This Statutory Instrument has been made in consequence of defects in S.I. 2020/976 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2021 No. 1031

SOCIAL SECURITY

The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021

Made - - - -	*8th September 2021*
Laid before Parliament	*13th September 2021*
Coming into force - -	*31st October 2021*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 140B(1), (3), (4) and (4A), 140C(1) and (4), 140F(2) and 189(1), (4), (5), (6) and (7) of the Social Security Administration Act 1992(**a**) ("the Administration Act") and section 70(2) and (6) of the Child Support, Pensions and Social Security Act 2000(**b**).

In accordance with section 189(8) of the Administration Act(**c**), the Secretary of State has obtained the consent of the Treasury.

In accordance with section 176(1)(b) of the Administration Act(**d**), the Secretary of State has consulted with organisations appearing to the Secretary of State to be representative of the authorities concerned.

(**a**) 1992 c. 5 ("the Administration Act"). Sections 140B, 140C and 140F were inserted by paragraph 4 of Schedule 12 to the Housing Act 1996 (c. 52). Section 140B(1) was amended by paragraph 7 of Schedule 1 and Schedule 2 to the Social Security Administration (Fraud) Act 1997 (c. 47) ("the Fraud Act") . Section 140B(4) was substituted and section 140(4A) was inserted by section 10 of the Fraud Act. There are amendments to sections 140C and 189(1), (4), (5) and (6) which are not relevant to this Order. Section 189(7) was amended by paragraph 24 of Schedule 9 to the Local Government Finance Act 1992 (c. 14) and by paragraph 10 of Schedule 1 to the Fraud Act.

(**b**) 2000 c.19 ("the 2000 Act"). Section 70 was amended by paragraph 1 of Schedule 8 to the Local Government Act 2003 (c. 26).

(**c**) Relevant amendments are made by paragraph 3(5) of Schedule 13 to the Housing Act 1996 and paragraph 3 of Schedule 4 to the Tax Credits Act 2002 (c.21).

(**d**) Section 176(1)(b) is amended by paragraph 3(4) of Schedule 13 to the Housing Act 1996.

PART 1

PRELIMINARY

Citation, commencement and extent

1.—(1) This Order may be cited as the Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021 and comes into force on 31st October 2021.

(2) Any amendment made by this Order has the same extent as the provision amended.

PART 2

AMENDMENT OF THE INCOME-RELATED BENEFITS (SUBSIDY TO AUTHORITIES) ORDER 1998

Amendment of the Income-related Benefits (Subsidy to Authorities) Order 1998 and effect of amendments

2.—(1) The Income-related Benefits (Subsidy to Authorities) Order 1998(**a**) is amended in accordance with the following provisions of this Part.

(2) Articles 3 and 4 and Schedules 1 and 2 have effect for the purpose of determining subsidy payable for the relevant year(**b**) beginning with 1st April 2020.

(3) In relation to article 5—

(a) paragraph (1) has effect from 1st April 2020;

(b) paragraph (2) has effect for the purpose of determining subsidy payable for the relevant year beginning with 1st April 2020;

(c) paragraph (3) has effect for the purpose of determining subsidy payable for the relevant year beginning with 1st April 2021,

and Schedules 3 and 4 have effect accordingly.

(4) Article 6 has effect for the purpose of determining subsidy payable for the relevant year beginning with 1st April 2021.

(5) In paragraphs (2), (3) and (4), "relevant year" means the year in respect of which a claim for subsidy is made.

The amount of an authority's subsidy

3. For Schedule 1 (sums to be used in the calculation of subsidy) substitute the Schedule 1 set out in Schedule 1 to this Order.

Housing Benefit Award Accuracy Initiative

4.—(1) In article 12, after paragraph (1)(bza) insert—

"(bzb) any additional amount specified by Schedule 1ZC (additional amount of subsidy: Housing Benefit Award Accuracy Initiative);".

(2) After Schedule 1ZB, insert the Schedule 1ZC set out in Schedule 2 to this Order.

(**a**) S.I. 1998/562; relevant amending instruments are S.I. 2004/646, 2008/695, 2018/985 and 2020/976.
(**b**) See section 140G of the Administration Act for the definition of "year".

