
STATUTORY INSTRUMENTS

1998 No. 562

SOCIAL SECURITY

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

<i>Made</i>	- - - -	<i>4th March 1998</i>
<i>Laid before Parliament</i>		<i>10th March 1998</i>
<i>Coming into force</i>	- -	<i>31st March 1998</i>

The Secretary of State for Social Security, with the consent of the Treasury⁽¹⁾, in exercise of the powers conferred upon her by sections 140B, 140C(1), (2) and (4), 140E and 189(1) and (4) to (7) of the Social Security Administration Act 1992⁽²⁾, section 122(4) of and paragraph 5 of Schedule 12 to the Housing Act 1996⁽³⁾ and of all other powers enabling her in that behalf, after consultation, in accordance with section 176(1)(b) of the Social Security Administration Act 1992⁽⁴⁾, with organisations appearing to her to be representative of the authorities concerned, hereby makes the following Order:

PART I
GENERAL

Citation, commencement and interpretation

1.—(1) This Order, which may be cited as the Income-related Benefits (Subsidy to Authorities) Order 1998, shall come into force on 31st March 1998 and shall have effect in relation to any relevant year.

(2) In this Order, unless the context otherwise requires —

“the Act” means the Social Security Administration Act 1992;

“authority” means a billing, housing or, as the case may be, local authority;

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- (1) See section 189(8) of the Social Security Administration Act 1992 (c. 5); amended by paragraph 3(5) of Schedule 13 to the Housing Act 1996 (c. 52).
- (2) 1992 c. 5; sections 140B, 140C and 140E were inserted by section 121 of and paragraph 4 of Schedule 12 to the Housing Act 1996; section 140B was amended by section 10 of, paragraph 7 of Schedule 1 and Schedule 2 to the Social Security Administration (Fraud) Act 1997 (c. 47); Section 140C(4) gives it retrospective effect.
- (3) 1996 c. 52; section 189(3) to (7) of the Social Security Administration Act is applied to paragraph 5 of Schedule 12 to the Housing Act by paragraph 5(3) of that Schedule.
- (4) Section 176(1)(b) was amended by paragraph 3(4) of Schedule 13 to the Housing Act 1996.

“a 1997 authority” means a successor authority, whose reorganisation date was 1st April 1997;

“a 1998 authority” means a successor authority, whose reorganisation date was 1st April 1998;

“new authority” means

- (i) in England, a successor authority, whose reorganisation date was 1st April 1996;
- (ii) in Wales, an authority constituted under sections 20 and 21 of the Local Government Act 1972⁽⁵⁾, and
- (iii) in Scotland, an authority constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽⁶⁾;

“the English Regulations” means the Local Government Changes for England (Housing Benefit and Council Tax Benefit) Regulations 1995⁽⁷⁾;

“the 1989 Order, the Housing Benefit (Subsidy) Order 1990 (S.I. 1990/785), the Housing Benefit and Community Charge Benefit (Subsidy) Order 1991 (S.I. 1991/587), the Housing Benefit and Community Charge Benefit (Subsidy) Order 1992 (S.I. 1992/739), the Housing Benefit and Community Charge Benefit (Subsidy) (No.2) Order 1993 (S.I. 1993/935), the Housing Benefit and Council Tax Benefit (Subsidy) Order 1994 (S.I. 1994/523), the Housing Benefit and Council Tax Benefit (Subsidy) Order 1995 (S.I. 1995/872), the Housing Benefit and Council Tax Benefit (Subsidy) Order 1996 (S.I. 1996/1217) and the Housing Benefit and Council Tax Benefit (Subsidy) Order 1997 (S.I. 1997/1004)”>previous Orders” means the 1989 Order, the 1990 Order, the 1991 Order, the 1992 Order, the 1993 Order, the 1994 Order, the 1995 Order, the 1996 Order and the 1997 Order;

“relevant benefit” has the meaning ascribed to it in section 140B(6) of the Act⁽⁸⁾;

“following year” means the year following the relevant year;

“relevant year” means the year, commencing on 1st April 1997 or on the 1st April in any year thereafter, in respect of which a claim for subsidy is made;

“the 1989 Order” means the Housing Benefit (Subsidy) Order 1989⁽⁹⁾;

“the 1990 Order” means the Housing Benefit (Subsidy) Order 1990⁽¹⁰⁾;

“the 1991 Order” means the Housing Benefit and Community Charge Benefit (Subsidy) Order 1991⁽¹¹⁾;

“the 1992 Order” means the Housing Benefit and Community Charge Benefit (Subsidy) Order 1992⁽¹²⁾;

“the 1993 Order” means the Housing Benefit and Community Charge Benefit (Subsidy) (No.2) Order 1993⁽¹³⁾;

“the 1994 Order” means the Housing Benefit and Council Tax Benefit (Subsidy) Order 1994⁽¹⁴⁾;

“the 1995 Order” means the Housing Benefit and Council Tax Benefit (Subsidy) Order 1995⁽¹⁵⁾;

(5) 1972 c. 70; sections 1 and 2 of the Local Government (Wales) Act 1994 (c. 19) substituted sections 20 and 21 of the Local Government Act 1972 and made other consequential amendments to that Act.

(6) 1994 c. 59.

(7) S.I.1995/531; amended by S.I. 1996/547.

(8) Section 140B was inserted by paragraph 4 of Schedule 12 to the Housing Act 1996 (c. 52).

(9) S.I. 1989/607.

(10) S.I. 1990/785.

(11) S.I. 1991/587.

(12) S.I. 1992/739.

(13) S.I. 1993/935.

(14) S.I. 1994/523.

(15) S.I. 1995/872.

“the 1996 Order” means the Housing Benefit and Council Tax Benefit (Subsidy) Order 1996(16), and

“the 1997 Order” means the Housing Benefit and Council Tax Benefit (Subsidy) Order 1997(17).

(3) In paragraph (2), “successor authority” and “reorganisation date” have the same meanings as in regulation 2(1) of the English Regulations.

(4) In this Order, unless the context otherwise requires, a reference—

- (a) to a numbered Part in this Order or a Schedule to this Order, is to the Part in this Order, or that Schedule, as the case may be, bearing that number;
- (b) to a numbered article in or Schedule to this Order, is to the article in or Schedule to this Order, as the case may be, bearing that number;
- (c) in an article or a Schedule to a lettered or numbered paragraph is to the paragraph bearing that letter or number in that article or that Schedule; and
- (d) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

PART II

CLAIMS FOR AND PAYMENT OF SUBSIDY

Interpretation of Parts II and IV

2. In this Part and also in Part IV, unless the context otherwise requires—

“benefit savings” and “benefit-related savings” have the same meanings as are assigned to them by paragraph 1 of Schedule 5;

“claim” means an initial claim, mid-year claim, final claim or a return pursuant to article 4(4), as the case may be;

“claim form” means the form supplied by the Secretary of State pursuant to article 4(2)(a), (b) or (c) or (4), as the case may be;

“initial claim” means a claim for subsidy pursuant to article 4(2)(a);

“final claim” means a claim for subsidy pursuant to article 4(2)(c);

“mid-year claim” means a claim for subsidy pursuant to article 4(2)(b);

“final subsidy” means any subsidy which is not interim subsidy;

“interim subsidy” means subsidy pursuant to articles 6(4), 7(2), 8(1) or 9(4), as the case may be;

“the form” means a printed document or any other format upon which a claim may be set out, or any combination of such formats or alternative formats, as the Secretary of State determines; and

“the relevant office” means such office as may be designated by the Secretary of State.

Conditions for payment of subsidy

3. Subject to articles 9(3) and 10, no final subsidy shall be paid unless the conditions specified in the following provisions of this Part have been complied with.

(16) S.I. 1996/1217.

(17) S.I. 1997/1004.

Requirement of claim

4.—(1) The first condition is that subsidy shall be claimed in accordance with the provisions of and in the manner specified by this article.

(2) There shall be submitted by an authority to the Secretary of State, at the relevant office, on the form supplied by him to that authority, the following claims for subsidy, by reference to the amount of relevant benefit that that authority—

- (a) estimates it will pay during the relevant year, by 1st March in the year preceding the relevant year;
- (b) estimates it has up to that time and will by the end of that relevant year have paid, by 31st August in the relevant year;
- (c) has paid in the relevant year, by 30th September in the following year.

(3) The final claim shall be copied to the authority's auditor, by 30th September in the following year.

(4) In addition to the above claims, each authority shall submit to the Secretary of State at the relevant office, on the form supplied by him to that authority, the following returns—

- (a) on the 15th day ("the return date") of each of July, October and January of the relevant year, details of the benefit savings and benefit-related savings in the relevant year that that authority has achieved by the end of the month immediately preceding the return date; and
- (b) on the 15th April in the following year, details of the benefit savings and benefit-related savings that that authority achieved in the relevant year.

(5) All claims and returns submitted by an authority consequent upon this article shall be signed—

- (a) in the case of an authority in England or Wales, by the officer who is responsible for finance pursuant to section 151 of the Local Government Act 1972⁽¹⁸⁾;
- (b) in the case of an authority in Scotland, by the proper officer pursuant to section 95 of the Local Government (Scotland) Act 1973⁽¹⁹⁾.

Requirement to keep records and provide information

5. The second condition is that the authority submitting a claim shall—

- (a) provide to the Secretary of State such information, including any information required by or consequent upon the claim form; and
- (b) keep and, where the Secretary of State requires it or it is otherwise appropriate to do so, produce records with a bearing on that claim,

as the Secretary of State so requires, or as may otherwise be necessary, to satisfy him that—

- (i) that claim is full, accurate and properly calculated; and
- (ii) any subsidy claimed or paid for the relevant year or that has been claimed or paid in accordance with the provisions of this Order or the 1989 Order, the Housing Benefit (Subsidy) Order 1990 (S.I. 1990/785), the Housing Benefit and Community Charge Benefit (Subsidy) Order 1991 (S.I. 1991/587), the Housing Benefit and Community Charge Benefit (Subsidy) Order 1992 (S.I. 1992/739), the Housing Benefit and Community Charge Benefit (Subsidy) (No.2) Order 1993 (S.I. 1993/935), the Housing Benefit and Council Tax Benefit (Subsidy) Order 1994 (S.I. 1994/523), the Housing Benefit and Council Tax Benefit (Subsidy) Order 1995 (S.I. 1995/872), the Housing Benefit and Council Tax Benefit (Subsidy)

⁽¹⁸⁾ 1972 c. 70.

⁽¹⁹⁾ 1973 c. 65.

Order 1996 (S.I. 1996/1217) and the Housing Benefit and Council Tax Benefit (Subsidy) Order 1997 (S.I. 1997/1004)">previous Orders, as the case may be, in relation to any earlier year was properly so paid or claimed.

Requirement of audit

- 6.—(1) Subject to article 9(4), the third condition is that the authority
- (a) shall procure that their final claim is audited by the authority's auditor by 31st December in the following year; and
 - (b) shall comply with the following provisions of this article.
- (2) The authority shall—
- (a) provide such information; and
 - (b) keep and, where asked to do so, produce records with a bearing on its claim,
- as may be required by the auditor or as may be otherwise required to enable that authority to show and its auditor to check, that—
- (i) that claim is properly calculated, and
 - (ii) the relevant benefit in respect of which subsidy is claimed has been properly paid.
- (3) Until the authority's auditor has certified on the claim form that he is satisfied that—
- (a) the final claim is properly calculated; and
 - (b) the relevant benefit in respect of which subsidy is claimed has been properly paid,
- no final subsidy shall be paid.

Final condition for the payment of subsidy

7. Subject to article 9(4), the fourth condition is that an authority shall satisfy the Secretary of State that its claim—
- (a) is true and complete;
 - (b) is supported and, if appropriate, supplemented by all the information the Secretary of State requires; and
 - (c) fairly represents the expenditure in relation to relevant benefit incurred or likely to be incurred, as the case may be, by the authority in the relevant year.

In year instalments of subsidy

- 8.—(1) Where an authority has submitted, by the due date—
- (a) the initial claim, mid-year claim and the returns under article 4(4), as the case may be, in accordance with the requirements of this Part; and
 - (b) the conditions of this Part in relation to such claims have been complied with,
- the Secretary of State shall pay each month, to each such authority that has submitted such claims as are by that date due, instalments of subsidy, in accordance with paragraph (2).
- (2) The instalments payable by way of interim subsidy to an authority under paragraph (1) shall be such amounts as the Secretary of State considers appropriate in the circumstances of the case, but the total amount of such instalments paid in the relevant year shall not exceed the amount which, in his estimation, is likely to be payable by way of final subsidy, taking account of any withholding, reducing or deducting of subsidy by him, following the submission and audit of that authority's final claim.

Payment of subsidy for the relevant year

9.—(1) Subject to paragraphs (2) and (3) and to any subsidy withheld, reduced or deducted in accordance with sections 140B(4) or 140C(3), as the case may be, where he is satisfied that—

- (a) the authority has submitted its final claim;
- (b) the auditor has audited and certified that claim; and
- (c) the conditions of this Part have been complied with,

the Secretary of State shall pay to that authority final subsidy calculated in accordance with Part III.

(2) In determining the amount payable pursuant to paragraph (1) the Secretary of State shall take into account any interim subsidy paid during or in respect of the relevant year and any payment pursuant to this article shall only be in respect of the balance of subsidy due after the deduction of such interim subsidy paid.

(3) The Secretary of State may pay subsidy under paragraph (1) once that submission, audit or certification, as the case may be, has occurred, despite it occurring after the time required in this Part.

(4) In a case where the third or fourth condition, as the case may be, are not met in relation to any authority, the Secretary of State may pay such amount of subsidy as he is satisfied will be due when that condition is met.

Estimating subsidy

10. If an authority has not, at the time specified in articles 4 or 6(1), as the case may be, complied with any condition specified in this Part, the Secretary of State may estimate the amount of any subsidy, including any interim subsidy, payable to that authority and he may employ for that purpose such criteria as he considers relevant.

PART III**CALCULATION OF SUBSIDY****Interpretation of Part III**

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

“allowance” means a rent allowance;

“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⁽²⁰⁾ nor in a hostel within the meaning of regulation 12A of the Housing Benefit Regulations⁽²¹⁾;

“the Community Charge Benefits Regulations” means the Community Charge Benefits (General) Regulations 1989⁽²²⁾;

⁽²⁰⁾ S.I. 1987/1967; relevant amending instruments are S.I. 1988/663, 1445, 2022, 1989/1678, 1992/3147 and 1993/2119.

