions: variation and revocation

- (1) The Secretary of State may at any time in accordance with this section vary or revoke a direction under section 139D above.
- (2) A direction may be varied or revoked only if the Secretary of State thinks it is necessary to do so—
 - (a) in consequence of representations made by the authority to which the direction is addressed,
 - (b) to rectify an omission or error, or
 - (c) in consequence of a material change in circumstances.
- (3) The Secretary of State must not vary a direction unless he first—
 - (a) sends a copy of the proposed variation to the authority concerned,
 - (b) gives the authority his reasons for making the variation, and
 - (c) gives the authority an opportunity to make representations about the proposed variation.
- (4) The Secretary of State may specify a period of not less than one month within which representations mentioned in subsection (3)(c) above must be made.
- (5) The Secretary of State may extend a period specified under subsection (4) above.]

Textual Amendments

- F59** S. 139DA inserted (1.4.2008) by [Welfare Reform Act 2007 \(c. 5\), s. 39\(9\); S.I. 2008/411, art. 2\(3\)\(b\)](#)

[^{F60}139E] Information about attainment of standards

- (1) Where directions have been given to an authority under [^{F61}section 139D(3A) or (3B)] above, the Secretary of State may require the authority to supply to him any information which he considers may assist him in deciding—
 - (a) whether the authority has attained the standards which it has been directed to attain;
 - [^{F62}(aa) whether the authority has taken the action [which it has been directed to take;] or

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- (b) whether the authority is likely to attain those standards [^{F63}or take that action] within the time specified in the directions.
- (2) Information shall be supplied under subsection (1) above in such manner and form as the Secretary of State may require.

Textual Amendments

- F60** Ss. 139E-139H inserted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\), ss. 9, 25\(1\); S.I. 1997/1577, art. 2, Sch.](#)
- F61** Words in s. 139E(1) substituted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\), s. 70\(2\), Sch. 5 para. 5\(a\); S.I. 2008/411, art. 2\(3\)\(c\).](#)
- F62** S. 139E(1)(aa) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\), s. 70\(2\), Sch. 5 para. 5\(b\); S.I. 2008/411, art. 2\(3\)\(c\).](#)
- F63** Words in s. 139E(1)(b) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\), s. 70\(2\), Sch. 5 para. 5\(c\); S.I. 2008/411, art. 2\(3\)\(c\).](#)

139F Enforcement notices

- (1) Where directions have been given to an authority under [^{F64}section 139D(3A) or (3B)] above and the Secretary of State—
- (a) is not satisfied that the authority has attained the standards which it has been directed to attain;
- [is not satisfied that the authority has taken the action which it has been directed
- ^{F65}(aa) to take;] or
- (b) is not satisfied that the authority is likely to attain those standards [^{F66}or take that action] within the time specified in the directions,
- he may serve on the authority a written notice under this section.
- (2) The notice shall—
- (a) identify the directions and state why the Secretary of State is not satisfied as mentioned in paragraph (a)[^{F67}, (aa)] or (b) of subsection (1) above; and
- (b) require the authority to submit a written response to the Secretary of State within a time specified in the notice.
- (3) If any person (other than the authority) carrying out work relating to the administration of benefit may be affected by any determination which may be made under section 139G below, the authority shall—
- (a) consult that person before submitting its response; and
- (b) include in its response any relevant observations made by that person.
- (4) [^{F68}If the notice identifies directions under section 139D(3A),] the authority's response shall either—
- (a) state that the authority has attained the standards, or is likely to attain them within the time specified in the directions, and justify that statement; or
- (b) state that the authority has not attained the standards, or is not likely to attain them within that time, and (if the authority wishes) give reasons why a determination under section 139G below should not be made or should not include any particular provision.