Rent rebate deductions from the subsidy of an authority in Wales

5.—(1) For article 20A substitute—

"Deductions from subsidy for rebate for dwellings within the Housing Revenue Account: authorities in Wales

20A.—(1) Paragraph (2) applies in relation to an authority in Wales.

(2) Where paragraph 2 of Schedule 4A applies, the deduction from subsidy referred to in article 13(1) shall be calculated in accordance with paragraph 3 of that Schedule.".

(2) For Schedule 4A, substitute the Schedule 4A set out in Schedule 3 to this Order.

(3) In the substituted Schedule 4A—

(a) for paragraph 3(2) substitute—

"(2) The rebate proportion for the purposes of sub-paragraph (1) for the relevant year beginning with 1st April 2021 is 0.682.";

(b) in paragraph 4—

(i) for "2020" substitute "2021";

(ii) for the Table, substitute the Table set out in Schedule 4 to this Order.

Additional amount of subsidy: Verify Earnings and Pension Alerts Service

6. In Schedule 1ZB (additional amount of subsidy: Verify Earnings and Pension Alerts Service) for paragraph 2 substitute—

"Additional amount: relevant year beginning with 1st April 2021

2. The additional amount of subsidy for an authority for the relevant year beginning with 1st April 2021 is the amount specified for that authority in the Housing Benefit Circular HB S6/2021 published by the Department for Work and Pensions on 19th April 2021(**a**).".

Minor amendments

7. Schedule 5 to this Order (which makes minor amendments) has effect.

PART 3

AMENDMENT OF THE DISCRETIONARY HOUSING PAYMENTS (GRANTS) ORDER 2001

Amendment of the Discretionary Housing Payments (Grants) Order 2001 and effect of amendments

8.—(1) The Discretionary Housing Payments (Grants) Order 2001(**b**) is amended as follows.

(2) The amendments made by this article have effect in respect of any year(**c**) commencing on or after 1st April 2021.

(3) Article 2 (determining the amount of grant) is renumbered as article 2(1) and—

(a) in the renumbered article 2(1), in sub-paragraph (a)—

(**a**) https://www.gov.uk/government/publications/housing-benefit-subsidy-circulars-2021/s62021-payments-for-the-verify-earnings-and-pension-service-2021-to-2022.
(**b**) S.I. 2001/2340. Relevant amending instruments are S.I. 2008/1167 and 2014/1667.
(**c**) See section 70(8) of the 2000 Act for the definition of "year".

(i) omit "and council tax benefit"; and

(ii) at the end insert "and relevant awards of universal credit";

(b) after the renumbered article 2(1) insert—

"(2) For the purpose of paragraph (1), a "relevant award of universal credit" means an award of universal credit, the calculation of which includes an amount under section 11 of the Welfare Reform Act 2012(**a**), calculated in accordance with Schedule 4 to the Universal Credit Regulations 2013(**b**), or would include such an amount but for paragraph 3(h) or (i) of Schedule 1 to those Regulations.".

(4) In article 3 (claims)—

(a) in paragraph (2)—

(i) omit sub-paragraphs (a) to (d);

(ii) for sub-paragraph (e), substitute—

"(e) by 31st October in a relevant year—

(i) showing the amount of payments it has made from 1st April to 30th September of that relevant year; and

(ii) estimating the total amount of payments it believes it will make between 1st April and 31st March of that relevant year.";

(b) in paragraph (3), omit sub-paragraph (b).

(5) For article 6 (payment), substitute—

"**6.**—(1) Subject to paragraph (2) and article 6A, the Secretary of State may make payments by way of instalments by reference to claims submitted in accordance with article 3 but no final payment shall be made until the Secretary of State is satisfied that no request for information in accordance with article 4 is outstanding.

(2) An initial instalment payment for the relevant year may be made without reference to any claim submitted in accordance with article 3."

Signed by authority of the Secretary of State for Work and Pensions

Will Quince
Parliamentary Under-Secretary of State for Welfare Delivery
Department for Work and Pensions

8th September 2021

We consent.

James Morris
Rebecca Harris
Two of the Lords Commissioners of Her Majesty's Treasury

7th September 2021

(**a**) 2012 c. 5.
(**b**) S.I. 2013/376. Paragraph 3(h) is inserted by S.I. 2014/771 and paragraph 3(i) is inserted by S.I. 2018/65.