⁽²¹⁾ Regulation 12A was inserted by regulation 5 of S.I. 1990/546; relevant amending instrument is S.I. 1995/560.

⁽²²⁾ S.I. 1989/1321, amended by S.I. 1990/834, 835, 1549, 1657, 1773, 1991/234, 849, 1599, 2742, 2910, 1992/432, 1026, 1101, 1326, 1385, 2148 and 1993/1105.

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(23);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(24);

“overpayment” includes excess benefits under the Community Charge Benefits Regulations and excess benefit under the Council Tax Benefit Regulations as well as overpayments under the Housing Benefit Regulations and any reference in this Order to “overpayment” in relation to any of the 1989 Order, the Housing Benefit (Subsidy) Order 1990 (S.I. 1990/785), the Housing Benefit and Community Charge Benefit (Subsidy) Order 1991 (S.I. 1991/587), the Housing Benefit and Community Charge Benefit (Subsidy) Order 1992 (S.I. 1992/739), the Housing Benefit and Community Charge Benefit (Subsidy) (No.2) Order 1993 (S.I. 1993/935), the Housing Benefit and Council Tax Benefit (Subsidy) Order 1994 (S.I. 1994/523), the Housing Benefit and Council Tax Benefit (Subsidy) Order 1995 (S.I. 1995/872), the Housing Benefit and Council Tax Benefit (Subsidy) Order 1996 (S.I. 1996/1217) and the Housing Benefit and Council Tax Benefit (Subsidy) Order 1997 (S.I. 1997/1004)”>previous Orders shall bear the meaning it has in this Order;

“period overrun” has the meaning assigned to it by paragraph 1 of Schedule 3;

“rebate” means a rent rebate excluding, in the case of England and Wales, any Housing Revenue Account rebates(25);

“the Rent Officers Order” means the Rent Officers (Housing Benefits Functions) Order 1997(26) or the Rent Officers (Housing Benefits Functions) (Scotland) Order 1997(27), as the case may be;

“the Rent Officers Order 1995” means the Rent Officers (Additional Functions) Order 1995(28) or the Rent Officers (Additional Functions) (Scotland) Order 1995(29), as the case may be;

“scheme” means the housing benefit scheme or council tax benefit scheme, as the case may be, as prescribed under section 123(1) of the Social Security Contributions and Benefits Act 1992(30),

and other expressions used in this Part and in the Housing Benefit Regulations or Council Tax Benefit 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 relevant benefit, including any payments under regulation 91 of the Housing Benefit Regulations (payments on account of a rent allowance)(31) and any extended payments, lawfully paid by the authority during the relevant year, less—

(23) S.I. 1992/1814, amended by S.I. 1993/349, 688, 963, 1150, 1249, 1540, 2118, 1994/470, 578, 1925, 2137 and 3061, 1995/511, 559, 560, 625, 626, 1339, 1742, 2303, 3282, 1996/30, 462, 1510, 2006, 2432, 2518, 1997/65, 852, 1671, 1790, 1841, 2434 and 2676.

(24) S.I. 1987/1971, amended by S.I. 1988/661, 909, 1444, 1843, 1971, 1989/43, 416, 566, 1017, 1322, 1990/546, 671, 1549, 1657, 1775, 2564, 1991/235, 1599, 2910, 1992/50, 201, 432, 1026, 1101, 1326, 1585, 2147, 1993/317, 518, 963, 1150, 1249, 1540, 2118, 1994/470, 578, 1003, 2137, 3061, 1995/511, 559, 560, 625, 626, 1339, 1644, 1742, 2303, 2868, 3282, 1996/30, 194, 462, 965, 1510, 1944, 2006, 2432, 2518, 1997/65, 85, 852, 1671, 1790, 1974, 1975, 2197, 2434, 2435, 2619 and 2676.

(25) 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).

(26) S.I. 1997/1984.

(27) S.I. 1997/1995.

(28) S.I. 1995/1642, amended by S.I. 1995/2365, 3148, 1996/959, 1997/1000 and 1984.

(29) S.I. 1995/1643, amended by S.I. 1995/2361, 3185, 1996/975, 1997/1003 and 1995.

(30) 1992 c. 4; amended by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraph 1(1).

(31) Regulation 91 was amended by S.I. 1995/2868.

- (a) the deduction, if any, calculated for that authority in article 15;
- (b) any deductions specified in article 19 relevant to that authority, and
- (c) where, under sections 134(8)(32) (arrangements for housing benefit) or 139(6)(33) (arrangements for council tax benefit) of the Act, as the case may be, the authority has modified any part of a scheme it administers, any amount by which the total of relevant 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.

Amount of subsidy

12. The amount of an authority's subsidy for the relevant year, to be paid pursuant to article 9—
- (a) for the purposes of section 140B(1) of the Act (calculation of amount of subsidy)(34), shall be the amount or total of the amounts calculated in accordance with article 13;
 - (b) for the purposes of section 140B(4A)(a) of the Act (subsidy in respect of the costs of administering relevant benefits)(35) shall include, for an authority identified in column (1) of Schedule 1, the sum specified in column (2) of that Schedule for that authority, plus or minus any adjustment to be made in relation to that authority pursuant to Schedule 2.

Relevant benefit

13.—(1) Subject to any adjustment in accordance with paragraph (3), for the purposes of section 140A of the Act, the subsidy to be paid to an authority shall, subject in the case of Scottish Homes to paragraph (2), be—

- (a) in the case of an authority to which none of articles 14, 16 and 17 applies, 95 per cent. of its qualifying expenditure;
- (b) in the case of any authority to which at least one of those articles applies an amount equal to the aggregate of—
 - (i) 95 per cent. of so much of its qualifying expenditure as remains after deducting from total qualifying expenditure the amount of expenditure attributable to the relevant benefit to which each of those articles which is relevant applies; and
 - (ii) the appropriate amount calculated in respect of the relevant benefit under each such article,

plus, in each case, the additions, where applicable, under articles 18 and 21(2), but subject, in each case, to the deductions, where applicable, under articles 20 and 21(3).

(2) In the case of Scottish Homes, its subsidy for the relevant year shall include a further sum being—

- (a) where sub-paragraph (a) of paragraph (1) applies, 5.5 per cent. of its qualifying expenditure, but subject to a maximum of £1,683,746; or
- (b) where sub-paragraph (b) of paragraph (1) applies, 5.5 per cent. of so much of its qualifying expenditure as remains after the deductions set out in paragraph (1)(b)(i), but subject to the maximum specified in sub-paragraph (a).

(32) Section 134(8) allows modification of the housing benefit scheme so as to provide for the disregard from income of a war disablement pension or a war widow's pension.

(33) Section 139(6) allows modification of the council tax benefit scheme so as to provide for the disregard from income of a war disablement pension or a war widow's pension; it was amended by the Local Government Finance Act 1992, Schedule 9, paragraph 20.

(34) Section 140B was inserted by paragraph 4 of Schedule 12 to the Housing Act 1996.

(35) Section 140B was inserted by paragraph 4 of Schedule 12 to the Housing Act 1996; subsection (4A) was inserted by section 10 of the Social Security Administration (Fraud) Act 1997 (c. 47).

(3) Where, during the relevant year, there is a period overrun in respect of relevant benefit then the subsidy for the authority for that year shall be adjusted by the deduction from the subsidy otherwise due under this article of—

- (a) an amount equal to the percentage, as calculated in accordance with paragraph 2 of Schedule 3, of that part of the qualifying expenditure for that authority attributable to expenditure in respect of allowances, to the extent that the overrun relates to allowances;
- (b) an amount equal to the percentage, as calculated in accordance with paragraph 3 of Schedule 3, of that part of the qualifying expenditure for that authority attributable to expenditure in respect of rebates, to the extent that the overrun relates to rebates; and
- (c) an amount equal to the percentage, as calculated in accordance with paragraph 4 of Schedule 3, of the qualifying expenditure for that authority attributable to expenditure in respect of council tax benefit, to the extent that the overrun relates to council tax benefit.

Backdated benefit

14.—(1) Subject to paragraph (2), where—

- (a) during the relevant year an authority has, under paragraph (15) of regulation 72 of the Housing Benefit Regulations or paragraph (16) of regulation 62 of the Council Tax Benefit Regulations (time and manner of claiming)(36), treated any claim as made on a day earlier than that on which it is made; and
- (b) any part of that authority's qualifying expenditure is attributable to such earlier period,

for the purposes of article 13(1)(b)(ii), the appropriate amount for the relevant year in respect of such part shall be 50 per cent. of the qualifying expenditure so attributable.

(2) This article shall not apply in a case to which article 18(1)(b)(ii) or paragraph 6 of Schedule 4 applies.

Disproportionate rent increase

15.—(1) Except where paragraph (5), (6) or (7) applies, in the case of an authority in Scotland, whose average rent increase differential, as calculated in accordance with paragraph (2) ("the proportion"), has a value greater than zero, the deduction from qualifying expenditure specified in article 11(2)(a) shall be the proportion multiplied by the sum calculated for that authority in accordance with paragraph (4).

(2) The average rent increase differential for each authority shall be calculated by applying the formula—

$$(1 + A) \times \left(\frac{B}{C} \times \frac{D}{E} \right) - 1$$

where

A, B, C, D and E each has the value determined in accordance with paragraph (3).

(3) For the purposes of paragraph (2)—

- (a) the value of A shall be the proportion calculated for that authority pursuant to paragraphs (3) and (4) of—
 - (i) in relation to the relevant year commencing on 1st April 1997, article 6 of the 1997 Order, or
 - (ii) in relation to a relevant year commencing on or after 1st April 1998, this article of this Order for the year immediately preceding the relevant year;

(36) Regulations 72(15) and 62(16) were amended by S.I. 1996/462.

- (b) the value of B shall be the average rent charged by the authority in respect of Category 1 dwellings on the final date;
 - (c) the value of C shall be the average rent charged by the authority in respect of Category 1 dwellings on the initial date;
 - (d) the value of D shall be the average rent charged by the authority in respect of Category 2 dwellings on the initial date; and
 - (e) the value of E shall be the average rent charged by the authority in respect of Category 2 dwellings on the final date.
- (4) The sum referred to in paragraph (1) shall be that part of qualifying expenditure attributable to rebates granted during the relevant year before any deduction by reason of this article, but less any part of such expenditure to which article 13(1)(b)(ii) applies.
- (5) Subject to paragraph (6), this article shall not apply in the case of an authority—
- (a) which has—
 - (i) set the rent for the relevant year according to the type, condition, class or description of the dwellings and the services, facilities or rights provided to the tenants, where that rent is reasonable having regard to those matters;
 - (ii) not taken account of whether a tenant was a beneficiary when setting rents for the relevant year, and
 - (iii) not let dwellings, either in the relevant year or in either of the two previous years, to beneficiaries irrespective of their housing needs;
 - or
 - (b) where—
 - (i) any increases in rent between the initial date and 1st April in the following year were of the same percentage and applied on the same day to all tenants irrespective of whether they were beneficiaries, and
 - (ii) the average rent increase differential calculated in accordance with—
 - (aa) in relation to the relevant year commencing on 1st April 1997, article 6 of the 1997 Order; or
 - (bb) in relation to a relevant year commencing on or after 1st April 1998, this article of this Order for the year immediately preceding the relevant year,
 for that authority had a value which was zero or less than zero.
- (6) In the case of a new authority, sub-paragraph (a)(iii) of paragraph (5) shall be modified so that, in relation to the relevant year commencing on 1st April 1997, for the words “or in either of the two previous years” there shall be substituted the words “or in the previous year”.
- (7) This article shall not apply in a case to which article 17 (subsidy in respect of homeless and short lease rebate cases) applies.
- (8) In this article (and, in the case of the meaning ascribed to the word “beneficiary”, also in article 19(2))—
- “average” means the arithmetic mean;
 - “beneficiary” means a person who is entitled or likely to become entitled to a rebate;
 - “Category 1 dwellings” means dwellings rented out by the authority, on both the initial date and the final date, in respect of which, on the final date, the persons liable to pay such rent were in receipt of rebates;

“Category 2 dwellings” means dwellings rented out by the authority, on both the initial date and the final date, in respect of which, on the final date, the persons liable to pay such rent were not in receipt of rebates;

“final date” means the last day of the relevant year;

“initial date” means the day before the relevant year; and

“rent” means either—

(a) the payments specified in sub-paragraphs (a) to (j) in paragraph (1) of regulation 10 of the Housing Benefit Regulations (rent)(**37**); or

(b) the eligible rent,

as the authority may determine, provided that wherever the expression “rent” occurs in paragraph (3) it has the same meaning throughout in relation to that authority.

Treatment of high rents in rent allowance cases

16.—(1) Except in a case to which article 14 (backdated benefit) applies, and subject to paragraphs (2), (3) 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 article 13(1)(b)(ii), 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 paragraph 1 and any of paragraphs 3, 10, 11 or 11A of Schedule 1A(**38**) (excluded tenancies) to the Housing Benefit Regulations.

(3) Where the dwelling is an excluded tenancy by virtue of paragraph 1 and any of paragraphs 5 to 9 of Schedule 1A to the Housing Benefit Regulations (“a regulated tenancy”), this article shall not apply if—

(a) a rent is registered in respect of that dwelling under Part IV, V or VI of the Rent Act 1977(**39**) or Part V, VI or VII of the Rent (Scotland) Act 1984(**40**); or

(b) an application has been made for such registration as is mentioned in sub-paragraph (a), but no such registration has been made because the rent officer or rent assessment committee (which in this article has the same meaning as in those Acts), as the case may be, are satisfied that the rent is at or below the fair rent level,

but in the case of a regulated tenancy to which neither sub-paragraph (a) nor (b) applies, the appropriate amount in respect of that allowance shall be calculated in accordance with Part I of Schedule 4.

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

(a) it was determined by reference to a reckonable rent and a local reference rent, when the appropriate amount shall be calculated in accordance with paragraph 14 of Schedule 4; or

(b) prior to its determination, a payment was made pursuant to regulation 91 (payment on account) of the Housing Benefit Regulations(**41**), when the appropriate amount, in respect of that payment, shall be calculated in accordance with paragraph 11 of Schedule 4; or

(37) Regulation 10(1) was amended by S.I. [1988/1971](#).

