

**2011 No. 2957**

**SOCIAL SECURITY**

**The Income-related Benefits (Subsidy to Authorities)  
Amendment Order 2011**

<i>Made</i>	- - - -	<i>8th December 2011</i>
<i>Laid before Parliament</i>		<i>13th December 2011</i>
<i>Coming into force</i>	- -	<i>1st February 2012</i>

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 140B(1), (3) and (4), 140C(1) and (4), 140F(2) and 189(1), (4), (5) and (7) of the Social Security Administration Act 1992(a).

In accordance with section 189(8)(b) of that Act the Secretary of State has obtained the consent of the Treasury.

In accordance with section 176(1)(c) of that Act, consultation has taken place with organisations appearing to the Secretary of State to be representative of the authorities concerned.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Income-related Benefits (Subsidy to Authorities) Amendment Order 2011 and comes into force on 1st February 2012.

(2) Articles 2 and 3 have effect from 1st April 2010.

(3) Articles 4 to 6 have effect from 1st April 2011.

(4) In this Order “the 1998 Order” means the Income-related Benefits (Subsidy to Authorities) Order 1998(d).

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- (a) 1992 c.5. Sections 140B, 140C and 140F were inserted by the Housing Act 1996 (c.52), Schedule 12, paragraph 4. Section 140B was amended by the Social Security Administration (Fraud) Act 1997 (c.47) (“the Fraud Act”), section 10 and Schedule 1, paragraph 7, the Local Government Act 2003 (c.26), Schedule 7, paragraph 36 and the Welfare Reform Act 2007 (c.5), Schedule 5, paragraph 9. Section 189(1) and (4) were amended by the Social Security Act 1998 (c.14), Schedule 7, paragraph 109. Section 189(1) was amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) (“the Transfer of Functions Act”), Schedule 3, paragraph 57(2) and the Tax Credits Act 2002 (c.21), Schedule 6. Section 189(7) was amended by the Local Government Finance Act 1992 (c.14), Schedule 9, paragraph 24 and the Fraud Act, Schedule 1, paragraph 10.
- (b) Section 189(8) was amended by the Housing Act 1996, Schedule 13, paragraph 3(5), the Pensions Act 2007 (c.22), Schedule 1, paragraph 29, the Transfer of Functions Act, Schedule 3, paragraph 57(1) and (3) and the Tax Credits Act 2002, Schedule 4, paragraph 3.
- (c) Section 176(1) was amended by the Local Government Finance Act 1992, Schedule 9, paragraph 23, the Child Support, Pensions and Social Security Act 2000 (c.19), section 69(6) and the Housing Act 1996, Schedule 13, paragraph 3(4).
- (d) S.I. 1998/562.

## **Amendment of Parts 2 and 4 of the 1998 Order having effect from 1st April 2010**

- 2.—(1) In Part 2 (claims for and payment of subsidy) of the 1998 Order—
- (a) in article 4(a) (requirement of claim) omit paragraphs (4) and (4ZA);
  - (b) in article 9(2)(b) (payment of subsidy for the relevant year)—
    - (i) at the end of sub-paragraph (a) insert “and”; and
    - (ii) omit sub-paragraphs (c) and (d).
  - (c) omit article 9A(c) (transitional protection adjustments).
- (2) In Part 4 (transitional and savings) of the 1998 Order omit article 22 (provisions for claims for 1997/98).

## **Substitution of Schedule 1 to the 1998 Order having effect from 1st April 2010**

3. For Schedule 1(d) (sums to be used in the calculation of subsidy) to the 1998 Order substitute the Schedule in Schedule 1 to this Order.

## **Amendment of Part 3 of the 1998 Order having effect from 1st April 2011**

- 4.—(1) Part 3 (calculation of subsidy) of the 1998 Order is amended as follows.
- (2) In article 11(1) (interpretation of Part 3) after the definition of “the Community Charge Benefits Regulations” insert—
- ““the Consequential Provisions Regulations” means the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006(e);”.
- (3) In article 16(f) (treatment of high rents in rent allowance cases) omit paragraph (4)(b).
- (4) In article 17A(g) (subsidy in respect of self-contained licensed accommodation, and leased accommodation, provided by an authority as temporary or short term accommodation), in paragraph (3)(a) after “Order” insert “(as in force on 1st January 2011)”.
- (5) In article 17B(h) (subsidy in respect of non self-contained licensed accommodation, and board and lodging accommodation, made available by a registered housing association as temporary or short term accommodation) at the end of paragraph (1) add—
- “and
- (d) the accommodation is not exempt accommodation within the meaning given by paragraph 4(10) of Schedule 3 (transitional and savings provisions) to the Consequential Provisions Regulations.”.
- (6) In article 17C (subsidy in respect of self-contained accommodation, or owned or leased accommodation, made available by a registered housing association as temporary or short term accommodation)—
- (a) at the end of paragraph (1) add—

“and

    - (d) the accommodation is not exempt accommodation within the meaning given by paragraph 4(10) of Schedule 3 (transitional and savings provisions) to the Consequential Provisions Regulations.”; and
  - (b) in paragraph (3)(a) after “Order” insert “(as in force on 1st January 2011)”.