SCHEDULE 1

Article 3

Substitution of Schedule 1 to the Income-related Benefits (Subsidy to Authorities) Order 1998

"SCHEDULE 1

Article 12(1)(b)

Sums to be used in the calculation of subsidy

Relevant Year 2020-2021

Local authority	*Administration subsidy (£)*
England	
Adur	204,793
Allerdale	299,716
Amber Valley	366,608
Arun	517,407
Ashfield	480,401
Ashford	404,869
Babergh	215,987
Barking and Dagenham	1,324,425
Barnet	2,002,179
Barnsley	934,078
Barrow-in-Furness	258,013
Basildon	695,055
Basingstoke and Deane	468,510
Bassetlaw	353,292
Bath and North East Somerset	456,184
Bedford	541,151
Bexley	880,915
Birmingham	6,270,351
Blaby	185,270
Blackburn with Darwen	592,472
Blackpool	1,023,012
Bolsover	280,916
Bolton	1,282,493
Boston	255,521
Bournemouth, Christchurch and Poole	1,423,664
Bracknell Forest	320,039
Bradford	2,104,804
Braintree	407,606
Breckland	403,512
Brent	2,550,427
Brentwood	154,586
Brighton and Hove	1,328,994
Bristol	2,079,830
Broadland	262,695
Bromley	1,011,197
Bromsgrove	192,541
Broxbourne	354,254
Broxtowe	295,540

Buckinghamshire	1,317,254
Burnley	403,737
Bury	654,628
Calderdale	770,310
Cambridge	414,544
Camden	1,761,120
Cannock Chase	334,267
Canterbury	480,375
Carlisle	349,040
Castle Point	229,313
Central Bedfordshire	656,140
Charnwood	393,166
Chelmsford	462,142
Cheltenham	323,322
Cherwell	371,182
Cheshire East	875,810
Cheshire West and Chester	953,909
Chesterfield	442,262
Chichester	344,807
Chorley	302,527
City of London	70,917
Colchester	607,221
Copeland	233,332
Corby	245,629
Cornwall	2,079,159
Cotswold	196,974
Coventry	1,472,318
Craven	112,218
Crawley	528,815
Croydon	1,815,457
Dacorum	538,059
Darlington	462,154
Dartford	325,647
Daventry	163,041
Derby	1,025,722
Derbyshire Dales	168,448
Doncaster	1,178,243
Dorset	1,014,841
Dover	408,093
Dudley	1,066,797
Durham	2,253,143
Ealing	2,150,701
East Cambridgeshire	221,333
East Devon	374,243
East Hampshire	247,394
East Hertfordshire	369,256
East Lindsey	540,979
East Northamptonshire	206,056
East Riding of Yorkshire	854,519
East Staffordshire	335,345
East Suffolk	727,746
Eastbourne	471,295
Eastleigh	283,460

Eden	115,759
Elmbridge	351,391
Enfield	2,327,776
Epping Forest	387,420
Epsom and Ewell	188,987
Erewash	337,792
Exeter	456,630
Fareham	228,334
Fenland	357,950
Folkestone and Hythe	442,862
Forest of Dean	228,892
Fylde	237,491
Gateshead	950,769
Gedling	335,377
Gloucester	473,035
Gosport	332,737
Gravesham	377,284
Great Yarmouth	433,964
Greenwich	1,864,547
Guildford	340,793
Hackney	3,021,376
Halton	551,704
Hambleton	191,776
Hammersmith and Fulham	1,201,186
Harborough	136,566
Haringey	2,212,237
Harlow	404,598
Harrogate	311,142
Harrow	1,035,098
Hart	158,107
Hartlepool	515,965
Hastings	474,237
Havant	366,404
Havering	857,676
Herefordshire	548,707
Hertsmere	365,826
High Peak	266,292
Hillingdon	1,285,406
Hinckley and Bosworth	214,020
Horsham	298,583
Hounslow	1,147,936
Huntingdonshire	409,779
Hyndburn	342,703
Ipswich	610,516
Isle of Wight	572,284
Isles of Scilly	4,502
Islington	1,996,914
Kensington and Chelsea	1,159,379
Kettering	296,932
King’s Lynn and West Norfolk	470,912
Kingston upon Hull	1,726,212
Kingston upon Thames	568,368
Kirklees	1,443,919