(38) Schedule 1A was inserted by regulation 13 of S.I. [1990/546](#); paragraph 3 was substituted by S.I. [1995/2868](#) and paragraph 11A was inserted by S.I. [1992/432](#) and amended by S.I. [1997/852](#).

(39) [1977 c. 42](#).

(40) [1984 c. 58](#).

(41) Regulation 91 was amended by S.I. [1995/2868](#).

- (c) regulation 11(9) of the Housing Benefit 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.

Subsidy in respect of homeless and short lease rebate cases

17.—(1) Subject to paragraphs (5) and (6), where paragraph (4) applies and any part of the qualifying expenditure of an authority identified in column (1) of Schedule 1, except Scottish Homes, is attributable to any rebate granted in respect of a person whose weekly eligible rent exceeds the threshold, then for the purposes of article 13(1)(b)(ii), where that weekly eligible rent—

- (a) does not exceed the cap, the appropriate amount in respect of that rebate shall be calculated in accordance with paragraph (2);
- (b) does exceed the cap, the appropriate amount in respect of that rebate shall be calculated in accordance with paragraph (3).

(2) Subject to paragraph (7), where paragraph (1)(a) applies, and the rebate granted—

- (a) is the same as or is less than the amount by which the eligible rent exceeds the threshold, the appropriate amount shall be 12.5 per cent. of that part of the qualifying expenditure attributable to such rebates;
- (b) is greater than the amount by which the eligible rent exceeds the threshold, the appropriate amount shall be 12.5 per cent. of that part of the qualifying expenditure attributable to such rebates which is equal to the excess and 95 per cent. of the qualifying expenditure attributable to the balance after deducting that excess.

(3) Subject to paragraph (7), where paragraph (1)(b) applies, and the rebate granted—

- (a) is the same as or is less than the amount by which the eligible rent exceeds the cap, the appropriate amount shall be nil per cent. of that part of the qualifying expenditure attributable to such rebates;
- (b) is greater than the amount by which the eligible rent exceeds the cap, the appropriate amount shall be the aggregate of—
- (i) nil per cent. of that part of the qualifying expenditure attributable to such rebates which is equal to the excess over the cap;
- (ii) 12.5 per cent. of that part of the qualifying expenditure attributable to such rebates which is equal to the excess over the threshold, but not over the cap; and
- (iii) 95 per cent. of the qualifying expenditure attributable to the balance after deducting an amount equal to the excess over the threshold.

(4) This paragraph applies where a rebate is payable by an authority in respect of rents which exceed the threshold and

- (a) a person is required to pay to an authority under section 69(2)(b) of the Housing Act 1985⁽⁴²⁾, section 206 of the Housing Act 1996⁽⁴³⁾ or section 35(2)(b) of the Housing (Scotland) Act 1987⁽⁴⁴⁾, as the case may be, for board and lodging accommodation made available to that person;
- (b) a person is required to pay to an authority under section 69(2)(b) of the Housing Act 1985, section 206 of the Housing Act 1996 or section 35(2)(b) of the Housing (Scotland) Act

⁽⁴²⁾ 1985 c. 68, repealed by the Housing Act 1996, Schedule 19 Part VIII, but remains in force for applications made before 20/1/97.

⁽⁴³⁾ 1996 c. 52.

⁽⁴⁴⁾ 1987 c. 26.

1987, as the case may be, for accommodation, which the authority holds on a licence agreement from a landlord, and which it makes available to that person;

- (c) a person is required to pay to an authority for accommodation outside that authority's Housing Revenue Account, which the authority holds on a lease granted for a term not exceeding 10 years, and which it makes available to that person.

(5) Where, in Scotland—

- (a) a person is required to pay to an authority for accommodation which the authority holds on a lease granted for a term not exceeding 10 years and which it makes available to that person; and
- (b) an authority, other than Scottish Homes, identified in column (1) of Schedule 1, has granted any rebate in respect of such requirements to pay,

the appropriate amount shall be calculated in accordance with paragraph (6).

(6) Where paragraph (5) applies—

- (a) if the rebate granted is in respect of a person whose weekly eligible rent does not exceed the threshold, then the appropriate amount shall be 95 per cent. of that rebate;
- (b) if the rebate granted is the same as or is less than the amount by which the eligible rent exceeds the threshold, the appropriate amount shall be nil per cent.; and
- (c) if the rebate granted is greater than the amount by which the eligible rent exceeds the threshold, the appropriate amount in respect of such part of such rebate which is equal to the excess shall be nil per cent., but in respect of that part of such rebate attributable to the balance after deducting an amount equal to the excess, the appropriate amount shall be 95 per cent..

(7) For the relevant year commencing on 1st April 1997, this article shall be modified so that, for the figure “12.5” in paragraphs (2)(a) and (b) and (3)(b)(ii), there shall be substituted the figure “17.5”.

(8) In this article, in relation to an authority falling within paragraph (1)—

“the cap” means the sum specified in relation to that authority in column (4) of Schedule 1, and
“the threshold” means the sum specified in relation to that authority in column (3) of Schedule 1.

Additions to subsidy

18.—(1) Subject to paragraphs (8), (9) and (10), the additions referred to in article 13(1) are—

- (a) where following the loss, destruction or non-receipt, or alleged loss, destruction or non-receipt of original instruments of payment of relevant benefit, an authority makes duplicate payments and the original instruments have been or are subsequently encashed, an amount equal to 25 per cent. of the amount of the duplicate payments;
- (b) subject to paragraphs (2) and (3), where, during the relevant year, it is discovered that an overpayment of community charge benefit or relevant benefit has been made and an amount is to be deducted under article 19 in relation to that overpayment, an amount equal to—
 - (i) in the case of a departmental error overpayment, 95 per cent. of so much of the overpayment as has not been recovered by the authority;
 - (ii) in the case of a fraudulent overpayment 95 per cent. of the overpayment; or
 - (iii) except where head (i) or (ii) above applies, 25 per cent. of the overpayment;
- (c) where, during the relevant year, it is discovered that an overpayment in respect of which a deduction was made under article 11 or 19 of the 1994 Order, the 1995 Order, the 1996

Order or the 1997 Order (other than a deduction under article 11(1)(g) or 19(1)(c) of the 1994 Order or 11(1)(f) or 19(1)(c) of the 1995, 1996 or 1997 Orders) or, in respect of a year earlier than the relevant year, under article 19 (other than a deduction under article 19(1)(f)), as the case may be, was a fraudulent overpayment, the amount, if any, by which 95 per cent. of any such overpayment exceeds the amount of any subsidy that has been paid in respect of that overpayment;

(d) in the case of an authority, other than Scottish Homes, identified in column (1) of Schedule 1, the sum specified in relation to that authority in column (5) of that Schedule.

(2) The amount under paragraph (1)(b) shall not include an amount in relation to—

(a) an authority error overpayment;

(b) any technical overpayment; or

(c) any overpayment discovered in the relevant year, which arose as a result of a reduction in the amount of council tax a person is or was liable to pay.

(3) In the case of a departmental error overpayment, where some or all of that overpayment is recovered by the authority, no addition shall be applicable to the authority in respect of the amount so recovered.

(4) In paragraphs (1)(b)(i) and (3) and in article 19(1)(e) “departmental error overpayment” means an overpayment caused by a mistake made, whether in the form of an act or omission—

(a) by an officer of the Department of Social Security or the Department for Education and Employment, acting as such; or

(b) in a decision of an adjudication officer, social security appeal tribunal or Social Security Commissioner appointed in accordance with sections 38(1), 40(1), 51(1) and 52(1) of the Act (appointment of adjudication officers, chairmen and members of social security appeal tribunals and Commissioners),

where the claimant, a person acting on his behalf or any other person to whom the payment is made did not cause or materially contribute to that mistake.

(5) In paragraph (1)(b)(ii) and (c), in article 19(1)(f) and in paragraph 1 of Schedule 5 “fraudulent overpayment” means an overpayment in respect of a period falling wholly or partly after 31st March 1993 and which—

(a) is so classified by an officer of the authority, whom the authority has designated for the purpose of so classifying, after that date; and

(b) occurs as a result of the payment of relevant benefit or community charge benefit arising in consequence of—

(i) a breach of section 111A or 112(1) of the Act (dishonest or false representations for obtaining benefit)⁽⁴⁵⁾; or

(ii) a person knowingly failing to report a relevant change of circumstances, contrary to the requirements of regulation 75 of the Housing Benefit Regulations⁽⁴⁶⁾, regulation 63 of the Community Charge Benefits Regulations or of regulation 65 of the Council Tax Benefit Regulations, as the case may be, (duty to notify change of circumstances), with intent to obtain or retain such relevant benefit or community charge benefit for himself or another.

(6) In paragraph (2)(a) “authority error overpayment” means an overpayment caused by a mistake made, whether in the form of an act or omission, by an authority, where the claimant, a person acting on his behalf or any other person to whom the payment is made did not cause or materially contribute to that mistake.

⁽⁴⁵⁾ Section 111A was inserted by section 13 of the Social Security Administration (Fraud) Act 1997 (c. 47).

⁽⁴⁶⁾ Regulation 75 was amended by S.I. 1990/546.

(7) In paragraph (2)(b) “technical overpayment” means that part of an overpayment which occurs as a result of a rebate or council tax benefit being awarded in advance of the payment when—

- (a) a change of circumstances, which occurs subsequent to that award, reduces or eliminates entitlement to that rebate or benefit; or
- (b) the authority identifies, subsequent to that award, a recoverable overpayment which does not arise from a change in circumstances,

but shall not include any part of that overpayment occurring before the benefit week following the week in which the change is disclosed to the authority or it identifies that overpayment.

(8) Except for paragraphs (1)(b)(ii), (1)(c) and (5), this article shall not apply to that part of any community charge benefit or relevant benefit in respect of a case to which paragraph (15) of regulation 72 of the Housing Benefit Regulations(47), paragraph (16) of regulation 62 of the Council Tax Benefit Regulations(48) or paragraph (18) of regulation 60 of the Community Charge Benefits Regulations (time and manner in which claims are to be made), as the case may be, applies.

(9) Any reference in this article to an overpayment shall not include any relevant benefit for any period overrun or other period immediately following expiry of the specified period determined under regulation 66 of the Housing Benefit Regulations(49) or regulation 57 of the Council Tax Benefit Regulations(50) (benefit periods), as the case may be, except for so much of any relevant benefit to which the claimant would not have been entitled had a claim for that period been duly made and determined.

(10) This article shall not apply to any expenditure in respect of which, had it been qualifying expenditure, the appropriate amount would have been nil.

Deductions to be made in calculating subsidy

19.—(1) The deductions referred to in article 11(2)(b) are, subject to paragraph (4), to be of the following amounts where—

- (a) subject to paragraphs (2) and (3), a tenant of an authority, who is in receipt of a rebate while continuing to occupy, or when entering into occupation of a dwelling as his home, either under his existing tenancy agreement or by entering into a new tenancy agreement—
 - (i) is during, or was at any time prior to, the relevant year able to choose whether or not to be provided with any services, facilities or rights (“improvements”) and chooses or chose to be so provided;
 - (ii) is during, or was at any time prior to, the relevant year, able to choose either to be provided with any improvements or, whether or not in return for an award or grant from the authority, to provide such improvements for himself; or
 - (iii) would be able during, or would have been able at any time prior to, the relevant year to exercise the choice set out in head (i) or (ii) of this sub-paragraph if he were not or had not at that time been in receipt of a rebate,

the amounts attributed during the relevant year to such improvements whether they are or would be expressed as part of the sum fixed as rent, otherwise reserved as rent or expressed as an award or grant from the authority;

- (b) during the relevant year a person becomes entitled to a rent-free period which has not been, or does not fall to be, taken into account in calculating the amount of rebate to which he is entitled under the Housing Benefit Regulations, the amount of rebate which is or was payable to him in respect of such rent-free period;

(47) Regulation 72(15) was amended by S.I. 1996/462.

(48) Regulation 62(16) was amended by S.I. 1996/462.

(49) Regulation 66 was amended by S.I. 1988/1971, 1989/1322 and 1996/1510.

(50) Regulation 57 was amended by S.I. 1996/1510.

- (c) during the relevant year an award in the form of a payment of money or monies worth, a credit to the person's rent account or in some other form is made by an authority to one of its tenants in receipt of a rebate, whether or not the person is immediately entitled to the award, the amount or value of the award, but no such deduction shall be made in respect of an award—
- (i) made to a tenant for a reason unrelated to the fact that he is a tenant;
 - (ii) made under a statutory obligation;
 - (iii) made under section 137 of the Local Government Act 1972⁽⁵¹⁾ or section 83 of the Local Government (Scotland) Act 1973⁽⁵²⁾ (power of local authorities to incur expenditure for certain purposes not otherwise authorised);
 - (iv) except where sub-paragraph (a)(ii) applies, made as reasonable compensation for reasonable repairs or redecoration the tenant has, or has caused to be, carried out whether for payment or not and which the authority would otherwise have carried out or have been required to carry out; or
 - (v) of a reasonable amount made as compensation for loss, damage or inconvenience of a kind which occurs only exceptionally and which was suffered by the tenant by virtue of his occupation of his home;
- (d) during the relevant year the weekly amount of relevant benefit is increased pursuant to paragraph (2) or (3) of regulation 61 of the Housing Benefit Regulations⁽⁵³⁾ or regulations 51(5) or 54(4) of the Council Tax Benefit Regulations (increases of weekly amounts for exceptional circumstances)⁽⁵⁴⁾, the amount of such increase;
- (e) during the relevant year an amount is recovered in relation to a departmental error overpayment, within the meaning of article 18(4), the amount so recovered, in a case where the overpayment had occurred and been discovered in a year earlier than the relevant year;
- (f) during the relevant year a fraudulent overpayment, within the meaning of article 18(5), is identified, the amount of the overpayment, but only to the extent that the amount of overpayment or any part of it has not been deducted from qualifying expenditure under article 4 or 19 of the 1994 Order, the 1995 Order, the 1996 Order or the 1997 Order or article 11(2), as the case may be;
- (g) subject to sub-paragraphs (e) and (f), during the relevant year it is discovered that an overpayment of relevant benefit has been made, the amount of such overpayment, but only to the extent that—
- (i) the amount of such overpayment or any part of it has not been deducted from qualifying expenditure under article 3 of the 1989 Order or the 1990 Order or under article 4 or 15 of the 1991 Order or articles 4 or 16 of the 1992 Order or the 1993 Order or articles 4 or 19 of respectively the 1994 Order, the 1995 Order, the 1996 Order or the 1997 Order, or article 11(2), as the case may be; and
 - (ii) the amount of the overpayment or any part of it does not include an amount to which paragraph (15) of regulation 72 of the Housing Benefit Regulations, paragraph (7) of article 2 of the Community Charge Benefits (Transitional) Order 1989⁽⁵⁵⁾,

⁽⁵¹⁾ 1972 c. 70; section 137 was amended by the Local Government (Miscellaneous Provisions) Act 1982 (c. 3), section 44; the Local Government Finance Act 1982 (c. 32), section 34, Schedule 5 paragraph 5; the Local Government Act 1986 (c. 10), section 3 and by the Local Government and Housing Act 1989 (c. 42), section 194, Schedule 12.