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(a) Article 4(4) was amended by S.I. 2005/36 and 2007/26. Article 4(4ZA) was inserted by S.I. 2005/36.  
(b) Article 9(2) was substituted by S.I. 2006/54/  
(c) Article 9A was inserted by S.I. 2007/26.  
(d) Schedule 1 was substituted by S.I. 2010/2481.  
(e) S.I. 2006/217.  
(f) Article 16(4) was amended by S.I. 2006/217.  
(g) Article 17A was inserted by S.I. 2009/2580 and amended by S.I. 2010/2481 and 2010/2509.  
(h) Articles 17B and 17C were inserted by S.I. 2010/2509.

(7) In article 18(a) (additions to subsidy)—

(a) at the end of paragraph (1) add—

“(f) where, during the relevant year, it is discovered that an overpayment in respect of which a deduction was made under article 19 (deductions made in calculating subsidy) was a payment on account overpayment, 100 per cent. of so much of the overpayment as has not been recovered by the authority.”;

(b) in paragraph (2)—

(i) omit sub-paragraph (c); and

(ii) after sub-paragraph (d) add—

“or

(e) a payment on account overpayment.”;

(c) for paragraph (7) substitute—

“(7) Subject to paragraph (7A), in paragraph (2)(b) “technical overpayment” means an overpayment which occurs as a result of—

(a) a rebate or council tax benefit being awarded and entitlement to that rebate or benefit being reduced or eliminated because, subsequent to that award, the liability in respect of which the rebate or benefit was awarded was reduced or eliminated; or

(b) council tax benefit being awarded and entitlement to that benefit being reduced or eliminated because, subsequent to that award, there was a change of circumstances that does not fall within paragraph (a).

(7A) A technical overpayment does not include any part of the overpayment occurring—

(a) in a case to which paragraph (7)(a) applies, before the day on which the liability was reduced or eliminated; or

(b) in a case to which paragraph (7)(b) applies, before the day on which the authority suspended, revised or superseded the award, whichever is earliest.

(7B) In paragraphs (1)(f) and (2)(e), “payment on account overpayment” means an amount paid on account under regulation 93 of the Housing Benefit Regulations or regulation 74 of the Housing Benefit (State Pension Credit) Regulations (payment on account of a rent allowance) which is in excess of the entitlement to housing benefit as subsequently decided.”.

#### **Amendment of Schedule 4 to the 1998 Order having effect from 1st April 2011**

5.—(1) Part 2 of Schedule 4(b) (high rents and rent allowance) to the 1998 Order is amended as follows.

(2) In paragraph 2 for “paragraph 6, 7, 8, 9 or 11” substitute “paragraph 6, 7, 8 or 9”.

(3) Omit paragraph 11.

#### **Amendment of Schedule 4A to the 1998 Order having effect from 1st April 2011**

6.—(1) Schedule 4A(c) (rent rebate limitation deductions (Housing Revenue Account dwellings)) to the 1998 Order is amended as follows.

(2) In Part 1 (interpretation) in paragraph 1 omit the definitions of “RPI figure” and “service charge”.

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(a) Article 18(1)(e) was substituted and article 18(2)(d) inserted by S.I. 2010/2481. Article 18(1) was also amended by S.I. 2000/1091, 2002/3116, 2003/3179, 2006/54 and 2010/2481.

(b) Paragraph 11 was amended by S.I. 2006/217.

(c) Schedule 4A was inserted by S.I. 2004/646. Relevant amending instruments are S.I. 2005/535, 2006/559, 2007/26, 2007/731, 2008/695, 2009/2564 and 2010/2481.

(3) In Part 2 (England) in paragraph 2 (liability to deduction)—

(a) for sub-paragraph (2) substitute—

“(2) The subsidy limitation rent for an authority is equal to the average weekly rent for a dwelling for the authority for the relevant year, calculated in accordance with sub-paragraph (3).”;

(b) omit sub-paragraph (4);

(c) in sub-paragraphs (5) and (8) for “sub-paragraphs (3) and (4)” substitute “sub-paragraph (3)”;

(d) omit sub-paragraphs (6) and (7).