[If the notice identifies directions under section 139D(3B), the authority's response ^{F69}(4A) shall either—

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- (a) state that the authority has taken the action, or is likely to take it within the time specified in the directions, and justify that statement; or
 - (b) state that the authority has not taken the action, or is not likely to take it within that time, and (if the authority wishes) give reasons why a determination under section 139G below should not be made or should not include any particular provision.]
- (5) The notice may relate to any one or more matters covered by the directions.
- (6) The serving of a notice under this section relating to any directions or matter does not prevent the serving of further notices under this section relating to the same directions or matter.
- (7) In this section “benefit” means housing benefit or council tax benefit.

Textual Amendments

- F60** Ss. 139E-139H inserted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), **ss. 9, 25(1)**; [S.I. 1997/1577](#), art. 2, **Sch.**
- F64** Words in s. 139F(1) substituted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 5 para. 6(2)(a)**; [S.I. 2008/411](#), art. 2(3)(c)
- F65** S. 139F(1)(aa) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 5 para. 6(2)(b)**; [S.I. 2008/411](#), art. 2(3)(c)
- F66** Words in s. 139F(1)(b) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 5 para. 6(2)(c)**; [S.I. 2008/411](#), art. 2(3)(c)
- F67** Word in s. 139F(2)(a) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 5 para. 6(3)**; [S.I. 2008/411](#), art. 2(3)(c)
- F68** Words in s. 139F(4) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 5 para. 6(4)**; [S.I. 2008/411](#), art. 2(3)(c).
- F69** S. 139F(4A) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 5 para. 6(5)**; [S.I. 2008/411](#), art. 2(3)(c)

139G Enforcement determinations

- (1) Where, after the time specified in the notice under section 139F above has expired, the Secretary of State—
- (a) is not satisfied that the authority has attained the standards [^{F70}or taken the action] in question; or
 - (b) is not satisfied that the authority is likely to attain those standards [^{F71}or take that action] within the time specified in the directions,
- he may make a determination under this section.
- (2) The determination may be made whether or not the authority has responded to the notice under section 139F above.
- (3) The determination shall be designed to secure the attainment of the standards [^{F72}or the taking of the action] in question and—
- (a) shall include provision such as is specified in subsection (4) below; and
 - (b) may also include provision such as is specified in subsection (5) below.
- (4) The provision referred to in paragraph (a) of subsection (3) above is provision that the authority must comply with specified requirements as to inviting, preparing, considering and accepting bids to carry out any work which—

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- (a) falls to be carried out in pursuance of the authority’s functions relating to the administration of benefit; and
 - (b) is of a description specified in the determination.
- (5) The provision referred to in paragraph (b) of that subsection is provision of any one or more of the following kinds relating to the work, or any specified category of the work, to which the determination relates—
- (a) provision that it may not be carried out by the authority;
 - (b) provision that it may not be carried out by any person (other than the authority) who has been carrying it out; and
 - (c) provision that any contract made by the authority with any person for carrying it out shall include terms requiring a level of performance which will secure, or contribute to securing, the attainment of the standards [^{F73}or the taking of the action] in question.
- (6) In this section “benefit” means housing benefit or council tax benefit.

Textual Amendments

- F60** Ss. 139E-139H inserted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), **ss. 9, 25(1)**; [S.I. 1997/1577](#), **art. 2**, **Sch.**
- F70** Words in s. 139G(1) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 5 para. 7(2)(a)**; [S.I. 2008/411](#), **art. 2(3)(c)**
- F71** Words in s. 139G(1) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 5 para. 7(2)(b)**; [S.I. 2008/411](#), **art. 2(3)(c)**
- F72** Words in s. 139G(3) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 5 para. 7(3)**; [S.I. 2008/411](#), **art. 2(3)(c)**
- F73** Words in s. 139G(5)(c) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 5 para. 7(3)**; [S.I. 2008/411](#), **art. 2(3)(c)**

139H Enforcement determinations: supplementary

- (1) The provisions included in a determination under section 139G above shall take effect from a date specified in the determination; and different dates may be specified in relation to different provisions.
- (2) The making of a determination under section 139G above in relation to any directions does not prevent the making of further determinations under that section in relation to the same directions.
- (3) The provision included in a determination by virtue of section 139G(3) above may include—
 - (a) requirements that the Secretary of State be satisfied as to any specified matter; and
 - (b) requirements that the Secretary of State authorise or consent to any specified matter.
- (4) The provision so included may also include provision as to the time at which any contract for the carrying out of work to which the determination relates (and which is not previously discharged) is to be taken to be frustrated by the determination.