⁽⁵²⁾ 1973 c. 65; section 83 was amended by the Local Government and Planning (Scotland) Act 1982 (c. 43), sections 6 and 50; the Rating and Valuation Amendment (Scotland) Act 1987 (c. 31), section 9; the Local Government Act 1986 (c. 10), section 3; the Abolition of Domestic Rates (Scotland) Act 1987 (c. 47), Schedule 1 paragraph 27 and by the Local Government and Housing Act 1989 (c. 42), section 36(9).

⁽⁵³⁾ Paragraph (2) of regulation 61 was inserted by S.I. 1994/578 and paragraph (3) by S.I. 1995/1644.

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

⁽⁵⁵⁾ S.I. 1989/1322.

paragraph (18) of regulation 59 of the Housing Benefit (Community Charge Rebates) (Scotland) Regulations 1988⁽⁵⁶⁾, paragraph (16) of regulation 62 of the Council Tax Benefit Regulations⁽⁵⁷⁾ or paragraph (18) of regulation 60 of the Community Charge Benefits Regulations (time and manner in which claims are to be made), as the case may be, applied;

- (h) during the relevant year any instrument of payment of relevant benefit issued by an authority during that year is returned to that authority without being presented for payment or is found by that authority to have passed its date of validity without being presented for payment, the amount of any such instrument;
 - (i) during the relevant year an amount is recovered in respect of which subsidy was paid pursuant to paragraph 6(2) of Schedule 6 to the 1996 Order or the 1997 Order or paragraph 11(2) of Schedule 4 (subsidy on payments on account), the amount so recovered, where the payment on account was made in a year earlier than the relevant year.
- (2) Subject to paragraph (3), no deduction shall be made under sub-paragraph (1)(a) where the eligible rent for a tenant has been increased in a case to which that sub-paragraph would apply, but—
- (a) any such services, facilities or rights (“improvements”)—
 - (i) relate solely to the physical needs of the property in question or the needs of that tenant; and
 - (ii) the increased rent in relation to such improvements is reasonable;
 - (b) the tenant was eligible whether or not he was a beneficiary; and
 - (c) the authority has not let properties, to which they intend to make improvements, either in the relevant year or in the two years preceding that year, solely or largely to beneficiaries.
- (3) In paragraph (2)—
- (a) “beneficiary” has the meaning it is given by article 15(8); and
 - (b) in a case to which article 24 applies, sub-paragraph (c) shall have effect as modified by article 24(2).
- (4) Where in relation to any amount of a rebate or allowance a deduction falls to be made under two or more of the sub-paragraphs of paragraph (1), as the case may be, only the higher or highest, or, where the amounts are equal, only one amount, shall be deducted.

Deduction from subsidy

20. Where, during the relevant year, it is found by an authority that any instrument of payment issued by it as payment of any relevant benefit or community charge benefit on or after 1st April 1988, but before the relevant year, has been returned to that authority without having been presented for payment or has passed its date of validity without having been presented for payment, the deduction referred to in article 13(1) shall be the amount of any subsidy that has been paid in respect of that instrument.

Additions to and deductions from subsidy in respect of benefit savings

21.—(1) Where this article applies, the addition to or, as the case may be, deduction from subsidy referred to in article 13(1) shall be calculated in accordance with Schedule 5.

(2) This article applies in the case of an authority to which paragraph 2 of Schedule 5 applies and in such a case the addition shall be calculated in accordance with that paragraph.

⁽⁵⁶⁾ S.I. 1988/1890, amended by S.I. 1989/43, 361, 972 and 1990/127.

⁽⁵⁷⁾ Regulation 62(16) was amended by S.I. 1996/462.

(3) This article also applies in the case of an authority to which paragraph 4 of Schedule 5 applies and in such a case the deduction shall be calculated in accordance with that paragraph.

PART IV

TRANSITIONAL AND SAVINGS

Provisions for claims for 1997/98

22. In relation to the relevant year commencing on 1st April 1997 the—

- (a) initial claim;
- (b) mid-year claim; and
- (c) returns pursuant to article 4(4) due on 15th April, 15th July and 15th October 1997 and 15th January 1998,

may be submitted not later than 7 days after the day on which this Order comes into force, but no duty to pay interim subsidy to an authority shall arise until that claim or return, as the case may be, is submitted by the authority.

Transitional provisions in relation to rent officer determinations

23.—(1) In the relevant year commencing on 1st April 1997, the expression “property-specific rent less ineligible amounts” in both paragraph 17(1) of Schedule 4 and paragraph 13(1) of Schedule 6 to the 1997 Order has effect as if after the words “(“ineligible payments””, there were inserted the words “or, in the case of a determination prior to 2nd October 1995, the authority is of the opinion that the exceptionally high rent did not include ineligible payments,”.

(2) In the case of any part of an award of housing benefit—

- (a) made pursuant to paragraph 1(f)(iii) of Schedule 1 to the Housing Benefit Regulations (ineligible services charges)⁽⁵⁸⁾; and
- (b) to which Part II of Schedule 4 applies,

the appropriate amount, in relation to any such part which is paid pursuant to that head of that sub-paragraph, shall be 95 per cent..

Modifications of exemption from improvements rule

24.—(1) This article applies in the case of a new authority, a 1997 authority or a 1998 authority, as the case may be, and, in these cases, the modifications set out in paragraph (2) shall apply.

(2) In relation to the relevant year commencing on—

- (a) 1st April 1997, in the case of a—
 - (i) new authority, for the words “or in the two years preceding that year” in article 19(2)(c) there shall be substituted the words “or in the year preceding that year”;
 - (ii) 1997 authority, the words “or in the two years preceding that year” shall be omitted from article 19(2)(c);
- (b) 1st April 1998, in the case of a—
 - (i) 1997 authority, for the words “or in the two years preceding that year” in article 19(2)(c) there shall be substituted the words “or in the year preceding that year”;

⁽⁵⁸⁾ Head (iii) was added to sub-paragraph 1(f) as from 18th August 1997 by S.I. 1997/1974, but will, by regulation 3 of that instrument, cease to have effect on 31st October 1998.

- (ii) 1998 authority, the words “or in the two years preceding that year” shall be omitted from article 19(2)(c);
- (c) 1st April 1999, in the case of a 1998 authority, for the words “or in the two years preceding that year” in article 19(2)(c) there shall be substituted the words “or in the year preceding that year”.

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

3rd March 1998

Keith Bradley
Parliamentary Under-Secretary of State,
Department of Social Security

We consent,

4th March 1998

Jim Dowd
Bob Ainsworth
Two of the Lords Commissioners of Her
Majesty’s Treasury

Status: This is the original version (as it was originally made).

SCHEDULE 1

Articles 12(b), 17(1), 18(1)(d), 21 and
paragraph 1(2) of Schedule 5

Sums to be used in the calculation of subsidy

<i>(1) Authority</i>	<i>(2) Administration Subsidy (£)</i>	<i>(3) Homeless Threshold (£)</i>	<i>(4) Homeless Cap (£)</i>	<i>(5) Additional Subsidy (£)</i>	<i>(6) Benefit Savings Threshold (£)</i>
ENGLAND					
Adur	127,878	66.78	89.04	16,794	131,896
Allerdale	262,099	55.26	73.68	16,513	159,687
Alnwick	73,824	49.10	65.46	3,427	43,677
Amber Valley	224,871	51.44	68.58	16,566	145,218
Arun	327,996	81.93	109.24	59,885	462,730
Ashfield	258,825	51.38	68.50	17,555	152,894
Ashford	193,486	75.51	100.68	16,352	180,870
Aylesbury Vale	211,722	66.33	88.44	27,486	172,129
Babergh	155,665	63.11	84.14	13,981	138,951
Barking and Dagenham	568,626	134.43	161.31	51,935	401,998
Barnet	805,032	134.43	161.31	182,712	1,161,088
Barnsley	688,268	44.31	59.08	35,820	391,834
Barrow-in-Furness	217,450	63.69	84.92	27,611	212,459
Basildon	459,404	61.44	81.92	35,723	309,295
Basingstoke and Deane	285,457	69.75	93.00	25,306	210,778
Bassetlaw	242,522	55.53	74.04	19,565	164,744
Bath and North East Somerset	358,078	60.60	80.80	45,817	362,043
Bedford	373,264	54.93	73.24	35,430	327,436
Berwick-upon-Tweed	65,641	43.86	58.48	4,262	41,052
Bexley	500,711	134.43	161.31	63,299	512,036
Birmingham	3,570,059	60.39	80.52	303,832	3,064,096
Blaby	94,508	48.17	64.22	6,461	45,801
Blackburn	439,056	61.34	81.78	42,959	401,974
Blackpool	574,577	50.22	66.96	144,628	910,588

<i>(1) Authority</i>	<i>(2) Administration Subsidy (£)</i>	<i>(3) Homeless Threshold (£)</i>	<i>(4) Homeless Cap (£)</i>	<i>(5) Additional Subsidy (£)</i>	<i>(6) Benefit Savings Threshold (£)</i>
Blyth Valley	228,981	44.64	59.52	9,112	124,520
Bolsover	201,746	44.60	59.46	17,018	121,875
Bolton	752,667	52.74	70.32	54,719	639,165
Boston	130,490	51.96	69.28	8,555	82,222
Bournemouth	585,897	66.98	89.30	176,071	852,343
Bracknell Forest	178,844	64.76	86.34	23,069	164,419
Bradford	1,405,642	52.67	70.22	152,722	1,350,869
Braintree	265,985	63.39	84.52	23,205	205,186
Breckland	251,931	62.87	83.82	17,894	138,715
Brent	1,215,730	134.43	161.31	308,740	2,290,093
Brentwood	105,334	73.56	98.08	10,882	79,051
Bridgnorth	85,843	55.74	74.32	5,753	57,873
Brighton and Hove	1,090,055	66.72	88.96	277,605	1,589,134
Bristol	1,198,030	58.01	77.34	154,354	1,171,749
Broadland	171,462	62.87	83.82	11,523	104,029
Bromley	723,623	134.43	161.31	72,865	605,503
Bromsgrove	103,050	51.05	68.06	6,603	60,496
Broxbourne	154,982	78.86	105.14	18,887	137,205
Broxtowe	205,109	48.35	64.46	15,419	139,402
Burnley	275,846	57.20	76.26	41,013	304,118
Bury	392,478	55.37	73.82	38,251	317,057
Calderdale	499,812	50.79	67.72	37,735	389,214
Cambridge	241,933	62.21	82.94	28,688	260,633
Camden	1,135,353	134.43	161.31	217,817	2,116,492
Cannock Chase	195,103	61.07	81.42	8,110	123,512
Canterbury	314,511	72.21	96.28	51,929	360,227
Caradon	184,318	61.76	82.34	25,779	195,033
Carlisle	233,531	53.24	70.98	20,734	186,978
Carrick	226,358	57.98	77.30	35,041	243,303
Castle Morpeth	81,470	50.82	67.76	3,512	42,091

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<i>(1) Authority</i>	<i>(2) Administration Subsidy (£)</i>	<i>(3) Homeless Threshold (£)</i>	<i>(4) Homeless Cap (£)</i>	<i>(5) Additional Subsidy (£)</i>	<i>(6) Benefit Savings Threshold (£)</i>
Castle Point	149,311	79.89	106.52	27,520	141,455
Charnwood	216,555	49.43	65.90	24,625	123,667
Chelmsford	235,200	67.16	89.54	23,114	183,365
Cheltenham	245,358	69.12	92.16	37,811	286,514
Cherwell	214,618	61.92	82.56	41,620	228,432
Chester	258,587	53.63	71.50	24,539	222,239
Chester-le-Street	128,052	49.07	65.42	7,840	78,319
Chesterfield	290,840	46.28	61.70	19,690	198,275
Chichester	192,071	66.78	89.04	24,207	204,640
Chiltern	141,376	69.75	93.00	6,927	103,264
Chorley	185,920	43.67	58.22	11,273	128,808
Christchurch	97,848	62.16	82.88	9,955	67,962
City of London	35,995	134.43	161.31	2,077	34,144
Colchester	329,837	64.52	86.02	40,744	350,322
Congleton	110,851	51.44	68.58	6,648	66,229
Copeland	190,085	52.53	70.04	13,088	139,810
Corby	145,813	51.17	68.22	18,158	113,042
Cotswold	129,910	78.06	104.08	16,142	139,006
Coventry	990,465	53.84	71.78	105,075	840,160
Craven	83,737	59.51	79.34	8,519	72,347
Crawley	188,524	66.87	89.16	14,059	102,375
Crewe and Nantwich	212,016	53.22	70.96	16,606	153,714
Croydon	998,210	134.43	161.31	195,597	1,682,556
Dacorum	249,911	61.88	82.50	20,678	169,598
Darlington	246,341	51.47	68.62	25,439	216,420
Dartford	172,150	72.29	96.38	22,102	158,730
Daventry	89,714	52.62	70.16	6,481	59,125
Derby	616,461	51.09	68.12	61,605	565,078
Derbyshire Dales	94,790	50.60	67.46	5,432	52,097
Derwentside	285,057	57.47	76.62	10,051	191,678