(4) For Part 3 (weekly rent limits for purposes of Part 2: Authorities in England) substitute Part 3 as set out in Schedule 2 to this Order.

(5) For Part 5 (amounts for purposes of Part 4, paragraph 4: Authorities in Wales) substitute Part 5 as set out in Schedule 3 to this Order.

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

8th December 2011

*Freud*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

We consent

7th December 2011

*Angela Watkinson*  
*Jeremy Wright*  
Two of the Lords Commissioners of Her Majesty's Treasury

## SCHEDULE 1

Article 3

Schedule to be substituted for Schedule 1 to the 1998 Order

## “SCHEDULE 1

Article 12(1)(b)

Sums to be used in the calculation of subsidy

RELEVANT YEAR 2010-11

<i>Local authority</i>	<i>Administration subsidy (£)</i>
Adur	483,611
Allerdale	816,624
Amber Valley	977,599
Arun	1,256,554
Ashfield	1,082,901
Ashford	824,621
Aylesbury Vale	1,024,213
Babergh	573,000
Barking	2,222,111
Barnet	3,150,240
Barnsley	2,320,518
Barrow in Furness	758,086
Basildon	1,827,533
Basingstoke and Deane	1,168,043
Bassetlaw	941,170
Bath and N E Somerset	1,266,190
Bedford	1,441,847
Bexley	1,772,804
Birmingham	12,967,501
Blaby	477,547
Blackburn with Darwen	1,561,180
Blackpool	2,061,421
Bolsover	690,168
Bolton	2,675,071
Boston	591,031
Bournemouth	1,904,511
Bracknell Forest	696,003
Bradford	5,530,788
Braintree	1,352,241
Breckland	1,014,815
Brent	4,094,516
Brentwood	418,377
Brighton and Hove	3,618,131
Bristol	4,722,950
Broadland	680,164
Bromley	2,244,046
Bromsgrove	495,493
Broxbourne	831,391
Broxtowe	895,207
Burnley	1,151,290

Bury	1,740,570
Calderdale	2,045,865
Cambridge	890,562
Camden	3,694,646
Cannock Chase	895,415
Canterbury	1,073,437
Carlisle	832,994
Castle Point	763,411
Central Bedfordshire	1,582,822
Charnwood	1,006,850
Chelmsford	1,067,054
Cheltenham	967,349
Cherwell	1,055,838
Cheshire East	2,476,187
Cheshire West and Chester	2,470,219
Chesterfield	1,061,291
Chichester	803,719
Chiltern	521,179
Chorley	758,681
Christchurch	397,608
City of London	204,537
Colchester	1,243,651
Copeland	632,135
Corby	643,402
Cornwall	4,660,361
Cotswold	559,839
Coventry	3,557,768
Craven	356,733
Crawley	1,035,153
Croydon	3,628,481
Dacorum	1,042,747
Darlington	1,117,186
Dartford	701,961
Daventry	482,988
Derby	2,296,689
Derbyshire Dales	397,458
Doncaster	3,142,628
Dover	1,032,304
Dudley	2,896,796
Durham	5,559,822
Ealing	3,930,764
East Cambridgeshire	548,884
East Devon	844,524
East Dorset	522,987
East Hampshire	692,209
East Hertfordshire	810,178
East Lindsey	1,366,275
East Northamptonshire	570,638
East Riding of Yorkshire	2,341,818
East Staffordshire	946,190
Eastbourne	1,112,544
Eastleigh	735,875
Eden	336,092

Elmbridge	745,751
Enfield	3,568,775
Epping Forest	822,696
Epsom and Ewell	412,220
Erewash	950,676
Exeter	937,180
Fareham	556,070
Fenland	958,871
Forest Heath	467,528
Forest of Dean	683,393
Fylde	504,147
Gateshead	2,194,649
Gedling	1,029,217
Gloucester	1,384,729
Gosport	743,880
Gravesham	887,755
Great Yarmouth	1,170,664
Greenwich	3,343,167
Guildford	1,025,902
Hackney	4,731,598
Halton	1,424,164
Hambleton	497,816
Hammersmith and Fulham	2,502,295
Harborough	381,431
Haringey	3,632,454
Harlow	955,841
Harrogate	973,971
Harrow	2,241,026
Hart	347,561
Hartlepool	1,366,141
Hastings	1,396,724
Havant	988,194
Havering	1,748,948
Herefordshire	1,367,489
Hertsmere	914,105
High Peak	720,066
Hillingdon	2,470,391
Hinckley and Bosworth	670,698
Horsham	655,793
Hounslow	2,691,753
Huntingdonshire	1,150,862
Hyndburn	974,710
Ipswich	1,277,748
Isle of Wight	1,511,254
Isles of Scilly	9,355
Islington	3,807,726
Kensington and Chelsea	2,319,762
Kettering	697,994
Kings Lynn and West Norfolk	1,250,480
Kingston upon Hull	3,582,178
Kingston upon Thames	1,186,111
Kirklees	3,986,434
Knowsley	2,200,279

