1995 No. 874

SOCIAL SECURITY

The Housing Benefit and Council Tax Benefit (Subsidy) Amendment Regulations 1995

Made - - - -	*24th March 1995*
Laid before Parliament	*30th March 1995*
Coming into force -	*20th April 1995*

The Secretary of State for Social Security in exercise of powers conferred upon him by section 137(2) and (3), 140(7), 189(1) and (4) to (6) and 191 of the Social Security Administration Act 1992**(a)** and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of authorities concerned**(b)** and after agreement by the Social Security Advisory Committee that these Regulations should not be referred to it**(c)**, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit and Council Tax Benefit (Subsidy) Amendment Regulations 1995 and shall come into force on 20th April 1995.

(2) In these Regulations–

"the Subsidy Regulations" means the Housing Benefit and Council Tax Benefit (Subsidy) Regulations 1994**(d)**

Amendment of regulation 1(2) of the Subsidy Regulations

2. In regulation 1(2) of the Subsidy Regulations there shall be inserted, after the definition of "Subsidy Order",–

"the Subsidy Order 1995" means the Housing Benefit and Council Tax Benefit (Subsidy) Order 1995**(e)**;".

Amendment of the Schedule to the Subsidy Regulations

3.—(1) The Schedule to the Subsidy Regulations (prescribed particulars relating to claims for housing benefit and council tax benefit subsidy for the relevant year) shall be amended in accordance with the following provisions of this regulation.

(2) Paragraph 7 shall be omitted.

(3) For paragraph 13 there shall be substituted–

(a) 1992 c. 5
(b) *See* section 176(1) of the Social Security Administration Act 1992.
(c) *See* section 173(1)(b) and (7) of the Social Security Administration Act 1992.
(d) S.I. 1994/781
(e) S.I. 1995/872

"13.—(1)The total rent allowance expenditure in the relevant year, which is attributable to each of the following categories–

(a) weekly eligible rents which do not exceed any determination made under the Orders to which paragraph 12 above referees;

(b) the difference between the property-specific rent for the accommodation and the size-related rent in cases where a rent officer has determined that accommodation is unreasonably large but has not determined a high rent under paragraph 2A (high rent determinations)**(a)** of Schedule 1 to those Orders and is paid for a period of up to 13 calendar weeks;

(c) that part of the weekly eligible rents which exceeded the relevant rent, in respect of a case to which paragraph 5 of Schedule 6 to the Subsidy Order 1995 (no restriction on unreasonable rents or on rent increases) applies other than expenditure to which sub-paragraph (b) of this paragraph refers;

(d) any expenditure to which paragraph 6 of Schedule 6 to the Subsidy Order 1995 (deductions in respect of allowances) applies;

(e) the eligible rents in respect of deregulated housing association tenancies not referred to a rent officer;

(f) cases subject to referral to a rent officer for a determination, but where no such referral was made.

(2) In this paragraph "property-specific rent", "size-related rent" and "relevant rent" have the meanings assigned to them by paragraph 10 of Schedule 6 to the Subsidy Order 1995.".

(4) In paragraph 16 for "regulation 60 of the 1992 Regulations" there shall be substituted the phrase "regulation 51(5), 54(4) or regulation 60 of the 1992 Regulations**(b)**".

(5) For paragraph 20 there shall be substituted–

"20.—(1)In respect of dwellings of an authority in Scotland or the Development Board for Rural Wales, the average rent payable in respect of Category 1 dwellings and Category 2 dwellings respectively on the specified date and the final date.

(2) In this paragraph "Category 1 dwellings", "Category 2 dwellings", "specified date" and "final date" have the meanings assigned to them by article 6(7) of the Subsidy Order 1995.".

(6) For paragraph 21 there shall be substituted–

"21.—(1)The total amount obtained in the relevant year of each of the following categories–

(a) housing benefit savings;

(b) council tax benefit savings;

(c) housing benefit related savings;

(d) council tax benefit related savings.

(2) In this paragraph "council tax benefit savings", "council tax benefit related savings", "housing benefit savings" and "housing benefit related savings" have the meanings assigned to them by paragraph 1(2) of Schedule 8 to the Subsidy Order 1995.".

(a) Paragraph 2A was added by S.I. 1994/568 and amended by S.I. 1994/3040 in the case of England and Wales and by S.I. 1994/582 and 3108 in the case of Scotland.

(b) Regulation 60 was deleted and regulations 51(5) and 54(4) added by regulation 19(3) of S.I. 1994/2137 as from 3/10/94.

Savings and transitional

4. The Subsidy Regulations, as previously in force, shall continue to apply to any claims for subsidy, particulars to be supplied therewith and conditions and questions relating to payment of subsidy under the Act for any relevant year before 1st April 1994, as if these Regulations had not been made.

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

James Arbuthnot
Parliamentary Under-Secretary of State,

24th March 1995 Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit and Council Tax Benefit (subsidy) Regulations 1994, subject to the saving provision in regulation 4, to provide for the particulars, which are required to be provided by an authority to the Secretary of State on the making of claims for housing benefit subsidy and council tax benefit subsidy to include details of rent allowance expenditure which exceed certain determinations made by rent officers, information as to rents of dwellings of authorities in Scotland and the Development Board for Rural Wales on 31s March 1995 and on a specified date in March 1994 and as to savings in benefits resulting from investigation by authorities of benefit fraud.

They also remove the requirement to give particulars as to certain overpayments under the Housing Benefit Regulations 1985.