Knowsley	903,155
Lambeth	2,396,093
Lancaster	419,705
Leeds	3,399,576
Leicester	1,665,689
Lewes	348,323
Lewisham	2,334,028
Lichfield	220,549
Lincoln	434,919
Liverpool	3,167,951
Luton	1,036,852
Maidstone	494,835
Maldon	159,432
Malvern Hills	212,632
Manchester	3,197,592
Mansfield	444,492
Medway	1,026,243
Melton	109,292
Mendip	297,979
Merton	739,725
Mid Devon	222,693
Mid Suffolk	198,125
Mid Sussex	306,199
Middlesbrough	945,560
Milton Keynes	1,144,966
Mole Valley	215,380
New Forest	444,118
Newark and Sherwood	325,405
Newcastle-under-Lyme	405,669
Newcastle upon Tyne	1,393,727
Newham	2,407,480
North Devon	319,135
North East Derbyshire	307,200
North East Lincolnshire	682,163
North Hertfordshire	383,039
North Kesteven	244,574
North Lincolnshire	523,515
North Norfolk	325,431
North Somerset	636,683
North Tyneside	843,909
North Warwickshire	173,402
North West Leicestershire	229,498
Northampton	849,495
Northumberland	1,151,665
Norwich	807,826
Nottingham	1,897,789
Nuneaton and Bedworth	432,917
Oadby and Wigston	121,716
Oldham	965,516
Oxford	538,657
Pendle	343,818
Peterborough	826,545
Plymouth	1,129,872

Portsmouth	1,198,961
Preston	571,119
Reading	694,950
Redbridge	1,184,389
Redcar and Cleveland	713,776
Redditch	280,281
Reigate and Banstead	391,874
Ribble Valley	99,708
Richmondshire	103,249
Richmond upon Thames	545,549
Rochdale	1,031,522
Rochford	177,649
Rossendale	240,110
Rother	271,086
Rotherham	1,105,287
Rugby	235,383
Runnymede	247,327
Rushcliffe	210,375
Rushmoor	362,714
Rutland	70,667
Ryedale	131,755
Salford	1,441,879
Sandwell	1,672,482
Scarborough	461,403
Sedgemoor	398,305
Sefton	1,093,781
Selby	193,317
Sevenoaks	310,589
Sheffield	2,569,346
Shropshire	791,339
Slough	699,045
Solihull	589,146
Somerset West and Taunton	459,698
South Cambridgeshire	299,103
South Derbyshire	227,641
South Gloucestershire	684,356
South Hams	241,595
South Holland	233,078
South Kesteven	354,970
South Lakeland	216,871
South Norfolk	312,169
South Northamptonshire	154,788
South Oxfordshire	282,191
South Ribble	255,626
South Somerset	448,498
South Staffordshire	251,565
South Tyneside	896,022
Southampton	1,073,738
Southend-on-Sea	778,276
Southwark	1,998,237
Spelthorne	304,429
St Albans	316,640
St Helens	773,580

Stafford	309,359
Staffordshire Moorlands	191,532
Stevenage	388,610
Stockport	900,453
Stockton-on-Tees	811,331
Stoke-on-Trent	1,209,839
Stratford-on-Avon	282,801
Stroud	267,802
Sunderland	1,542,425
Surrey Heath	183,108
Sutton	658,847
Swale	538,119
Swindon	619,143
Tameside	1,020,954
Tamworth	238,717
Tandridge	213,328
Teignbridge	399,171
Telford and Wrekin	837,745
Tendring	643,002
Test Valley	298,955
Tewkesbury	211,436
Thanet	667,732
Three Rivers	234,054
Thurrock	593,317
Tonbridge and Malling	363,586
Torbay	682,791
Torridge	209,593
Tower Hamlets	2,462,720
Trafford	640,441
Tunbridge Wells	344,142
Uttlesford	160,989
Vale of White Horse	284,228
Wakefield	1,524,872
Walsall	1,350,416
Waltham Forest	1,569,524
Wandsworth	1,769,397
Warrington	551,767
Warwick	339,882
Watford	367,221
Waverley	286,654
Wealden	326,348
Wellingborough	280,662
Welwyn Hatfield	402,730
West Berkshire	384,977
West Devon	160,620
West Lancashire	311,943
West Lindsey	288,215
West Oxfordshire	232,285
West Suffolk	473,808
Westminster	1,746,386
Wigan	1,138,087
Wiltshire	1,175,037
Winchester	285,762