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- (5) A determination under section 139G above shall have effect in spite of any enactment under or by virtue of which an authority is required or authorised to carry out any work to which the determination relates.
- (6) A determination under section 139G above may make provision having effect, in relation to the work to which it relates, instead of any requirement which (apart from the determination) would have effect in relation to that work under or by virtue of the Local Government Act 1988.]

Textual Amendments

F60 Ss. 139E-139H inserted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), **ss. 9, 25(1)**; S.I. 1997/1577, art. 2, Sch.

^{x2}Community charge benefit finance

Editorial Information

X2 Unreliable marginal note.

^{F74}**140 Community charge benefit finance**

Textual Amendments

F74 S.140 repealed (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(2), **Sch. 19 Pt. VI**; S.I. 1997/618, art. 2(1) (with Sch.)

^{F75}Subsidy

Textual Amendments

F75 Ss. 140A-140G and cross-headings inserted (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), **Sch. 12 para. 4** (with s. 122(4)); S.I. 1997/618, art. 2(1) (with Sch.)

140A Subsidy

- (1) For each year the Secretary of State shall pay a subsidy to each authority administering housing benefit or council tax benefit.
- (2) He shall pay—
 - (a) rent rebate subsidy to each housing authority;
 - (b) rent allowance subsidy to each local authority; and
 - (c) council tax benefit subsidy to each billing authority [^{F76}and to each local authority in Scotland].

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- (3) In the following provisions of this Part “subsidy”, without more, refers to subsidy of any of those descriptions.

Textual Amendments

F76 Words in s. 140A(2)(c) substituted (retrospectively from 1.4.1997) by the [Welfare Reform Act 2007](#) (c. 5), s. 70(2), [Sch. 5 para. 8\(1\)\(2\)](#)

140B Calculation of amount of subsidy

- (1) The amount of subsidy to be paid to an authority shall be [^{F77}determined in accordance with an] order made by the Secretary of State.
- (2) Subject as follows, the amount of subsidy shall be calculated by reference to the amount of relevant benefit paid by the authority during the year ^{F78} ...
^{F79} ...
- (3) The order may provide that the amount of subsidy in respect of any matter shall be a fixed sum or shall be nil.
- [^{F80}(4) The Secretary of State may—
- (a) pay as part of subsidy an additional amount specified by, or calculated in a manner specified by, the order; or
 - (b) deduct from the amount which would otherwise be payable by way of subsidy an amount specified by, or calculated in a manner specified by, the order.
- (4A) The additional amounts which may be paid by virtue of subsection (4)(a) above include amounts in respect of—
- (a) the costs of administering the relevant benefit; or
 - (b) success in preventing or detecting fraud relating to the relevant benefit or action to be taken with a view to preventing or detecting such fraud.
- (5) The Secretary of State may—
- (a) where an application is made by an authority on his invitation, pay to the authority as part of the subsidy such additional amount as he considers appropriate in respect of—
 - (i) success in preventing or detecting fraud relating to the relevant benefit; or
 - (ii) action to be taken with a view to preventing or detecting such fraud; or
 - (b) deduct from the subsidy which would otherwise be payable to an authority such amount as he considers it unreasonable to pay by way of subsidy.
- (5A) The amounts which may be deducted by virtue of subsection (4)(b) or (5)(b) above include amounts in respect of—
- (a) a failure to comply with directions under [^{F81}section 139D(3A) or (3B)] above; and
 - (b) other failures in preventing or detecting fraud relating to the relevant benefit.]
- (6) In this section “relevant benefit” means housing benefit or council tax benefit, as the case may be.

