STATUTORY INSTRUMENTS

1984 No. 110

LOCAL GOVERNMENT, ENGLAND AND WALES

LOCAL GOVERNMENT, SCOTLAND

The Housing Benefits (Subsidy) Order 1984

Made - - -	*8th February* 1984
Laid before Parliament	*8th February* 1984
Coming into Operation	*1st April* 1984

The Secretary of State for Social Services, with the consent of the Treasury, in exercise of the powers conferred upon him by section 32(2) of the Social Security and Housing Benefits Act 1982(a), and of all other powers enabling him in that behalf, after consultation in accordance with section 36(1) of the Act with organisations appearing to him to be representative of the authorities concerned, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This order, which may be cited as the Housing Benefits (Subsidy) Order 1984, shall come into operation on 1st April 1984.

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

"the Act" means the Social Security and Housing Benefits Act 1982;

"scheme" means either a statutory scheme in accordance with section 28 of the Act or a local scheme in accordance with section 30 thereof;

"subsidy" means rate rebate subsidy, rent rebate subsidy or rent allowance subsidy under section 32 of the Act,

and other expressions have the same meaning as in the Housing Benefits Regulations 1982(b).

Amount of subsidy

2. The amount of subsidy payable to an authority under section 32 of the Act for the year beginning 1st April 1984 shall be the total of the amounts specified in articles 3 and 4 of this order.

(a) 1982 c.24.
(b) S.I. 1982/1124, as amended by S.I. 1982/1519, 1983/57, 1014, 1239 and 1984/103, 104.

Rebates or allowances

3. The amount of subsidy payable to an authority listed in column (1) of the Schedule hereto in respect of rebates or allowances granted by that authority under its scheme shall be the percentage specified in relation to that authority in either column (2) or column (3) of that Schedule as may be appropriate in any particular case, of the rebates or allowances which would have been granted by that authority during the year under the statutory scheme had it had effect with the modifications specified in article 5 of this order.

Administration costs

4. The amount of subsidy in respect of administration costs shall be —

(*a*) for a new town corporation, the Scottish Special Housing Association, or the Development Board for Rural Wales, 100%,

(*b*) in respect of an authority other than one specified in paragraph (*a*) of this article —

(i) for an authority in England, 60%,

(ii) for an authority in Scotland, 65%,

(iii) for an authority in Wales, 70%

of costs reasonably incurred by the authority during the year in administering its scheme.

Modification of the scheme

5. The modifications referred to in article 3 of this order are the following modifications to the Housing Benefits Regulations 1982:—

(*a*) in regulation 2(1) —

(i) in the definition of "rent" add the following words after paragraph (*g*) but not so as to form part of that paragraph —

"but, notwithstanding sub-paragraph (*b*), where a tenant of an authority may choose not to be provided with any services, facilities or rights while continuing to occupy or, as the case may be, when entering into occupation of a dwelling as his home either under his existing tenancy agreement or by entering into a new agreement, excludes the amounts attributable to those items (whether or not those amounts form part of the sum fixed as rent or are otherwise reserved as rent)",

(ii) for the definition of "rent-free period" substitute the following definition —

" 'rent-free period' means a period to which an eligible person is or will be or may become entitled, for which no rent is payable and which has not already been taken into account for the purposes of these regulations so that, where an eligible person is awarded a rent-free period to which he is not immediately entitled, the period shall be treated as running from the date of the award;";

(*b*) in regulation 16 insert the following paragraph:—

"(5A) Where an authority charges a person to whom regulation 9 applies a rent higher than that charged to any of its other tenants in respect of a similar dwelling for a reason relating to the fact that regulation 9 applies to him, paragraph (2) of this regulation shall have effect as if, for the reference to the amount which that person is liable to pay there were substituted a reference to the amount which he would have been liable to pay were he not in receipt of qualifying supplementary benefit.";

(*c*) omit regulation 22;

(*d*) insert the following regulation after regulation 26A:—

"26B.—(1) Subject to paragraph (2), where an authority makes an award to one of its tenants in receipt of housing benefit in the form of a payment of money or money's worth, a credit to the person's rent account, or in some other form, and whether or not the person is immediately entitled to the award, the amount of housing benefit payable to the person during the year in which the award is made or, where the value of the award is such, that year and the following year, shall be reduced by the amount of the award.

(2) Paragraph (1) shall not apply to an award—

(*a*) made to a tenant for a reason unrelated to the fact that he is a tenant,

(*b*) made under a statutory obligation,

(*c*) for a purpose specified in or under statute made in exercise of a discretion where the circumstances in which that discretion may be exercised are also specified as aforesaid,

(*d*) made as reasonable compensation for work actually carried out by the tenant in carrying out reasonable repairs or redecoration which the authority would otherwise have carried out or be required to carry out,

(*e*) of a reasonable amount made as compensation for loss, damage or inconvenience of a kind which occurs only irregularly suffered by the tenant by virtue of his occupation of his home."

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

Rhodes Boyson,
Minister of State,
Department of Health and Social Security.

7th February 1984.

T. Garel-Jones,
Donald Thompson,
Two of the Lords Commissioners of
Her Majesty's Treasury.

8th February 1984.

SCHEDULE *Article 3*

PERCENTAGE OF REBATES OR ALLOWANCES PAYABLE FOR WHICH SUBSIDY IS PAYABLE

(1) Authority granting rebates or allowances	(2) Percentage payable in certificated cases	(3) Percentage payable in cases other than those specified in column (2)
1. The Scottish Special Housing Association or a new town corporation in Scotland.	1. 100%	1. 100%
2. A new town corporation in England or Wales or the Development Board for Rural Wales.	2. 100%	2. 90%
3. Any authority other than one specified in paragraph 1 or 2.	3. 100.6%	3. 90%

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order sets out the manner in which the subsidy payable under section 32 of the Social Security and Housing Benefits Act 1982 to authorities who grant rate rebates, rent rebates or rent allowances under that Act is to be calculated in respect of the year beginning 1st April 1984.

Articles 3 and 5 and the Schedule set out the basis on which the subsidy in respect of rebates and allowances is to be calculated and article 4 the basis of calculating the amount of subsidy in respect of administrative costs. The amount of subsidy in respect of rebates and allowances is to be the percentage (set out in the Schedule) of the rebates or allowances which would have been granted by an authority under the statutory scheme had it had effect with the modifications set out in article 5. The amount of subsidy in respect of administrative costs is to be the percentage (set out in article 4) of the costs reasonably incurred by an authority.

SI 1984/110
ISBN 0-11-046110-X

