
WELSH STATUTORY INSTRUMENTS

2016 No. 1022

The Regulation of Private Rented Housing (Rent Repayment Orders) (Supplementary Provisions) (Wales) Regulations 2016

Amendment of an application for a rent repayment order to remove housing benefit or a relevant award of universal credit not properly payable

2.—(1) Paragraph (2) applies if, in the course of proceedings on an application under section 32(1) of the Act (rent repayment orders), it comes to the notice of the authority that in respect of periodical payments payable in connection with a domestic tenancy of the dwelling to which the application relates there may have been a payment of housing benefit or of a relevant award of universal credit that was not properly payable.

(2) The authority may apply to the residential property tribunal for leave to amend their application by substituting—

- (a) in the case of housing benefit, for the total amount of housing benefit paid, such part of that amount as they believe is properly payable;
- (b) in the case of a relevant award of universal credit, for the amount referred to in section 33(2)(a) of the Act that was originally believed to apply, the amount that is now believed to apply (if different).

(3) For the purposes of paragraphs (1) and (2)—

- (a) an amount of housing benefit is properly payable if the person to whom, or in respect of whom, it is paid is entitled to it under the Housing Benefit Regulations 2006⁽¹⁾ or the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006⁽²⁾ (whether on the initial decision or as subsequently revised or superseded or further revised or superseded); and
- (b) a relevant award of universal credit is properly payable if the person to whom, or in respect of whom, it is paid is entitled to it under the Universal Credit Regulations 2013⁽³⁾ (whether on the initial decision or as subsequently revised or superseded or further revised or superseded).

(1) S.I. 2006/213.
(2) S.I. 2006/214.
(3) S.I. 2013/376.