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^{F82}(7)

- (8) The amount of subsidy payable to an authority shall be calculated to the nearest pound, disregarding an odd amount of 50 pence or less and treating an odd amount exceeding 50 pence as a whole pound.

Textual Amendments

- F77** Words in s. 140B(1) substituted (1.7.1997) by Social Security Administration (Fraud) Act 1997 (c. 47), s. 25(1), **Sch. 1 para. 7(2)**; S.I. 1997/1577, art. 2, Sch.
- F78** Words in s. 140B(2) repealed (1.7.1997) by Social Security Administration (Fraud) Act 1997 (c. 47), s. 25(1), **Sch. 2**; S.I. 1997/1577, art. 2, Sch.
- F79** Words in s. 140B(2) repealed (18.11.2003) by Local Government Act 2003 (c. 26), s. 128(3), Sch. 7, para. 36(a), **Sch. 8 Pt. 1**; S.I. 2003/2938, art. 2 (with Sch. para. 26)
- F80** S. 140B(4)-(5A) substituted for s. 140B(4)(5) (1.7.1997) by Social Security Administration (Fraud) Act 1997 (c. 47), **ss. 10, 25(1)**; S.I. 1997/1577, art. 2, Sch.
- F81** Words in s. 140B(5A) substituted (1.4.2008) by Welfare Reform Act 2007 (c. 5), **Sch. 5 para. 9**; S.I. 2008/411, art. 2(3)(c)
- F82** S. 140B(7) repealed (18.11.2003) by Local Government Act 2003 (c. 26), s. 128(3), Sch. 7 para. 36(b), **Sch. 8 Pt. 1**; S.I. 2003/2938, art. 2 (with Sch. para. 26)

Modifications etc. (not altering text)

- C1** S. 140B applied in part (26.6.2001 for specified purposes, 2.7.2001 in so far as not already in force) by Child Support, Pensions and Social Security Act 2000 (c. 19), **ss. 70(2)(a), 86** (with s. 83(6)); S.I. 2001/2295, art. 2(c)

140C Payment of subsidy

- (1) Subsidy shall be paid by the Secretary of State in such instalments, at such times, in such manner and subject to such conditions as to claims, records, certificates, audit or otherwise as may be provided by order of the Secretary of State.

[Conditions under subsection (1) above may (in particular) be imposed to obtain ^{F83}(1A) information for the purposes of the carrying-out by the Secretary of State of any of his functions relating to subsidy.]

- (2) The order may provide that if an authority has not, within such period as may be specified in the order, complied with the conditions so specified as to claims, records, certificate, audit or otherwise, the Secretary of State may estimate the amount of subsidy payable to the authority and employ for that purpose such criteria as he considers relevant.

- (3) Where subsidy has been paid to an authority and it appears to the Secretary of State—
(a) that subsidy has been overpaid; or
(b) that there has been a breach of any condition specified in an order under this section,

he may recover from the authority the whole or such part of the payment as he may determine.

Without prejudice to other methods of recovery, a sum recoverable under this subsection may be recovered by withholding or reducing subsidy.

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- (4) An order made by the Secretary of State under this section may be made before, during or after the end of the year or years to which it relates.

Textual Amendments

F83 S. 140C(1A) inserted (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3), [Sch. 7 para. 37](#); [S.I. 2003/2938](#), art. 2 (with [Sch. para. 26](#))

Modifications etc. (not altering text)

C2 S. 140C applied (26.6.2001 for specified purposes, 2.7.2001 in so far as not already in force) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), [ss. 70\(2\)\(b\)](#), 86 (with s. 83(6)); [S.I. 2001/2295](#), [art. 2\(c\)](#)