<i>(1) Authority</i>	<i>(2) Administration Subsidy (£)</i>	<i>(3) Homeless Threshold (£)</i>	<i>(4) Homeless Cap (£)</i>	<i>(5) Additional Subsidy (£)</i>	<i>(6) Benefit Savings Threshold (£)</i>
Doncaster	820,397	44.79	59.72	55,074	470,648
Dover	309,568	75.39	100.52	54,529	373,331
Dudley	747,010	54.45	72.60	27,076	398,544
Durham City	191,489	54.51	72.68	7,771	111,431
Ealing	988,314	134.43	161.31	249,713	1,645,573
Easington	350,031	54.62	72.82	14,278	219,061
East Cambridgeshire	134,278	62.87	83.82	11,487	72,393
East Devon	227,221	60.65	80.86	25,221	230,988
East Dorset	124,378	73.19	97.58	10,426	82,849
East Hampshire	155,484	69.75	93.00	18,563	130,268
East Hertfordshire	173,166	71.21	94.94	16,953	133,393
East Lindsey	311,667	54.15	72.20	42,682	281,490
East Northamptonshire	122,821	55.74	74.32	11,308	76,316
East Riding of Yorkshire	587,261	47.90	63.86	72,648	538,451
East Staffordshire	186,527	50.18	66.90	15,797	126,687
Eastbourne	290,825	65.99	87.98	66,091	372,888
Eastleigh	181,116	69.65	92.86	21,025	127,182
Eden	70,526	71.96	95.94	7,072	65,030
Ellesmere Port and Neston	159,211	43.04	57.38	7,997	92,942
Elmbridge	186,575	77.78	103.70	33,527	218,475
Enfield	764,927	134.43	161.31	135,084	1,110,048
Epping Forest	231,117	71.09	94.78	27,375	189,634
Epsom and Ewell	93,972	69.65	92.86	14,712	82,096
Erewash	234,962	46.55	62.06	20,230	155,563
Exeter	292,145	54.72	72.96	38,950	315,014
Fareham	119,778	66.62	88.82	11,526	115,771
Fenland	188,615	61.05	81.40	23,073	151,343
Forest Heath	90,783	56.54	75.38	8,273	63,056

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<i>(1) Authority</i>	<i>(2) Administration Subsidy (£)</i>	<i>(3) Homeless Threshold (£)</i>	<i>(4) Homeless Cap (£)</i>	<i>(5) Additional Subsidy (£)</i>	<i>(6) Benefit Savings Threshold (£)</i>
Forest of Dean	143,350	60.65	80.86	14,101	117,326
Fylde	129,602	48.89	65.18	23,242	127,112
Gateshead	798,011	49.04	65.38	37,573	654,949
Gedling	191,577	48.39	64.52	20,093	146,702
Gillingham	200,492	63.80	85.06	41,605	241,010
Gloucester	275,100	65.84	87.78	58,045	353,538
Gosport	167,139	73.98	98.64	16,743	187,977
Gravesham	228,496	71.25	95.00	32,387	219,579
Great Yarmouth	309,339	48.81	65.08	58,670	317,951
Greenwich	991,405	134.43	161.31	70,845	1,027,712
Guildford	203,720	78.80	105.06	32,203	227,707
Hackney	1,495,105	134.43	161.31	243,433	2,631,330
Halton	445,350	47.43	63.24	19,880	291,347
Hambleton	138,912	47.84	63.78	12,466	82,233
Hammersmith and Fulham	878,891	134.43	161.31	152,324	1,209,033
Harborough	81,365	60.75	81.00	7,205	57,792
Haringey	1,309,264	134.43	161.31	384,860	2,746,581
Harlow	235,181	61.38	81.84	17,204	168,985
Harrogate	236,570	63.95	85.26	36,251	254,092
Harrow	458,901	134.43	161.31	103,804	705,957
Hart	89,192	93.66	124.88	12,214	74,755
Hartlepool	357,281	53.58	71.44	26,887	296,968
Hastings	416,090	69.75	93.00	96,855	501,748
Havant	232,441	69.75	93.00	29,267	178,371
Havering	487,586	134.43	161.31	52,813	358,068
Hereford	147,649	49.95	66.60	22,124	158,300
Hertsmere	219,732	62.87	83.82	16,112	132,822
High Peak	163,462	55.89	74.52	16,593	138,641
Hillingdon	553,999	134.43	161.31	69,495	742,398
Hinckley and Bosworth	130,865	55.41	73.88	11,435	70,733
Horsham	159,538	80.28	107.04	20,108	164,017

<i>(1) Authority</i>	<i>(2) Administration Subsidy (£)</i>	<i>(3) Homeless Threshold (£)</i>	<i>(4) Homeless Cap (£)</i>	<i>(5) Additional Subsidy (£)</i>	<i>(6) Benefit Savings Threshold (£)</i>
Hounslow	647,273	134.43	161.31	134,556	885,374
Huntingdonshire	213,218	59.94	79.92	21,438	168,199
Hyndburn	227,199	58.46	77.94	33,072	234,108
Ipswich	368,294	56.79	75.72	36,437	316,829
Isle of Wight	414,321	69.65	92.86	71,453	456,737
Isles of Scilly	4,837	62.57	83.42	480	2,347
Islington	1,123,082	134.43	161.31	119,640	1,431,747
Kennet	149,990	62.16	82.88	10,260	98,953
Kensington and Chelsea	716,159	134.43	161.31	181,247	1,330,284
Kerrier	246,134	62.52	83.36	31,640	255,817
Kettering	155,222	55.29	73.72	16,972	116,478
Kings Lynn and West Norfolk	295,978	53.69	71.58	25,824	223,613
Kingston-upon-Hull	1,132,617	48.24	64.32	84,023	877,215
Kingston-upon-Thames	260,543	134.43	161.31	37,274	327,577
Kirklees	975,704	56.03	74.70	81,189	828,207
Knowsley	710,398	66.47	88.62	25,991	522,403
Lambeth	1,466,392	134.43	161.31	242,655	2,236,795
Lancaster	357,398	53.75	71.66	68,838	372,326
Leeds	2,209,741	46.52	62.02	252,656	1,618,667
Leicester	992,070	57.59	76.78	91,173	880,835
Leominster	95,193	56.79	75.72	11,120	61,769
Lewes	187,874	71.16	94.88	33,257	196,293
Lewisham	1,394,404	134.43	161.31	157,200	1,491,021
Lichfield	126,414	56.48	75.30	5,274	88,920
Lincoln	297,360	48.32	64.42	28,883	249,897
Liverpool	2,676,617	63.03	84.04	247,268	2,274,531
Luton	488,572	64.37	85.82	99,748	541,967
Macclesfield	227,797	56.01	74.68	22,042	191,428
Maidstone	253,337	73.11	97.48	30,210	235,369
Maldon	118,694	62.87	83.82	11,815	92,676

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<i>(1) Authority</i>	<i>(2) Administration Subsidy (£)</i>	<i>(3) Homeless Threshold (£)</i>	<i>(4) Homeless Cap (£)</i>	<i>(5) Additional Subsidy (£)</i>	<i>(6) Benefit Savings Threshold (£)</i>
Malvern Hills	171,868	56.79	75.72	12,324	107,700
Manchester	2,582,088	68.28	91.04	321,926	3,265,757
Mansfield	289,844	55.05	73.40	22,592	210,465
Melton	65,929	49.35	65.80	4,924	45,009
Mendip	216,532	62.82	83.76	29,044	228,352
Merton	474,637	134.43	161.31	90,316	600,719
Mid Bedfordshire	175,246	63.06	84.08	12,197	101,162
Mid Devon	135,635	59.66	79.54	12,103	134,651
Mid Suffolk	122,140	62.94	83.92	9,206	80,446
Mid Sussex	193,541	69.75	93.00	23,358	190,836
Middlesbrough	577,418	62.01	82.68	43,040	535,928
Milton Keynes	514,968	56.55	75.40	55,849	468,268
Mole Valley	106,180	67.64	90.18	9,110	84,126
New Forest	279,053	79.02	105.36	29,496	283,903
Newark and Sherwood	228,206	52.70	70.26	17,318	152,557
Newbury	231,302	63.65	84.86	22,539	161,331
Newcastle-under-Lyme	223,435	46.08	61.44	12,002	118,444
Newcastle-upon-Tyne	1,204,944	53.76	71.68	99,823	1,008,742
Newham	1,405,767	134.43	161.31	306,062	2,183,541
North Cornwall	218,194	61.83	82.44	26,814	211,437
North Devon	228,434	68.96	91.94	49,744	318,080
North Dorset	101,457	62.16	82.88	9,790	61,959
North East Derbyshire	198,659	44.13	58.84	7,496	89,419
North East Lincolnshire	487,204	49.53	66.04	57,609	415,405
North Hertfordshire	232,900	68.10	90.80	26,509	193,975
North Kesteven	126,616	51.93	69.24	9,073	75,134

<i>(1) Authority</i>	<i>(2) Administration Subsidy (£)</i>	<i>(3) Homeless Threshold (£)</i>	<i>(4) Homeless Cap (£)</i>	<i>(5) Additional Subsidy (£)</i>	<i>(6) Benefit Savings Threshold (£)</i>
North Lincolnshire	348,313	47.79	63.72	31,047	241,753
North Norfolk	210,497	56.81	75.74	23,763	194,284
North Shropshire	102,857	49.80	66.40	7,976	72,857
North Somerset	397,141	71.88	95.84	88,096	496,045
North Tyneside	697,436	43.89	58.52	41,484	447,423
North Warwickshire	132,192	50.87	67.82	1,964	70,311
North West Leicestershire	143,978	51.50	68.66	7,510	74,397
North Wiltshire	203,765	62.16	82.88	15,680	112,416
Northampton	436,819	59.58	79.44	49,011	382,030
Norwich	482,970	55.43	73.90	40,180	436,342
Nottingham	1,180,129	51.23	68.30	102,275	1,029,510
Nuneaton and Bedworth	265,167	50.54	67.38	21,855	179,387
Oadby and Wigston	65,895	47.79	63.72	6,017	42,002
Oldham	650,983	49.83	66.44	47,965	509,202
Oswestry	77,466	51.17	68.22	6,562	63,813
Oxford	383,190	63.66	84.88	114,187	583,821
Pendle	205,189	54.44	72.58	26,796	212,273
Penwith	245,631	62.16	82.88	31,383	273,439
Peterborough	467,877	60.66	80.88	71,644	458,690
Plymouth	810,901	51.14	68.18	123,071	905,464
Poole	283,768	65.54	87.38	45,421	298,015
Portsmouth	639,913	63.35	84.46	112,410	789,798
Preston	386,172	54.59	72.78	30,618	362,840
Purbeck	84,925	73.85	98.46	10,489	88,691
Reading	394,266	86.43	115.24	79,870	625,106
Redbridge	623,608	134.43	161.31	177,223	1,164,212

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<i>(1) Authority</i>	<i>(2) Administration Subsidy (£)</i>	<i>(3) Homeless Threshold (£)</i>	<i>(4) Homeless Cap (£)</i>	<i>(5) Additional Subsidy (£)</i>	<i>(6) Benefit Savings Threshold (£)</i>
Redcar and Cleveland	418,250	56.79	75.72	32,816	358,238
Redditch	167,224	56.96	75.94	8,731	125,690
Reigate and Banstead	182,767	76.38	101.84	25,011	175,839
Restormel	259,807	61.52	82.02	39,891	292,172
Ribble Valley	56,900	48.99	65.32	5,910	43,041
Richmond-upon-Thames	354,553	134.43	161.31	52,668	427,000
Richmondshire	64,601	57.99	77.32	4,764	54,097
Rochdale	652,511	53.88	71.84	55,747	576,056
Rochester-upon-Medway	475,882	69.75	93.00	145,537	596,579
Rochford	121,091	65.54	87.38	13,503	99,828
Rossendale	165,506	54.69	72.92	13,965	146,027
Rother	195,370	78.17	104.22	30,053	269,340
Rotherham	732,018	41.01	54.68	27,841	368,025
Rugby	158,052	55.05	73.40	12,882	115,949
Runnymede	114,980	84.15	112.20	13,932	102,460
Rushcliffe	133,688	54.11	72.14	16,374	100,302
Rushmoor	169,673	70.20	93.60	20,654	140,364
Rutland	41,072	62.45	83.26	3,506	33,970
Ryedale	92,963	47.84	63.78	6,608	58,719
Salford	946,212	59.88	79.84	118,474	811,910
Salisbury	203,593	75.42	100.56	31,454	233,171
Sandwell	1,094,694	63.72	84.96	37,457	666,360
Scarborough	304,242	58.28	77.70	49,014	340,684
Sedgefield	271,099	49.91	66.54	8,673	145,269
Sedgemoor	230,064	65.04	86.72	34,915	245,387
Sefton	833,997	60.30	80.40	118,581	626,349
Selby	108,461	56.70	75.60	12,753	75,188
Sevenoaks	217,364	69.75	93.00	14,568	140,528
Sheffield	1,783,708	48.11	64.14	80,086	988,603
Shepway	313,111	65.15	86.86	72,493	322,882

<i>(1) Authority</i>	<i>(2) Administration Subsidy (£)</i>	<i>(3) Homeless Threshold (£)</i>	<i>(4) Homeless Cap (£)</i>	<i>(5) Additional Subsidy (£)</i>	<i>(6) Benefit Savings Threshold (£)</i>
Shrewsbury and Atcham	180,265	51.77	69.02	16,700	150,926
Slough	309,462	76.25	101.66	61,722	348,684
Solihull	365,333	60.66	80.88	14,997	238,449
South Bedfordshire	196,480	68.28	91.04	18,050	149,304
South Bucks	118,491	54.44	72.58	5,747	54,273
South Cambridgeshire	137,662	64.64	86.18	16,026	100,192
South Derbyshire	127,602	51.68	68.90	10,106	81,416
South Gloucestershire	321,486	64.20	85.60	35,613	269,401
South Hams	166,628	71.61	95.48	23,248	188,508
South Herefordshire	85,103	56.42	75.22	9,521	75,202
South Holland	118,135	52.41	69.88	6,810	61,504
South Kesteven	209,043	51.05	68.06	20,888	147,578
South Lakeland	165,867	56.30	75.06	20,505	166,780
South Norfolk	169,103	60.41	80.54	12,067	113,879
South Northamptonshire	87,511	62.27	83.02	8,279	60,552
South Oxfordshire	167,355	77.46	103.28	22,949	175,905
South Ribble	166,467	55.19	73.58	7,506	83,774
South Shropshire	91,951	56.79	75.72	7,417	68,142
South Somerset	290,674	64.88	86.50	34,710	273,471
South Staffordshire	150,300	55.74	74.32	5,317	86,675
South Tyneside	641,203	43.28	57.70	22,358	319,233
Southampton	720,762	60.98	81.30	129,673	854,135
Southend-on-Sea	581,600	67.67	90.22	128,468	796,676

