

STATUTORY INSTRUMENTS

1998 No. 562

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

PART III

CALCULATION OF SUBSIDY

Treatment of high rents in rent allowance cases

16.—(1) Except in a case to which article 14 (backdated benefit)^{F1}, 17B or 17C (subsidy in respect of accommodation provided by a registered housing association as temporary or short term accommodation)] applies, and subject to paragraphs (2), ^{F2}... and (4) and to article 23 (transitional provisions in relation to rent officer determinations), this article applies in a rent allowance case and, where this article applies, the appropriate amount, for the purposes of [^{F3}article 13(1)(b)(iii)], shall be calculated in accordance with Part II of Schedule 4.

(2) This article shall not apply where a dwelling is an excluded tenancy by virtue of -

^{F4}(a) paragraph 1 and any of paragraphs 3 to 11 of Schedule 2 to the Housing Benefit Regulations (excluded tenancies); or

(b) paragraph 1 and any of paragraphs 3 to 11 of Schedule 2 to the Housing Benefit (State Pension Credit) Regulations (excluded tenancies)]

^{F5}(3)

(4) This article shall not apply in a case where a maximum rent has been determined, except where—

^{F6}(a)

^{F7}(b)

(c) [^{F8}regulation 13(14) of the Housing Benefit Regulations or, as the case may be, regulation 13(14) of the Housing Benefit (State Pension Credit) Regulations] (no maximum rent for first 13 weeks) applies, when the appropriate amount shall be calculated in respect of the first 13 weeks in accordance with paragraph 15 of Schedule 4.

(5) Expressions used in this article and in Schedule 4 have the same meanings in this article as they have in that Schedule.

Textual Amendments

F1 Words in art. 16(1) inserted (1.4.2011) by [Income-related Benefits \(Subsidy to Authorities\) \(Temporary Accommodation\) Amendment Order 2010 \(S.I. 2010/2509\)](#), arts. 1, **2(5)**

F2 Word in art. 16(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(6)(a)**

- F3** Words in art. 16(1) substituted (25.7.2001) by [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2001 \(S.I. 2001/2350\)](#) , arts. 1(1) , **3**
- F4** Art. 16(2)(a)(b) 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(6)(a)** (with regs. 2 , 3 , Schs. 3 , Sch. 4)
- F5** Art. 16(3) 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(6)(c)**
- F6** Art. 16(4)(a) 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. 10**
- F7** Art. 16(4)(b) omitted (with effect in accordance with art. 1(3) of the commencing S.I.) by virtue of [The Income-related Benefits \(Subsidy to Authorities\) Amendment Order 2011 \(S.I. 2011/2957\)](#), arts. 1(1), **4(3)**
- F8** Words in art. 16(4)(c) 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(6)(b)(ii)** (with regs. 2 , 3 , Schs. 3 , Sch. 4)

Changes to legislation:

There are currently no known outstanding effects for the The Income-related Benefits (Subsidy to Authorities) Order 1998, Section 16.