Windsor and Maidenhead	353,683
Wirral	1,417,662
Woking	285,746
Wokingham	236,008
Wolverhampton	1,250,377
Worcester	372,266
Worthing	363,429
Wychavon	339,607
Wyre	382,904
Wyre Forest	374,674
York	451,599

Wales

Blaenau Gwent	375,401
Bridgend	575,185
Caerphilly	772,229
Cardiff	1,601,197
Carmarthenshire	689,691
Ceredigion	250,219
Conwy	445,307
Denbighshire	412,484
Flintshire	443,870
Gwynedd	428,082
Isle of Anglesey	263,940
Merthyr Tydfil	284,129
Monmouthshire	245,948
Neath Port Talbot	651,792
Newport	658,481
Pembrokeshire	455,190
Powys	383,211
Rhondda Cynon Taf	1,029,971
Swansea	1,004,909
Torfaen	408,377
Vale of Glamorgan	450,890
Wrexham	516,502

Scotland

Aberdeen	806,471
Aberdeenshire	578,920
Angus	394,561
Argyll and Bute	319,608
Clackmannanshire	237,246
Comhairle nan Eilean Siar	97,955
Dumfries and Galloway	618,203
Dundee	880,566
East Ayrshire	550,467
East Dunbartonshire	229,933
East Lothian	323,403
East Renfrewshire	197,963
Edinburgh	2,061,389
Falkirk	597,958

Fife	1,425,345
Glasgow	4,771,508
Highland	703,350
Inverclyde	415,797
Midlothian	314,341
Moray	270,772
North Ayrshire	736,746
North Lanarkshire	1,576,864
Orkney	68,443
Perth and Kinross	429,178
Renfrewshire	872,491
Scottish Borders	421,135
Shetland	59,401
South Ayrshire	471,229
South Lanarkshire	1,214,242
Stirling	261,496
West Dunbartonshire	645,451
West Lothian	746,375”

SCHEDULE 2

Article 4(2)

New Schedule 1ZC to Income-related Benefits (Subsidy to Authorities) Order 1998

“SCHEDULE 1ZC

Article 12(1)(bzb)

Additional amount of subsidy: Housing Benefit Award Accuracy Initiative

Interpretation

1. In this Schedule—

“HBAAI” means the Housing Benefit Award Accuracy Initiative set out in Housing Benefit Circular HB A9/2020 published by the Department for Work and Pensions on 7th August 2020(**a**);

“relevant activities” means activities carried out by authorities in connection with administering the HBAAI.

Additional amount: relevant year beginning with 1st April 2020

2. The additional amount of subsidy for an authority for the relevant year beginning with 1st April 2020 is the amount (if any) specified for that authority in the Housing Benefit Circular HB S8/2020 published by the Department for Work and Pensions on 2nd November 2020(**b**).

(**a**) https://www.govt.uk/government/publications/housing-benefit-adjudication-circulars-2020/a52020-housing-benefit-award-accuracy-initiative.

(**b**) https://www.gov.uk/government/publications/housing-benefit-subsidy-circulars-2020/s82020-housing-benefit-award-accuracy-initiative-funding-for-english-scottish-and-welsh-local-authorities-2020-to-2021.

Use of amount paid under paragraph 2

3. An authority must use any additional amount received under paragraph 2 in connection with relevant activities."

SCHEDULE 3

Article 5(2)

Substitution of Schedule 4A to the Income-related Benefits (Subsidy to Authorities) Order 1998

"SCHEDULE 4A

Article 20A

RENT REBATE LIMITATION DEDUCTIONS (HOUSING REVENUE ACCOUNT DWELLINGS): AUTHORITIES IN WALES

Interpretation

1. In this Schedule—

"HRA" means the Housing Revenue Account of the authority the amount of whose subsidy is under consideration;

"rent", in relation to a dwelling, means the total of the payments in respect of the dwelling specified in regulation 12(1) of the Housing Benefit Regulations or, as the case may be, regulation 12(1) of the Housing Benefit (State Pension Credit) Regulations, other than a payment specified in regulation 12(1)(e).

