STATUTORY INSTRUMENTS

1992 No. 701

HOUSING, ENGLAND AND WALES
HOUSING, SCOTLAND
SOCIAL SECURITY

The Housing Benefit and Community Charge Benefit (Subsidy) Amendment Regulations 1992

Made - - - -	*11th March 1992*
Laid before Parliament	*16th March 1992*
Coming into force -	*6th April 1992*

The Secretary of State for Social Security in exercise of powers conferred by sections 30(8B), 31F(6) and 84(1) of the Social Security Act 1986**(a)** and section 166(1) to (3A) of the Social Security Act 1975**(b)** and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned**(c)** and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it**(d)**, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit and Community Charge Benefit (Subsidy) Amendment Regulations 1992 and shall come into force on 6th April 1992.

(2) In these Regulations "the Subsidy Regulations" means the Housing Benefit and Community Charge Benefit (Subsidy) Regulations 1991**(e)**.

Amendment of the Schedule to the Subsidy Regulations

2. In the Schedule to the Subsidy Regulations (prescribed particulars relating to claims for Housing Benefit and Community Charge Benefit subsidy for the relevant year)–

(a) 1986 c.50; subsection (8B) of section 30 was inserted by the Social Security Act 1989 (c.24), section 15(2); section 31F(6) applies subsections (8A) to (8F) of section 30 to a charging authority or a levying authority; section 31F was inserted by the Local Government Finance Act 1988 (c.14), Schedule 10, paragraph 6 and subsection (6) of that section was inserted by the Social Security Act 1990 (c.27), Schedule 6, paragraph 21(3) and section 84(1) is cited because of the meanings assigned to "prescribed" and "regulations".

(b) 1975 c.14; subsection (3) was amended by the Social Security Act 1989, section 31(1) and Schedule 8, paragraph 10; subsection (3A) was inserted by section 62 of the Social Security Act 1986 and section 166(1) to (3A) is applied by section 61(7) of that Act.

(c) *See* section 61(7) of the Social Security Act 1986; section 61(7) was amended by the Local Government Finance Act 1988, Schedule 10, paragraph 10.

(d) *See* the Social Security Act 1986, section 61(1)(b) and (10). The Social Security Act 1989, Schedule 8 added a definition of "regulations" to section 61(10) of the Act of 1986.

(e) S.I. 1991/441.

(a) paragraph 2 shall be omitted;

(b) after paragraph 4 there shall be inserted the following paragraphs–

"4A. The total rent rebate expenditure in the relevant year in respect of rents payable to an authority–

(a) under section 69(2)(b) of the Housing Act 1985**(a)** or section 35(2)(b) of the Housing (Scotland) Act 1987**(b)** for board and lodging accommodation or accommodation which the authority holds on a licence agreement, or

(b) for accommodation outside the Housing Revenue Account under Part VI of the Local Government and Housing Act 1989**(c)**, which an authority in England or Wales holds on a lease granted for a term not exceeding 3 years, or

(c) for accommodation which an authority in Scotland holds on a lease granted for a term not exceeding 3 years.

4B. The total rent rebate expenditure in the relevant year in cases to which paragraph 4A above refers which is attributable to that part of the eligible rent which exceeds the relevant threshold specified in a Subsidy Order under section 30(2) or 31F(2) of the Act**(d)** for the purpose of calculating subsidy on such rents.";

(c) after paragraph 21 there shall be added the following paragraphs–

"22. The total amount of any instruments of payment in relation to housing benefit issued during the relevant year returned to the authority without having been presented for payment or found by the authority to have passed their date of validity without having been so presented.

23. The total amount of any housing benefit subsidy paid for any year before the relevant year in respect of any instrument of payment either returned to the authority during the relevant year without having been presented for payment or found by the authority during the relevant year to have passed their date of validity without having been so presented.".

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

Ann Widdecombe
Parliamentary Under-Secretary of State,
Department of Social Security

11th March 1992

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations 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 community charge benefit subsidy, to include also details of rent rebate expenditure attributable to accommodation for homeless persons and certain other short term accommodation and of instruments of payment which have not been encashed.

(a) 1985 c.68.
(b) 1987 c.26.
(c) 1989 c.42.
(d) Section 30(2) was amended by the Local Government and Housing Act 1989 (c.42), sections 81(1) and 88(3) and by regulation 3 of S.I. 1988/458.

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