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Southwark	1,484,813	134.43	161.31	177,225	1,725,838
Spelthorne	165,953	69.75	93.00	18,373	107,680
St Albans	183,420	70.88	94.50	19,874	158,127
St Edmundsbury	172,675	60.23	80.30	12,913	128,499
St Helens	551,113	60.24	80.32	28,032	385,518
Stafford	173,075	53.24	70.98	11,093	104,732
Staffordshire Moorlands	125,838	52.10	69.46	5,830	68,896
Stevenage	225,525	69.93	93.24	14,784	215,198
Stockport	732,362	48.95	65.26	64,980	520,489
Stockton-on-Tees	490,003	54.03	72.04	35,145	389,940
Stoke-on-Trent	717,477	54.66	72.88	66,160	578,870
Stratford-on-Avon	163,243	57.86	77.14	16,564	152,759
Stroud	190,040	70.58	94.10	21,767	176,322
Suffolk Coastal	243,824	53.81	71.74	22,936	184,799
Sunderland	1,034,976	51.02	68.02	69,866	902,530
Surrey Heath	97,959	69.75	93.00	14,229	70,167
Sutton	381,843	134.43	161.31	52,198	380,949
Swale	351,322	53.28	71.04	45,584	281,513
Swindon	351,787	55.83	74.44	44,079	292,731
Tameside	643,335	54.75	73.00	45,911	499,475
Tamworth	162,153	58.44	77.92	14,846	121,192
Tandridge	91,479	61.44	81.92	10,876	76,588
Taunton Deane	243,870	57.08	76.10	38,246	246,089
Teesdale	50,299	50.57	67.42	3,393	28,552
Teignbridge	245,394	61.82	82.42	37,679	302,613
Tendring	364,362	61.20	81.60	60,595	337,218
Test Valley	142,734	71.12	94.82	10,865	114,844
Tewkesbury	113,041	55.94	74.58	11,535	86,193

<i>(1) Authority</i>	<i>(2) Administration Subsidy (£)</i>	<i>(3) Homeless Threshold (£)</i>	<i>(4) Homeless Cap (£)</i>	<i>(5) Additional Subsidy (£)</i>	<i>(6) Benefit Savings Threshold (£)</i>
Thanet	545,211	69.02	92.02	126,147	728,833
The Wrekin	368,768	63.80	85.06	26,801	325,920
Three Rivers	142,908	69.99	93.32	12,095	116,882
Thurrock	333,204	62.57	83.42	33,951	260,390
Tonbridge and Malling	214,340	69.75	93.00	13,928	132,426
Torbay	463,173	65.66	87.54	119,577	722,209
Torrridge	136,673	55.40	73.86	24,812	176,723
Tower Hamlets	1,103,625	134.43	161.31	61,014	1,040,370
Trafford	472,828	56.40	75.20	54,183	410,719
Tunbridge Wells	231,636	69.75	93.00	22,146	196,425
Tynedale	96,882	55.89	74.52	4,451	59,649
Uttlesford	96,287	63.42	84.56	10,896	78,913
Vale of White Horse	164,628	69.75	93.00	15,225	100,146
Vale Royal	193,126	53.03	70.70	8,752	128,703
Wakefield	852,265	47.40	63.20	28,915	468,241
Walsall	726,656	50.01	66.68	21,607	392,978
Waltham Forest	945,280	134.43	161.31	179,371	1,313,780
Wandsworth	1,112,645	134.43	161.31	198,874	1,501,769
Wansbeck	192,072	46.55	62.06	13,677	97,048
Warrington	397,883	46.38	61.84	18,430	245,900
Warwick	223,438	60.02	80.02	23,430	189,326
Watford	183,140	67.28	89.70	32,693	204,878
Waveney	360,838	55.59	74.12	72,065	428,777
Waverley	169,295	72.98	97.30	21,055	152,269
Wealden	201,307	59.70	79.60	29,268	190,485
Wear Valley	208,550	53.51	71.34	9,623	121,824
Wellingborough	137,726	50.39	67.18	16,960	91,520
Welwyn Hatfield	206,002	62.00	82.66	16,192	145,904
West Devon	93,870	68.27	91.02	18,347	95,485

Status: This is the original version (as it was originally made).

<i>(1) Authority</i>	<i>(2) Administration Subsidy (£)</i>	<i>(3) Homeless Threshold (£)</i>	<i>(4) Homeless Cap (£)</i>	<i>(5) Additional Subsidy (£)</i>	<i>(6) Benefit Savings Threshold (£)</i>
West Dorset	198,984	62.16	82.88	17,457	153,522
West Lancashire	256,511	53.37	71.16	13,373	197,059
West Lindsey	144,292	51.35	68.46	15,106	102,985
West Oxfordshire	133,171	65.48	87.30	19,977	132,872
West Somerset	94,922	75.86	101.14	16,274	118,663
West Wiltshire	214,452	73.46	97.94	36,653	229,497
Westminster ⁽⁵⁹⁾	1,949,765	134.43	161.31	369,579	1,978,731
Weymouth and Portland	170,040	56.84	75.78	39,128	233,719
Wigan	749,696	47.37	63.16	33,095	456,169
Winchester	166,209	69.71	92.94	14,894	154,244
Windsor and Maidenhead	243,228	69.75	93.00	23,238	189,060
Wirral	1,102,692	66.02	88.02	130,785	1,056,229
Woking	131,190	85.19	113.58	18,476	147,662
Wokingham	123,973	73.17	97.56	20,438	125,297
Wolverhampton	855,372	54.92	73.22	41,214	556,450
Worcester	206,198	53.91	71.88	42,244	198,464
Worthing	239,767	67.01	89.34	58,860	327,785
Wychavon	199,817	56.79	75.72	11,278	99,831
Wycombe	221,749	77.37	103.16	23,249	189,457
Wyre	196,507	55.19	73.58	25,209	135,024
Wyre Forest	188,559	56.52	75.36	17,033	135,575
York	364,553	60.51	80.68	49,942	361,192
WALES					
Blaenau Gwent	200,096	56.76	75.68	14,799	152,680
Bridgend	258,229	56.84	75.78	35,520	265,018
Caerphilly	335,215	59.90	79.86	36,496	189,602
Cardiff	713,150	64.89	86.52	100,994	896,265
Carmarthenshire	307,870	54.26	72.34	44,543	356,135

⁽⁵⁹⁾ Includes 1m funding for London Organised Fraud Investigation Team pursuant to section 140E of the Act (added by Schedule 12, para 4 to the Housing Act 1996).

<i>(1) Authority</i>	<i>(2) Administration Subsidy (£)</i>	<i>(3) Homeless Threshold (£)</i>	<i>(4) Homeless Cap (£)</i>	<i>(5) Additional Subsidy (£)</i>	<i>(6) Benefit Savings Threshold (£)</i>
Ceredigion	126,174	58.97	78.62	24,250	169,528
Conwy	242,452	53.45	71.26	47,398	326,266
Denbighshire	197,249	48.83	65.10	50,187	238,293
Flintshire	212,466	52.38	69.84	21,878	202,442
Gwynedd	226,214	52.65	70.20	39,345	254,344
Isle of Anglesey	155,321	52.76	70.34	26,295	195,591
Merthyr Tydfil	172,864	54.62	72.82	12,090	98,256
Monmouthshire	114,763	62.72	83.62	10,164	130,150
Neath Port Talbot	328,340	54.53	72.70	26,992	294,765
Newport	316,578	62.21	82.94	38,816	344,385
Pembrokeshire	204,423	53.27	71.02	39,203	276,200
Powys	195,953	53.31	71.08	21,144	191,109
Rhondda, Cynon, Taff	536,851	55.52	74.02	48,511	439,827
Swansea	572,406	56.81	75.74	69,819	475,274
Torfaen	200,878	65.51	87.34	17,280	119,494
Vale of Glamorgan	214,396	63.95	85.26	42,944	289,933
Wrexham	261,738	48.51	64.68	22,657	157,431
SCOTLAND					
Aberdeen City	460,211	40.22	53.63	25,950	244,401
Aberdeenshire	302,423	47.26	63.01	18,279	165,284
Angus	249,516	36.37	48.49	13,763	107,992
Argyll and Bute	209,714	53.22	70.96	24,153	193,793
Clackmannanshire	24,150	43.86	58.48	3,410	63,856
Dumfries and Galloway	380,377	50.30	67.07	30,956	261,124
Dundee City	633,345	54.85	73.13	28,157	449,344
East Ayrshire	338,898	39.30	52.40	12,845	188,654
East Dunbartonshire	135,198	47.39	63.18	7,606	90,985
East Lothian	231,028	41.43	55.24	16,986	132,155

Status: This is the original version (as it was originally made).

<i>(1) Authority</i>	<i>(2) Administration Subsidy (£)</i>	<i>(3) Homeless Threshold (£)</i>	<i>(4) Homeless Cap (£)</i>	<i>(5) Additional Subsidy (£)</i>	<i>(6) Benefit Savings Threshold (£)</i>
East Renfrewshire	141,182	42.23	56.30	7,654	87,309
Edinburgh City	1,400,098	63.59	84.79	171,687	1,425,902
Falkirk	375,927	40.90	54.53	10,525	177,025
Fife	1,003,184	44.67	59.57	59,157	561,870
Glasgow City	3,464,837	58.17	77.56	177,196	2,387,108
Highland	493,914	56.34	75.11	36,556	355,481
Inverclyde	361,459	48.80	65.06	14,058	202,075
Midlothian	201,049	35.02	46.69	8,417	72,930
Moray	172,278	42.62	56.83	13,042	114,470
North Ayrshire	465,825	45.24	60.32	24,766	282,327
North Lanarkshire	1,011,559	46.43	61.91	18,876	526,410
Orkney	35,967	51.68	68.91	3,523	29,899
Perthshire and Kinross	282,947	42.23	56.30	31,716	175,641
Renfrewshire	516,402	45.24	60.32	18,955	275,959
Scottish Borders	249,815	43.31	57.75	9,230	114,758
Shetland	29,251	53.47	71.29	1,187	17,464
South Ayrshire	285,495	47.90	63.87	27,343	228,350
South Lanarkshire	798,920	49.20	65.61	22,511	483,316
Stirling	184,051	51.41	68.55	11,697	115,183
West Dunbartonshire	329,459	50.58	67.44	7,041	185,236
West Lothian	410,108	41.01	54.67	14,474	220,931
Western Isles	59,609	56.19	74.93	3,016	39,373
DEVELOPMENT CORPORATIONS					
Scottish Homes	654,842				251,911

SCHEDULE 2

Article 12(b)

ADJUSTMENT FOR PRIORITISATION OF CLAIMS

General and interpretation

1.—(1) The adjustment to the sum in respect of the cost of administering relevant benefits referred to in article 12(b) shall be calculated in accordance with the formula—

$$(A + C) - (B + D)$$

where

A is, in a case where an authority's total credits in accordance with paragraph 2(a) exceed that authority's total debits in accordance with paragraph 2(b), the amount by which those credits exceed those debits;

B is, in a case where an authority's total debits in accordance with paragraph 2(b) exceed that authority's total credits in accordance with paragraph 2(a), the amount by which those debits exceed those credits;

C is, in a case where an authority's total credits in accordance with paragraph 5(a) exceed that authority's total debits in accordance with paragraph 5(b), the amount by which those credits exceed those debits; and

D is, in a case where an authority's total debits in accordance with paragraph 5(b) exceed that authority's total credits in accordance with paragraph 5(a), the amount by which those debits exceed those credits.

(2) In this Schedule, "last day" has the meaning ascribed to that term, for the purposes of housing benefit, in paragraph 12 of Schedule 5A to the Housing Benefit Regulations or, for the purposes of council tax benefit, paragraph 8 of Schedule 5A to the Council Tax Benefit Regulations⁽⁶⁰⁾ (extended payments).

Housing benefit claims

2. In a case where a claim for housing benefit given priority under regulation 76(4) of the Housing Benefit Regulations⁽⁶¹⁾ (priority for extended payments) is made to an authority and—

- (a) paragraph 3 applies to that claim, that authority shall be credited with £10;
- (b) paragraph 4 applies to that claim, that authority shall be debited by £10.

3. This paragraph applies where an authority determines a claim to which paragraph 2 applies within 4 weeks of the last day and also within either—

- (a) 14 days of the receipt of that claim by that authority; or
- (b) 7 days of the receipt by that authority of all the information necessary to determine it.

4. This paragraph applies where an authority does not determine a claim to which paragraph 2 applies within whichever is the later of—

- (a) 14 days of receipt of that claim by that authority;
- (b) 7 days of the receipt by that authority of all the information necessary to determine that claim; or
- (c) 4 weeks following the last day.

⁽⁶⁰⁾ Schedule 5A was added to each of those Regulations by S.I. 1996/194 and each was amended by S.I. 1997/1790.

⁽⁶¹⁾ Paragraph (4) of regulation 76 was added by S.I. 1996/194.

Council tax benefit claims

5. In a case where a claim for council tax benefit given priority under regulation 66(4) of the Council Tax Benefit Regulations(62) (priority for extended payments) is made to an authority and—

- (a) paragraph 3 applies to that claim, that authority shall be credited with £10;
- (b) paragraph 4 applies to that claim, that authority shall be debited by £10.

6. This paragraph applies where an authority determines a claim to which paragraph 5 applies within 4 weeks of the last day and also within either—

- (a) 14 days of the receipt of that claim by that authority; or
- (b) 7 days of the receipt by that authority of all the information necessary to determine it.

7. This paragraph applies where an authority does not determine a claim to which paragraph 5 applies within whichever is the later of—

- (a) 14 days of the receipt of that claim by that authority;
- (b) 7 days of the receipt by that authority of all the information necessary to determine that claim; or
- (c) 4 weeks following the last day.

SCHEDULE 3

Article 13(3)

CALCULATION OF DEDUCTIONS FROM
SUBSIDY IN RESPECT OF PERIOD OVERRUNS

PART I

GENERAL INTERPRETATION

1. In this Schedule, unless the context otherwise requires—

“period overrun” means any period, in the relevant year—

- (i) which follows a benefit period in that year or the previous year; and
- (ii) in respect of which the authority makes a payment to a claimant after the expiration of the benefit period without making a further award under regulation 66 of the Housing Benefit Regulations(63) or regulation 57 of the Council Tax Benefit Regulations(64), as the case may be;

“benefit period” has the same meaning as in regulation 66 of the Housing Benefit Regulations or regulation 57 of the Council Tax Benefit Regulations, as the case may be, save that where an authority makes an award under one of those regulations for a specified period of less than 60 benefit weeks commencing with the benefit week when that specified period began;

“overrun week” means any week forming part of a period overrun, and

“the Table” means the Table in paragraph 5(2).