Lambeth	4,838,245
Lancaster	1,153,126
Leeds	6,678,289
Leicester	4,073,196
Lewes	755,740
Lewisham	4,493,366
Lichfield	616,070
Lincoln	970,085
Liverpool	7,410,467
Luton	1,914,267
Maidstone	1,062,415
Maldon	439,627
Malvern Hills	508,086
Manchester	6,595,718
Mansfield	1,045,781
Medway	2,422,895
Melton	305,138
Mendip	834,551
Merton	1,615,247
Mid Devon	536,642
Mid Suffolk	507,464
Mid Sussex	685,747
Middlesbrough	2,024,248
Milton Keynes	2,309,480
Mole Valley	461,746
New Forest	1,109,107
Newark and Sherwood	819,643
Newcastle under Lyme	983,615
Newcastle upon Tyne	3,059,184
Newham	4,314,810
North Devon	855,407
North Dorset	428,036
North East Derby	711,310
North East Lincoln	1,954,308
North Hertfordshire	979,118
North Kesteven	661,706
North Lincolnshire	1,527,332
North Norfolk	866,019
North Somerset	1,853,920
North Tyneside	1,963,543
North Warwickshire	476,702
North West Leicester	643,820
Northampton	2,058,581
Northumberland	2,508,348
Norwich	1,611,747
Nottingham	3,714,321
Nuneaton and Bedworth	1,106,433
Oadby and Wigston	329,757
Oldham	2,251,321
Oxford	1,146,857
Pendle	1,115,197
Peterborough	2,016,215
Plymouth	2,545,184



Poole	1,116,386
Portsmouth	2,440,318
Preston	1,280,211
Purbeck	334,171
Reading	1,482,579
Redbridge	2,097,440
Redcar and Cleveland	1,635,232
Redditch	800,056
Reigate and Banstead	853,727
Ribble Valley	264,746
Richmond upon Thames	1,320,669
Richmondshire	271,154
Rochdale	2,314,180
Rochford	484,198
Rossendale	605,046
Rother	791,813
Rotherham	2,527,939
Rugby	776,072
Runnymede	528,952
Rushcliffe	528,544
Rushmoor	730,106
Rutland	212,066
Ryedale	347,839
Salford	3,048,108
Sandwell	3,899,607
Scarborough	1,284,315
Sedgemoor	915,442
Sefton	2,745,712
Selby	508,428
Sevenoaks	711,148
Sheffield	4,798,742
Shepway	1,031,693
Shropshire	2,114,251
Slough	1,488,665
Solihull	1,532,061
South Bucks	345,797
South Cambridgeshire	717,614
South Derbyshire	541,238
South Gloucestershire	2,023,935
South Hams	594,506
South Holland	663,191
South Kesteven	913,680
South Lakeland	565,788
South Norfolk	794,010
South Northamptonshire	397,598
South Oxfordshire	648,458
South Ribble	704,161
South Somerset	1,182,929
South Staffordshire	657,608
South Tyneside	1,782,378
Southampton	2,411,950
Southend on Sea	1,851,368
Southwark	4,358,149

Spelthorne	655,772
St Albans	709,306
St Edmundsbury	776,983
St Helens	1,967,060
Stafford	723,203
Staffordshire Moorlands	569,778
Stevenage	817,405
Stockport	2,528,916
Stockton on Tees	2,098,323
Stoke on Trent	2,784,038
Stratford on Avon	755,527
Stroud	836,999
Suffolk Coastal	771,253
Sunderland	3,750,310
Surrey Heath	453,391
Sutton	1,690,273
Swale	1,263,599
Swindon	1,782,730
Tameside	2,509,661
Tamworth	620,791
Tandridge	467,930
Taunton Deane	910,971
Teignbridge	1,037,547
Telford and Wrekin	1,764,771
Tendring	1,594,870
Test Valley	710,919
Tewkesbury	555,239
Thanet	2,019,312
Three Rivers	579,967
Thurrock	1,386,664
Tonbridge and Malling	764,211
Torbay	1,800,908
Torridge	557,158
Tower Hamlets	4,741,486
Trafford	1,810,665
Tunbridge Wells	739,626
Uttlesford	400,388
Vale of White Horse	734,384
Wakefield	3,553,952
Walsall	3,567,896
Waltham Forest	2,994,101
Wandsworth	3,273,698
Warrington	1,404,810
Warwick	913,626
Watford	732,186
Waveney	1,205,258
Waverley	705,226
Wealden	813,058
Wellingborough	728,218
Welwyn Hatfield	870,322
West Berkshire	1,036,296
West Devon	395,620
West Dorset	693,399