Liability to deduction

2.—(1) This paragraph applies in relation to the relevant year if—

(a) the authority is specified in the Table in paragraph 4 for that year; and

(b) O + P is less than Q where—

O is the amount specified in column 1 of that Table for the authority;

P is the guideline rent increase specified in column 2 of that Table for the authority; and

Q is the average weekly rent for a dwelling for the authority for the relevant year.

(2) For the purposes of determining Q in sub-paragraph (1)(b), the average weekly rent for a dwelling for the authority for the relevant year is calculated by dividing the total rent charged for all dwellings in the HRA in that year by the total number of weeks for which rent was charged for all dwellings in the HRA, disregarding any unoccupied dwelling.

Amount of deduction

3.—(1) The amount of the deduction from subsidy referred to in article 20A(2) is to be calculated as follows—

Step 1 Divide the amount of rebates granted by the authority in the relevant year in respect of dwellings in the HRA by the income of the authority for that year from rent (including rent remitted by way of rebate) in respect of such dwellings.

Step 2 If the result of Step 1 does not exceed the rebate proportion for the relevant year (see sub-paragraph (2))—

(a) deduct (O + P) from Q (see paragraph 2);

(b) divide the result of paragraph (a) by Q;

(c) multiply the amount of the subsidy (apart from any deduction to be calculated under this Schedule) by the result of paragraph (b)).

If the result of Step 1 exceeds the rebate proportion for the relevant year—

(i) deduct (O + P) from Q (see paragraph 2);

(ii) divide the result of paragraph (i) by Q;

(iii) divide the rebate proportion (see sub-paragraph (2)) by the result of Step 1;

(iv) multiply the result of paragraph (ii) by the result of paragraph (iii);

(v) multiply the amount of the subsidy (apart from any deduction to be calculated under this Schedule) by the result of paragraph (iv).

(2) The rebate proportion for the purposes of sub-paragraph (1) for the relevant year beginning with 1st April 2020 is 0.574.

Amounts for the purposes of paragraph 2

4. The amounts for the relevant year beginning with 1st April 2020 for the purposes of paragraph 2 are as follows—

Local authority	*(1) Specified amount "O"(£)*	*(2) Guideline rent increase "P" (£)*
Caerphilly	95.77	4.38
Cardiff	107.42	4.82
Carmarthenshire	95.29	4.36
Denbighshire	93.07	4.42
Flintshire	96.54	4.53
Isle of Anglesey	92.20	4.48
Pembrokeshire	96.09	4.23
Powys	97.15	4.42
Swansea	94.25	4.48
Vale of Glamorgan	103.94	4.63
Wrexham	95.45	4.46"

SCHEDULE 4

Article 5(3)(b)

Substitution of the Table in paragraph 4 of Schedule 4A to the Income-related Benefits (Subsidy to Authorities) Order 1998

"Local authority	*(1) Specified amount "O"(£)*	*(2) Guideline rent increase "P" (£)*
Caerphilly	100.15	1.27
Cardiff	112.24	2.00
Carmarthenshire	99.65	0.95
Denbighshire	97.49	3.39
Flintshire	101.07	3.45
Isle of Anglesey	96.68	3.42
Pembrokeshire	100.32	3.28
Powys	101.57	2.62
Swansea	98.73	2.89
Vale of Glamorgan	108.57	3.52
Wrexham	99.91	3.42"

SCHEDULE 5

Article 7

Minor amendments to the Income-related Benefits (Subsidy to Authorities) Order 1998

1. In article 1(2), omit the definition of "relevant benefit".

2. In article 2—

(a) omit the definition of "base data return"";

(b) in the definition of "claim" for ", final claim or a return pursuant to article 4(4)" substitute "or a final claim";

(c) in the definition of "claim form" omit "or (4)";

(d) in the definition of "HBAP", for "27th March 2018" substitute "30th March 2020";

3. In article 4(2), for "relevant benefit" substitute "housing benefit".

4. In article 7(c), for "relevant benefit" substitute "housing benefit".

5. In article 8(1)(a), for ", mid-year claim and the returns under article 4(4)" substitute "and mid-year claim".

6. In article 11—.

(a) in paragraph (1)—

(i) omit the definitions of "the Council Tax Benefit Regulations", "the Council Tax Benefit (State Pension Credit) Regulations" and "period overrun";