(62) Paragraph (4) of regulation 66 was added by S.I. 1996/194.

(63) Regulation 66 was amended by S.I. 1988/1971, 1989/1322 and 1996/1510.

(64) Regulation 57 was amended by S.I. 1996/1510.

PART II

DEDUCTIONS

2. The percentage referred to in article 13(3)(a) for an authority shall be that percentage in column (2) of the Table, opposite the percentage calculated for that authority in column (1) of the Table.
3. The percentage referred to in article 13(3)(b) for an authority shall be that percentage in column (2) of the Table, opposite the percentage calculated for that authority in column (1) of that Table.
4. The percentage referred to in article 13(3)(c) for an authority shall be that percentage in column (2) of the Table, opposite the percentage calculated for that authority in column (1) of the Table.

PART III

CALCULATIONS AND TABLE

5.—(1) In the heading to column (1) in the Table in sub-paragraph (2), “total benefit weeks” means the total of all benefit weeks and overrun weeks for all claimants in the appropriate category as described in paragraph 2, 3 or 4, as the case may be, granted benefit by the authority in the relevant year.

(2) The Table referred to in this Schedule is as follows

<i>(1) Overrun weeks in the relevant year as a percentage of the total benefit weeks in that year</i>	<i>(2) Percentage reduction for the purpose of paragraph 2, 3 or 4, as the case may be</i>
81 to 100%	5%
61 to 80.99%	4%
41 to 60.99%	3%
21 to 40.99%	2%
5 to 20.99%	1%
less than 5%	nil per cent.

SCHEDULE 4

Articles 13(1) and 16

HIGH RENTS AND RENT ALLOWANCES

PART I

REGULATED TENANCIES

1.—(1) In a case to which this Part applies, where any part of the qualifying expenditure of an authority, whose area is or lies within an area identified in column (1) of the Table in Part V, is attributable to any allowance granted in respect of a person whose weekly eligible rent exceeds the threshold specified in relation to that area in column (2) of that Table, the appropriate amount shall be calculated in accordance with sub-paragraph (2).

- (2) Where the allowance granted—
- (a) is the same as or is less than the excess of eligible rent over the threshold, the appropriate amount shall be 25 per cent. of that part of the qualifying expenditure attributable to such allowance;
 - (b) is greater than the excess of the eligible rent over the threshold, the appropriate amount shall be the aggregate of 25 per cent. of that part of the qualifying expenditure attributable to such allowance which is equal to the excess and 95 per cent. of that part of the qualifying expenditure attributable to the balance.

PART II

RENT OFFICERS' DETERMINATIONS

Calculation of the appropriate amount

2. The appropriate amount, in a case to which this Part applies, in respect of that part of the qualifying expenditure which is attributable to allowances granted for the period beginning on the relevant date and ending on the termination date, shall be calculated in accordance with paragraph 6, 7, 8, 9 or 11 as appropriate.

Rent officers' determinations

3. Except in a case to which Part III applies, this Part applies where an authority applies to a rent officer for a determination to be made under the Rent Officers Order or the Rent Officers Order 1995 in relation to a dwelling and the officer makes such a determination.

4. This Part also applies in a case where the dwelling A is in a hostel and, by virtue of regulation 12A(2) of the Housing Benefit Regulations(65) (exemptions from requirement to refer to rent officers), an application for a determination in respect of that dwelling A is not required, because the dwelling is regarded as similar to dwelling B in that hostel in respect of which a determination has been made, and in such a case the determination made in respect of dwelling B shall, for the purposes of this Part, be treated as if it were a determination in respect of dwelling A.

5. This Part also applies in a case where a rent officer has made a determination in respect of a tenancy of a dwelling and by virtue of paragraph 2 of Schedule 1A to the Housing Benefit Regulations(66) (cases with existing determinations) a new determination is not required in respect of another tenancy of the dwelling and in such a case the determination made shall, for the purposes of this Part, be treated as if it were a determination made in respect of that tenancy.

6. Except where paragraph 5 applies, this Part also applies in a case where an authority is required, under regulation 12A of the Housing Benefit Regulations (requirement to refer to rent officer), to apply for a determination in relation to a dwelling during the relevant year which a rent officer would be required to make, but the authority fails to apply for that determination, and, in such a case, the appropriate amount shall be nil.

Rent officers' property-specific rent

7. Where —
- (a) the rent officer determines a property-specific rent, but not a size-related rent; and

(65) Regulation 12A was inserted by regulation 5 of S.I. 1990/546; relevant amendments are S.I. 1993/317, 1995/560 and 1996/965.

(66) Schedule 1A was inserted by regulation 12 of S.I. 1990/546 and paragraph 2 was amended by S.I. 1991/235, 1993/317, 1249, 1995/560, 1996/965 and 1997/852.

- (b) the amount of eligible rent does not exceed the property-specific rent less ineligible amounts,

the appropriate amount in respect of the period beginning with the relevant date and ending with the termination date shall be 95 per cent. of that part of the qualifying expenditure attributable to the eligible rent.

8.—(1) Where—

- (a) the rent officer determines a property-specific rent, but not a size-related rent; and
- (b) the amount of eligible rent exceeds the property-specific rent less ineligible amounts,

then, for the period beginning with the relevant date and ending with the termination date, the appropriate amount shall be determined in accordance with sub-paragraph (2) or sub-paragraph (3), as the case may be.

(2) Where the allowance granted is the same as or is less than the excess—

- (a) except in a case to which paragraph 10 applies, the appropriate amount shall be nil;
- (b) where paragraph 10 applies, the appropriate amount shall be 60 per cent. of the qualifying expenditure attributable to such allowance.

(3) Where the allowance granted is greater than the excess the appropriate amount shall be

- (a) except where paragraph 10 applies, nil per cent. of the qualifying expenditure which is equal to the excess;
- (b) where paragraph 10 applies, 60 per cent. of the qualifying expenditure which is equal to the excess,

together with 95 per cent. of the qualifying expenditure which remains after deducting the excess.

Rent officers' property-specific and size-related rents

9.—(1) Where the rent officer makes a determination that the dwelling exceeds the size criteria for its occupiers and determines both a property-specific rent and a size-related rent for that dwelling, the appropriate amount in respect of the period beginning on the relevant date and ending on the termination date shall be the appropriate amounts determined in accordance with the relevant sub-paragraphs of this paragraph.

(2) Where the eligible rent does not exceed the designated rent, less ineligible amounts, the appropriate amount shall be 95 per cent. of that part of the qualifying expenditure attributable to the eligible rent.

(3) For the period of 13 weeks beginning on the relevant date or, if shorter, for the period beginning on that date and ending on the termination date, if the amount of the eligible rent does not exceed the property-specific rent less ineligible amounts, the appropriate amount shall be 95 per cent. of that part of the qualifying expenditure attributable to the eligible rent.

(4) For the period of 13 weeks beginning on the relevant date or, if shorter, for the period beginning on that date and ending on the termination date, if the amount of the eligible rent exceeds the property-specific rent less ineligible amounts—

- (a) where the allowance is the same as or is less than the excess—
 - (i) except in a case to which paragraph 10 applies, the appropriate amount shall be nil;
 - (ii) where paragraph 10 applies, the appropriate amount shall be 60 per cent. of the qualifying expenditure attributable to such allowance;
- (b) where the allowance granted is greater than the excess the appropriate amount shall be—

Status: This is the original version (as it was originally made).

- (i) except where paragraph 10 applies, nil per cent. of the qualifying expenditure which is equal to the excess;
 - (ii) where paragraph 10 applies, 60 per cent. of the qualifying expenditure which is equal to the excess,
- and in either case 95 per cent. of the qualifying expenditure which remains after deducting the excess.
- (5) For the period after the end of that 13 week period, if the amount of the eligible rent exceeds the designated rent less ineligible amounts—
- (a) where the allowance is the same as or is less than the excess—
 - (i) except in a case to which paragraph 10 applies, the appropriate amount shall be nil;
 - (ii) where paragraph 10 applies, the appropriate amount shall be 60 per cent. of the qualifying expenditure attributable to such allowance;
 - (b) where the allowance granted is greater than the excess the appropriate amount shall be—
 - (i) except where paragraph 10 applies, nil per cent. of the qualifying expenditure which is equal to the excess;
 - (ii) where paragraph 10 applies, 60 per cent. of the qualifying expenditure which is equal to the excess,

and in either case 95 per cent. of the qualifying expenditure which remains after deducting the excess.

Restriction on unreasonable rents or on rent increases

10. This paragraph applies where an authority has been unable to treat a person's eligible rent as reduced by reason of regulation 11(3), (3A)(**67**), (4), as in force on 1st January 1996, or 12(2)(**68**) of the Housing Benefit Regulations (restrictions on unreasonable rents or rent increases)(**69**), as in force on 5th October 1997.

Payments on account of rent allowance

- 11.**—(1) This paragraph applies in a case where—
- (a) an authority makes a payment on account pursuant to regulation 91 of the Housing Benefit Regulations(**70**) (payments on account); and
 - (b) on the subsequent determination by that authority the amount of rent allowance payable is less than the amount of that payment.
- (2) In a case where this paragraph applies, the appropriate amount shall be 95 per cent. of so much of any amount which—
- (a) is not in excess of the appropriate indicative rent level in relation to the dwelling, in respect of which the claim for rent allowance, pursuant to which the payment on account was paid, was made; and
 - (b) has not been recovered pursuant to either regulation 91(3) or regulation 99 (recoverable overpayments)(**71**) of the Housing Benefit Regulations.

(67) Paragraph (3A) was added by regulation 2(c) of S.I. [1989/566](#).

(68) Paragraph (2) was added by regulation 3(b) of S.I. [1989/566](#).

(69) Regulation 11 was revoked and replaced by S.I. [1995/1644](#) from 2nd January 1996 and regulation 12 was omitted by S.I. [1997/852](#), but the earlier regulations continue in force for certain claimants by regulation 10 of S.I. [1995/1644](#) and regulation 4(3) of S.I. [1997/852](#).

(70) Regulation 91 was amended by S.I. [1995/2868](#).

(71) Regulation 99 was amended by S.I. [1988/1843](#), [1991/234](#), [1991/1599](#) and [1997/65](#).

(3) In any case to which this paragraph applies where any such payments on account were in excess of the appropriate indicative rent level, the appropriate amount shall be nil.

Relevant date

12. For the purposes of this Part—

- (a) in a case where a claim for rent allowance is made on or after 1st April in the relevant year, the relevant date is the date on which entitlement to benefit commences;
- (b) in a case where, on 1st April in the relevant year, there is current on that date both a claim for an allowance in relation to the dwelling and a rent officer's determination in relation to that dwelling, the relevant date is that day and for this purpose a rent officer's determination includes a determination, further determination or re-determination made under the Rent Officers Order or the Rent Officers Order 1995, as the case may be, save that, where a determination had not taken effect by 31st March of the year immediately preceding the relevant year, the relevant date will be 13 weeks after the relevant date determined under the 1997 Order, or, in a relevant year commencing on or after 1st April 1998, the relevant date determined for the year immediately preceding that relevant year;
- (c) in a case where, during the relevant year—

- (i) there has been a change relating to a rent allowance within the meaning of regulation 12A(8)(72) of the Housing Benefit Regulations; and
- (ii) by virtue of regulation 12A of the Housing Benefit Regulations (requirement to refer to rent officer) an application for a determination in respect of that dwelling is required,

the relevant date is the date on which the relevant change of circumstances takes effect for the purposes of regulation 68 of the Housing Benefit Regulations (date on which change of circumstances is to take effect)(73) or, if the relevant change of circumstances does not affect entitlement to an allowance, the Monday following the date on which the relevant change occurred;

- (d) in a case where, prior to any rent officer determination being notified to the authority, the authority determines a rent allowance on a claim in respect of a dwelling, the relevant date is—
 - (i) if the designated rent less ineligible amounts determined under the determination eventually notified by the rent officer is higher than or equal to the eligible rent determined by the authority in relation to that dwelling, the date determined under the foregoing sub-paragraphs of this paragraph as appropriate;
 - (ii) if the designated rent less ineligible amounts is lower than the eligible rent determined by the authority but that eligible rent is equal to or more than the appropriate indicative rent level for that dwelling, the Monday following the date on which the determination is made by the rent officer;
 - (iii) if the designated rent less ineligible amounts is lower than the eligible rent determined by the authority in relation to that dwelling, the Monday following the date on which the determination is made by the rent officer and, in so far as the eligible rent determined by the authority in relation to that dwelling was in excess of the appropriate indicative rent level for that dwelling, paragraph 7 shall apply to that excess;

(72) Regulation 12A was added by S.I. 1990/546 and paragraph 8 was amended by S.I. 1993/317.

(73) Regulation 68 was amended by S.I. 1990/546, 1992/432 and 1994/578.

Status: This is the original version (as it was originally made).

- (e) in a case where the rent officer has made a re-determination under paragraph 1 of Schedule 3 to the Rent Officers Order or the Rent Officers Order 1995, as the case may be, the relevant date is
 - (i) if the designated rent determination under the re-determination is higher than or equal to the amount determined under the original determination, the date determined under the foregoing sub-paragraphs of this paragraph as appropriate;
 - (ii) if the designated rent determination under the re-determination is lower than the amount determined under the original determination, the Monday following the date on which the re-determination is made by the rent officer.

Termination date

13. For the purposes of this Part “termination date” means—

- (a) 31st March in the relevant year; or
- (b) where the rent officer’s determination replaces a determination made in relation to the same dwelling, the day before the relevant date of the new determination by the rent officer in relation to the same dwelling as defined by paragraph 12; or
- (c) the date on which the allowance ceases to be paid in respect of the tenancy,

whichever is the earlier date in the relevant year.

PART III

RECKONABLE RENT CASES

14. In a case where article 16(4)(a) applies—

- (a) where the authority, in determining the reckonable rent, has lessened that rent, in accordance with regulation 10(3) of and Schedule 1 to the Housing Benefit Regulations (ineligible charges), by a sum less than the ineligible amounts, the appropriate amount shall be 95 per cent. of the maximum rent as calculated by reference to the value of those ineligible amounts and the local reference rent; and
- (b) in a case where sub-paragraph (a) does not apply, the appropriate amount shall be 95 per cent. of the eligible rent as determined by the authority.