140D Rent rebate subsidy: accounting provisions

- (1) Rent rebate subsidy is payable—
- (a) in the case of a local authority in England and Wales, for the credit of a revenue account of theirs other than their Housing Revenue Account or Housing Repairs Account;
 - (b) in the case of a local authority in Scotland, for the credit of their rent rebate account;
 - ^{F84}(c)
 - (d) in the case of a new town corporation in Scotland or Scottish Homes, for the credit of the account to which rent rebates granted by them, or it, are debited.
- ^{F85}(2)

Textual Amendments

F84 S. 140D(1)(c) repealed (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e)(f), [Sch. 7 para. 38\(a\)](#), [Sch. 8 Pt. 1](#); [S.I. 2003/2938](#), art. 2 (with [Sch. para. 26](#))

F85 S. 140D(2) repealed (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e)(f), [Sch. 7 para. 38\(b\)](#), [Sch. 8 Pt. 1](#); [S.I. 2003/2938](#), art. 2 (with [Sch. para. 26](#))

Supplementary provisions

140E Financing of joint arrangements

- (1) Where two or more authorities make arrangements for the discharge of any of their functions relating to housing benefit or council tax benefit—
- (a) by one authority on behalf of itself and one or more other authorities; or
 - (b) by a joint committee,
- the Secretary of State may make such payments as he thinks fit to the authority or committee in respect of their expenses in carrying out those functions.
- (2) The provisions of sections 140B and 140C (subsidy: calculation and supplementary provisions) apply in relation to a payment under this section as in relation to a payment of subsidy.

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- (3) The Secretary of State may (without prejudice to the generality of his powers in relation to the amount of subsidy) take into account the fact that an amount has been paid under this section in respect of expenses which would otherwise have been met in whole or in part by the participating authorities.

Financing of other expenditure

F86 **140EE**

- (1) The Secretary of State may make to a local authority such payments as he thinks fit in respect of expenses incurred by the authority in connection with the carrying out of any relevant function—
- by the authority,
 - by any person providing services to the authority, or
 - by any person authorised by the authority to carry out that function.
- (2) In subsection (1) “relevant function” means any function conferred by virtue of section 2A, 2C or 7A above.
- (3) The following provisions, namely—
- in section 140B, subsections (1), (3), (4), (5)(b) ^{F87} ... and (8), and
 - section 140C,
- apply in relation to a payment under this section as in relation to a payment of subsidy.
- (4) The Secretary of State may (without prejudice to the generality of his powers in relation to the amount of subsidy) take into account the fact that an amount has been paid under this section in respect of costs falling within section 140B(4A)(a) above.]

Textual Amendments

F86 S. 140EE inserted (11.11.1999) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(4)(e), [Sch. 12 para. 80](#)

F87 Word in s. 140EE(3)(a) repealed (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), [Sch. 8 Pt. 1](#); [S.I. 2003/2938](#), art. 2(h)(i)

140F No requirement for annual orders

- (1) Any power under this Part to make provision by order for or in relation to a year does not require the making of a new order each year.
- (2) Any order made under the power may be revoked or varied at any time, whether before, during or after the year to which it relates.

140G Interpretation: Part VIII

In this Part, unless the context otherwise requires—

“Housing Repairs Account” means an account kept under section 77 of the Local Government and Housing Act 1989;

“Housing Revenue Account” means the account kept under section 74 of the Local Government and Housing Act 1989, and—

- references to property within that account have the same meaning as in Part VI of that Act, ^{F88} ...

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(b) ^{F88}

“rent rebate subsidy” and “rent allowance subsidy” shall be construed in accordance with section 134 above;

“year” means a financial year within the meaning of the Local Government Finance Act 1992.]]

Textual Amendments

F88 Words in s. 140G repealed (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e)(f), Sch. 7 para. 39, [Sch. 8 Pt. 1](#); S.I. 2003/2938, art. 2 (with Sch. para. 26)

Changes to legislation:

Social Security Administration Act 1992, Part VIII is up to date with all changes known to be in force on or before 14 April 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.

[View outstanding changes](#)

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](#)