(ii) in the definition of "overpayment", omit "excess benefit under the Council Tax Benefit Regulations as well as";

(iii) in the definition of "scheme", omit "or council tax benefit scheme, as the case may be,";

(iv) in the full out words at the end, for ", the Housing Benefit (State Pension Credit) Regulations, the Council Tax Benefit Regulations or the Council Tax Benefit (State Pension Credit) Regulations" substitute "or the Housing Benefit (State Pension Credit) Regulations";

(b) in paragraph (2), in the definition of "qualifying expenditure"—

(i) for "relevant benefit" in both places it occurs, substitute "housing benefit";

(ii) in paragraph (c), for "sections 134(8) (arrangements for housing benefit) or 139(6) (arrangements for council tax benefit) of the Act, as the case may be" substitute "section 134(8) (arrangements for housing benefit) of the Act";

(c) in paragraph (3), for "relevant benefit" substitute "housing benefit".

7. In article 12(1)(b), (2) and (4), for "relevant benefit" substitute "housing benefit".

8.—(1) Article 13 is amended as follows.

(2) For the heading substitute "Housing benefit".

(3) In paragraph (1)—

(a) in sub-paragraph (a), for the words from "the aggregate of" to the end substitute "100 per cent. of its qualifying expenditure attributable to expenditure in respect of housing benefit";

(b) in sub-paragraph (b)—

(i) at the end of head (i) insert "and";

(ii) omit head (ii);

(iii) in head (iii), omit "in respect of the relevant benefit".

9. In article 14—

(a) in paragraph (1), omit ", regulation 69(13) of the Council Tax Benefit Regulations or regulation 53(13) of the Council Tax Benefit (State Pension Credit) Regulations";

(b) omit paragraph (3).

10. In article 16, omit paragraph (4)(a).

11.—(1) Article 18 is amended as follows.

(2) In paragraph (1)—

(a) in sub-paragraph (a), for "relevant benefit" substitute "housing benefit";

(b) in sub-paragraph (b)—

(i) in the opening words, for "relevant benefit" substitute "housing benefit";

(ii) in head (i), omit "where the overpayment is overpayment of housing benefit";

(iii) omit head (ii);

(iv) in head (iii), for "heads (i) or (ii) above apply" substitute "head (i) above applies";

(c) in sub-paragraph (e), for "relevant benefit" substitute "housing benefit".

(3) In paragraph (4A), for sub-paragraph (a) substitute—

"(a) is caused by the claimant, or a person acting on the claimant's behalf under regulation 82 of the Housing Benefit Regulations (who may claim housing benefit), failing to provide information in accordance with regulation 83, 86 or 88 of, or paragraph 5 of Schedule A1 to, those Regulations (duties on claimant to provide information); and".

(4) In paragraph (5)(b), for "relevant benefit" substitute "housing benefit".

(5) In paragraph (6ZA)(b), omit "or, in the case of council tax benefit, is allowed".

(6) In paragraph (6A), omit "and council tax benefit".

(7) In paragraph (7), for the words from "—" to the end substitute "a rebate being awarded and entitlement to that rebate being reduced or eliminated because, subsequent to that award, the liability in respect of which the rebate was awarded was reduced or eliminated".

(8) In paragraph (8)—

(a) for "relevant benefit" substitute "housing benefit";

(b) for the words from ", paragraph (13)" to the end substitute "applies".

12. In article 19(1)—

(a) in sub-paragraph (g)—

(i) in the opening words, for "relevant benefit" substitute "housing benefit";

(ii) in head (ii), for the words from "paragraph (15)" to "Council Tax Benefit (State Pension Credit) Regulations" substitute "paragraph (18) of regulation 59 of the Housing Benefit (Community Charge Rebates) (Scotland) Regulations 1988 or paragraph (12) of regulation 83 of the Housing Benefit Regulations";

(b) in sub-paragraph (h), for "relevant benefit" substitute "housing benefit".

13. In article 20, for "any relevant benefit" substitute "housing benefit".

14. In Schedule 4, in both paragraphs 7(b) and 8(b) omit—

(a) "the aggregate of"; and

(b) the words from "and those service charges" to "(ineligible service charges)".