15. In a case where article 16(4)(c) applies, the appropriate amount shall be, for the period of 13 weeks prescribed in regulation 11(9) of the Housing Benefit Regulations, 95 per cent. of the eligible rent less ineligible amounts.

PART IV

GENERAL AND INTERPRETATION

Apportionment

16. For the purposes of this Schedule, where more than one person is liable to make payments in respect of a dwelling the designated rent shall be apportioned on the same basis as such payments are apportioned under regulation 10(5) of the Housing Benefit Regulations (rent).

Interpretation

17.—(1) In this Schedule, unless the context otherwise requires—

“appropriate indicative rent level” means the indicative rent level for the category of dwelling into which the dwelling in question falls, as described in paragraph 11 of Schedule 1 to the Rent Officers Order or paragraph 9 of Schedule 1 to the Rent Officers Order 1995, as the case may be, except that, where a payment on account is made to a young individual, the category of dwelling shall be that within head (b) of paragraph 9(3) of that Schedule, less, in the case of a dwelling falling within that head or head (a) of that paragraph, any amount ineligible to be met under paragraph 1A or Part II of Schedule 1 to the Housing Benefit Regulations (meal and fuel charges);

“designated rent” means—

- (a) in a case where a rent officer has determined both a property-specific rent and a size-related rent, whichever is the lower of the two;
- (b) in a case where a rent officer has determined only a property-specific rent or a size-related rent, as the case may be, that rent;

“ineligible amounts” means, except as provided in the definition of “property-specific rent less ineligible amounts” below—

- (a) any amount which the rent officer determines is attributable to the provision of services ineligible to be met by housing benefit, plus the amount in respect of fuel charges ineligible to be met under Part II of Schedule 1 to the Housing Benefit Regulations (payments in respect of fuel charges);
- (b) any amount in respect of amounts ineligible to be met by housing benefit under paragraph 1A of Schedule 1 to the Housing Benefit Regulations (amount ineligible for meals)⁽⁷⁴⁾;
- (c) where the dwelling is a hostel within the meaning of regulation 12A of the Housing Benefit Regulations (requirement to refer to rent officers), any amount ineligible to be met by housing benefit under paragraph 1 of Schedule 1 to those Regulations (ineligible service charges)⁽⁷⁵⁾, other than under sub-paragraphs (d) to (f) of that paragraph;

“property-specific rent”, except as provided in the definition of “property-specific rent less ineligible amounts” below, means the rent determined by a rent officer under paragraph 1(2) of Schedule 1 to the Rent Officers Order or to the Rent Officers Order 1995, as the case may be, except in a case where a rent officer has made a rent determination under paragraph 3 of that Schedule, when it means that rent;

“property-specific rent less ineligible amounts” has the meaning otherwise ascribed to those terms in this paragraph, except, subject to article 23(1), in a case where the property-specific rent is an exceptionally high rent and the rent officer has notified the authority that the exceptionally high rent determined by him does not include a payment ineligible for housing benefit under paragraph 1(a)(i) or 4 of Schedule 1 to the Housing Benefit Regulations (ineligible service charges for food and fuel), as the case may be (“ineligible payments”), when it means that exceptionally high rent less ineligible amounts other than ineligible payments;

“size-related rent” means the rent determined by a rent officer under paragraph 2(2) of Schedule 1 to the Rent Officers Order or the Rent Officers Order 1995, as the case may be,

and other expressions used both in this Schedule and in the Rent Officers Order or the Rent Officers Order 1995, as the case may be, or in both this Schedule and in regulation 11 of the Housing Benefit Regulations shall have the same meanings in this Schedule as they have in that Order or in that regulation, as the case may be.

⁽⁷⁴⁾ Paragraph 1A was inserted by S.I. 1988/1944 and amended by S.I. 1989/416, 1991/235, 1993/317, 1996/599 and 1997/65.

⁽⁷⁵⁾ Paragraph 1 was amended by S.I. 1988/1444, 1991/1599, 1994/1003 and 1997/1974.

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(2) Except in a case to which sub-paragraph (3) applies, in this Schedule any reference to a rent officer's determination is, in any case where there has been more than one such determination, a reference to the last such determination.

(3) In a case where the last determination referred to in sub-paragraph (2) was made on the basis of—

- (a) the terms of the tenancy of a dwelling; or
- (b) the size or composition of the household occupying that dwelling,

which were not appropriate to the claim for a rent allowance in respect of which the allowance was granted, any reference to a rent officer's determination is to the last such determination which was appropriate to that claim.

PART V

THRESHOLD ABOVE WHICH REDUCED SUBSIDY IS PAYABLE ON RENT ALLOWANCES

18. The Table referred to in paragraph 1 is—

TABLE

<i>(1) Area</i>	<i>(2) Threshold (Weekly Sum)</i> £
ENGLAND (Rent Registration Areas)	
Avon	91.49
Barking & Dagenham	136.89
Barnet	153.80
Bedfordshire	83.98
Berkshire	109.89
Bexley	136.34
Brent	128.25
Bromley	152.37
Buckinghamshire	97.32
Cambridgeshire	72.37
Camden	191.70
Cheshire	84.05
City of London	129.16
Cleveland	73.95
Cornwall	103.56
Croydon	193.15
Cumbria	54.28
Derbyshire	65.99

<i>(1) Area</i>	<i>(2) Threshold (Weekly Sum)</i> £
Devon	96.92
Dorset	87.82
Durham	67.25
Ealing	164.12
Enfield	138.34
Essex	110.99
Gloucestershire	79.93
Greater Manchester	89.50
Greenwich	131.58
Hackney	128.65
Hammersmith & Fulham	137.54
Hampshire	104.85
Haringey	133.32
Harrow	147.08
Havering	136.70
Hereford & Worcester	95.98
Hertfordshire	95.20
Hillingdon	144.56
Hounslow	144.60
Humberside	76.12
Isle of Wight	94.10
Islington	147.08
Kensington & Chelsea	157.32
Kent	119.44
Kingston-upon-Thames	159.11
Lambeth	127.73
Lancashire	99.30
Leicestershire	63.75
Lewisham	109.77
Lincolnshire	66.12
Merseyside	75.87
Merton	150.34
Midlands (West)	81.47
Newham	114.80

Status: This is the original version (as it was originally made).

<i>(1) Area</i>	<i>(2) Threshold (Weekly Sum)</i> £
Norfolk	75.70
Northamptonshire	67.32
Northumberland	63.48
Nottinghamshire	72.89
Oxfordshire	121.89
Redbridge	124.10
Richmond-upon-Thames	163.07
Shropshire	104.79
Somerset	79.30
Southwark	129.36
Staffordshire	78.83
Suffolk	72.20
Surrey	122.08
Sussex (East)	121.69
Sussex (West)	113.68
Sutton	135.18
Tower Hamlets	144.22
Tyne & Wear	62.08
Waltham Forest	116.34
Wandsworth	154.80
Warwickshire	81.38
Westminster	195.73
Wiltshire	83.80
Yorkshire (North)	87.88
Yorkshire (South)	69.06
Yorkshire (West)	77.18
WALES (Rent Registration Areas)	
Bridgend & Glamorgan Valleys	66.76
Cardiff & Vale of Glamorgan	77.99
North East Wales	60.90
North West Wales	58.63
Powys	69.55
South East Wales	70.60
Swansea, Neath & Port Talbot	62.75

<i>(1) Area</i>	<i>(2) Threshold (Weekly Sum)</i> £
West Wales	68.48
SCOTLAND (Areas of pre 1996 authorities)	
Borders Region	108.56
Central	105.45
Dumfries & Galloway	95.84
Fife	106.51
Grampian	94.89
Highlands & Western Islands	81.42
Lothian	100.19
Other Islands	76.72
Strathclyde	93.60
Tayside	99.92

SCHEDULE 5

Articles 13 and 21

BENEFIT SAVINGS

General and interpretation

1.—(1) The additions to or deductions from subsidy referred to in articles 13 and 21 shall be calculated in accordance with this Schedule.

(2) In this Schedule, unless the context otherwise requires—

A is equal to

$$(B - C) \times 32,$$

where—

B is the total sum of benefit savings made by an authority; and

C is the total sum of benefit-related savings made by an authority;

D is the sum specified in column (6) of Schedule 1 (Benefits Savings Threshold) for an authority identified in column (1) of that Schedule;

E is 0.75 of the value of D;

F is twice the value of D;

G is thrice the value of D;

“authorised person” means—

(i) an officer of an authority; or

(ii) an employee of an authority’s contractor,

who has been designated by that authority for the investigation of fraud;

“benefit savings” means, in a case where an award of benefit had—

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- (a) been made before an intervention and a fraudulent overpayment has arisen; or
- (b) been made before the intervention, but no overpayment of relevant benefit can be determined by the authority by reason of paragraphs 10 of Schedule 3, 4 of Schedule 4 or 5 of Schedule 5 to the Housing Benefit Regulations or paragraphs 10 of Schedule 3, 4 of Schedule 4 or 5 of Schedule 5 to the Council Tax Benefit Regulations (income and capital to be disregarded) where a person is in receipt of income support or an income-based jobseeker's allowance⁽⁷⁶⁾, as the case may be, pending the determination of an adjudication officer; or
- (c) not been made before the intervention,
any amount, which would—
 - (i) but for the intervention, have been paid by way of relevant benefit to a claimant during a benefit week; and
 - (ii) had it been paid as relevant benefit, have been a fraudulent overpayment (or in a case within paragraph (a) above, have also been a fraudulent overpayment), within the meaning of article 18(5),

or, in a case where only a proportion of that non-payment was due to the intervention, the amount shall be that proportion;

“benefit-related savings” means—

- (i) where benefit savings have been established and the investigation that led to those savings has also led to a determination by an adjudication officer that no designated benefit, or less designated benefit is payable to a claimant, any specified amount of designated benefit that would, but for that intervention and consequent determination, have been paid to that claimant; and
- (ii) where the benefit savings were less than the total relevant benefit not paid, the benefit-related savings shall be an amount determined by applying to the total of designated benefit not paid a percentage equal to the percentage which those benefit savings bear to the total relevant benefit not paid;

“designated benefit” means income support, incapacity benefit, jobseeker's allowance, retirement pension, severe disablement allowance and widow's pension, in a case where a claimant was, prior to the intervention, also being paid relevant benefit;

“intervention” means an investigation and intervention of one or more authorised persons whilst involved in the investigation of fraud and not in the performance of any other duty; and

“specified amount”, in relation to a claimant, means—

- (i) where the benefit is income support, the amount payable in respect of a benefit week within the meaning prescribed therefor in regulation 2(1) of the Income Support (General) Regulations 1987⁽⁷⁷⁾;
- (ii) where the benefit is incapacity benefit or severe disablement allowance, half of the fortnightly payment in arrears by which such benefit is to be paid, pursuant to regulation 24(1) of the Social Security (Claims and Payments) Regulations 1987⁽⁷⁸⁾ or, in a case where that regulation does not apply, would be so paid if that regulation did apply;

⁽⁷⁶⁾ These paragraphs were all amended by S.I. 1996/1510.

⁽⁷⁷⁾ S.I. 1987/1967; the definition of “benefit week” was added by S.I. 1988/1445.

⁽⁷⁸⁾ S.I. 1987/1968; regulation 24 was substituted by regulation 9 of S.I. 1994/2943.

- (iii) where the benefit is jobseeker's allowance, the amount payable in respect of a benefit week within the meaning prescribed therefor in regulation 2(1) of the Jobseeker's Allowance Regulations 1996⁽⁷⁹⁾;
- (iv) where the benefit is retirement pension or widow's pension, the amount payable in respect of the week in advance in which such benefit is to be paid, pursuant to regulation 22(1) of the Social Security (Claims and Payments) Regulations 1987⁽⁸⁰⁾ or, in a case where that regulation does not apply, would be so paid if that regulation did apply.

Addition to subsidy

2.—(1) Subject to sub-paragraphs (2) and (3), in the case of an authority where A is greater than D, the addition for that authority shall be 25 per cent. of the sum by which A exceeds D.

(2) Subject to sub-paragraph (3), in the case of an authority where A is greater than F, the addition for that authority shall be the sum calculated for that authority in sub-paragraph (1), plus 5 per cent. of the sum by which A exceeds F.

(3) In the case of an authority where A is greater than G, the addition for that authority shall be the sum calculated for that authority in sub-paragraphs (1) and (2), plus 10 per cent. of the sum by which A exceeds G.

No addition or deduction

3. In the case of an authority where—

- (a) A is the same as or is less than D; and
- (b) A is also the same as or exceeds E, or where, by reason of paragraph 4(2), paragraph 4(1) does not apply,

there shall be no addition or deduction under this Schedule for that authority.

Deduction from subsidy

4.—(1) Subject to sub-paragraph (2), in the case of an authority where A is less than E, the deduction for that authority shall be the sum by which A is less than E.

(2) Sub-paragraph (1) shall not apply in a case where the value of D for an authority is less than £60,000.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for claims for, the calculation of and payment of subsidy payable under the Social Security Administration Act 1992 to authorities administering housing benefit or council tax benefit on and after 1st April 1997; section 140C(4) of that Act gives it retrospective effect.

⁽⁷⁹⁾ S.I. 1996/207; the definition of "benefit week" was amended by S.I. 1996/1517 and 2538.

⁽⁸⁰⁾ The relevant amendments are S.I. 1991/2741 and 1994/3196.

Status: This is the original version (as it was originally made).

Part II provides for the time and manner in which claims for subsidy are to be made and, subject to certain conditions in relation to such claims, for when subsidy on those claims is to be paid.

It sets out in Part III the manner in which the total figure for an authority's subsidy for a financial year beginning on or after 1st April 1997 is calculated (articles 12(a) and 13 to 17 and Schedules 1, 3, 4 and 5) and the manner of calculating the additional sum payable to an authority in respect of the costs of administering those benefits (article 12(b) and Schedules 1 and 2).

The Order also makes provision for additions to and deductions from subsidy (articles 11(2), 13, 18, 19, 20 and 21 and Schedules 1, 3 and 5).

Part IV makes certain transitional and consequential provisions.

This Order does not impose a charge on businesses.