EXPLANATORY NOTE

(This note is not part of the Order)

Part 2 of this Order amends the Income-related Benefits (Subsidy to Authorities) Order 1998 (S.I. 1998/562) ("the 1998 Order") which provides for the calculation and payment of housing benefit subsidy to local authorities in England, Wales and Scotland which administer housing benefit. Section 140F(2) of the Social Security Administration Act 1992 (c. 5) ("the Act") authorises the making, revocation or varying of an Order before, during or after the year to which it relates.

Article 3 and Schedule 1 substitute Schedule 1 to the 1998 Order which prescribes the sums to be used in the calculation of subsidy for the year beginning with 1st April 2020.

Article 4 and Schedule 2 prescribe an additional amount of subsidy to be payable to authorities in respect of their participation in the Housing Benefit Award Accuracy Initiative as notified by the Secretary of State to local authorities on 7th August 2020.

Article 5(1) and (2) and Schedule 3 (when read together with relevant provisions of article 2) substitute article 20A and the accompanying Schedule 4A with effect from 1st April 2020. The substitutions correct minor defects in the Income-related Benefits (Subsidy to Authorities) Amendment Order 2020 (S.I. 2020/976). In particular, they ensure that the substituted version of Schedule 4A applies permanently going forwards and reinstate necessary wording relating to the application of the rent rebate subsidy limitation regime in Wales.

Article 5(3) and (4) and Schedule 4 have effect for the purposes of determining subsidy payable for the year beginning with 1st April 2021 for authorities in Wales. Article 5(3) provides that the rebate proportion figure for 2021/2022 is 0.682 and article 5(4) and Schedule 4 set out the specified amount "O" and the guideline rent increase "P" used when calculating deductions from subsidy under paragraph 2 of Schedule 4A.

Article 6 substitutes paragraph 2 of Schedule 1ZB. That Schedule prescribes a system for the making of additional payments of subsidy to authorities administering alerts relating to the earnings and pension entitlement of claimants for housing benefit and the substituted paragraph 2 has effect for the purposes of determining additional amounts of subsidy payable for the year beginning with 1st April 2021. The amounts were notified by the Secretary of State to local authorities on 19th April 2021.

Article 7 and Schedule 5 make minor amendments. Those amendments are necessary as a consequence of the abolition of council tax benefit, in order to amend incorrect legislative references, to remove references to provisions which have been revoked and to ensure that the Order refers to the up-to-date version of the Housing Benefit Assurance Process.

Part 3 of this Order amends the Discretionary Housing Payments (Grants) Order 2001 (S.I. 2001/2340) ("the 2001 Order"), which sets out the procedure by which the Secretary of State makes payments to local authorities towards the cost of discretionary housing payments in accordance with section 70 of the Child Support, Pensions and Social Security Act 2000 (c.19). The amendments in this Part of the Order have effect for any year commencing on or after 1st April 2021.

Article 8(3) amends article 2 to include amendments that are necessary as a consequence of the abolition of council tax benefit and the introduction of universal credit. It also inserts a definition of "relevant award of universal credit" to clarify which awards of universal credit are to be taken into account for the purpose of determining the amount of grant payments to be made to local authorities by the Secretary of State under the 2001 Order.

Article 8(4)(a) amends article 3 to remove provisions that are no longer applicable for the purpose of submitting a claim and removes the requirement for local authorities to provide an initial estimate by 1st April in any year to the Department for Work and Pensions (DWP). It also substitutes article 3(2)(e) to require local authorities to provide to DWP, by 31st October in the relevant year, an actual spend figure specifying the payments it has made between the 1st April

and 30th September of that year, and an estimate of the total amount of payments it believes it will make during the whole of that year, from 1st April to 31st March.

Article 8(4)(b) amends article 3 to remove any references to Scotland from the 2001 Order as discretionary housing payments have been fully devolved to Scotland since April 2017.

Article 8(5) substitutes a new article 6 to clarify that an initial instalment payment of discretionary housing payment grant may be made to a local authority without reference to any claim submitted under article 3 of the 2001 Order.

Hard copies of the circulars referenced in Part 2 of, and in Schedule 2 to, this Order are available by writing to the Department for Work and Pensions, Local Authority Partnership, Engagement and Delivery Division, Room B120D, Warbreck House, Warbreck Hill, Blackpool, FY2 0YE or by emailing lawelfare.lafunding@dwp.gov.uk.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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