West Lancashire	911,279
West Lindsey	702,598
West Oxfordshire	639,702
West Somerset	364,898
Westminster	2,975,462
Weymouth and Portland	680,564
Wigan	2,852,944
Wiltshire	2,906,603
Winchester	600,166
Windsor and Maidenhead	847,892
Wirral	3,484,159
Woking	622,819
Wokingham	575,411
Wolverhampton	3,252,827
Worcester	836,442
Worthing	936,992
Wychavon	755,946
Wycombe	1,066,086
Wyre	945,451
Wyre Forest	1,014,585
York	1,343,203
Aberdeen	1,705,532
Aberdeenshire	1,401,224
Angus	921,799
Argyll and Bute	845,999
Clackmannanshire	536,149
Comhairle nan Eilean Siar	298,837
Dumfries and Galloway	1,514,510
Dundee	1,997,400
East Ayrshire	1,403,689
East Dunbartonshire	668,100
East Lothian	773,605
East Renfrewshire	456,272
Edinburgh	4,258,260
Falkirk	1,472,435
Fife	3,507,630
Glasgow	10,557,327
Highland	1,929,457
Inverclyde	1,193,175
Midlothian	680,609
Moray	662,670
North Ayrshire	1,686,970
North Lanarkshire	3,688,521
Orkney	160,149
Perth and Kinross	1,134,734
Renfrewshire	2,061,996
Scottish Borders	1,052,409
Shetland	182,934
South Ayrshire	1,092,262
South Lanarkshire	3,109,775
Stirling	621,617
West Dunbartonshire	1,329,835

West Lothian	1,618,624
Blaenau Gwent	846,679
Bridgend	1,340,199
Caerphilly	1,710,987
Cardiff	3,596,006
Carmarthenshire	1,532,065
Ceredigion	589,132
Conwy	1,017,809
Denbighshire	888,898
Flintshire	1,177,659
Gwynedd	975,950
Isle of Anglesey	567,141
Merthyr Tydfil	700,994
Monmouthshire	583,452
Neath and Port Talbot	1,489,013
Newport	1,448,510
Pembrokeshire	1,033,178
Powys	908,585
Rhondda Cynon Taff	2,447,632
Swansea	2,271,123
Torfaen	1,039,357
Vale of Glamorgan	991,488
Wrexham	1,010,094”

## SCHEDULE 2

Article 6(4)

Part to be substituted for Part 3 of Schedule 4A to the 1998 Order

### “PART 3

#### WEEKLY RENT LIMITS FOR PURPOSES OF PART 2: AUTHORITIES IN ENGLAND

##### TABLE

RELEVANT YEAR 2011-12

<i>Authority</i>	<i>Weekly rent limit</i>
Adur	£78.49
Arun	£79.61
Ashfield	£57.71
Ashford	£77.25
Babergh	£75.41
Barking	£80.92
Barnet	£90.73
Barnsley	£62.42
Barrow	£65.01
Basildon	£73.34
Bassetlaw	£61.78
Birmingham	£70.24
Blackpool	£59.94
Bolsover	£67.09
Bolton	£62.34

Bournemouth	£70.58
Brent	£97.66
Brentwood	£80.99
Brighton and Hove	£72.11
Bristol	£68.62
Broxtowe	£62.65
Bury	£65.61
Cambridge	£85.14
Camden	£102.29
Cannock Chase	£64.06
Canterbury	£76.11
Castle Point	£77.57
Central Bedfordshire	£85.12
Charnwood	£62.81
Cheltenham	£69.95
Cheshire West and Chester	£67.98
Chesterfield	£66.49
City of London	£92.81
City of York	£67.83
Colchester	£74.51
Corby	£65.83
Cornwall	£61.47
Crawley	£85.98
Croydon	£92.39
Dacorum	£89.67
Darlington	£60.52
Dartford	£76.75
Derby	£66.55
Doncaster	£61.39
Dover	£73.79
Dudley	£70.14
Durham	£58.86
Ealing	£89.80
East Devon	£68.55
East Riding	£66.03
Eastbourne	£66.60
Enfield	£86.22
Epping Forest	£83.91
Exeter	£63.92
Fareham	£76.91
Gateshead	£63.94
Gloucester	£67.76
Gosport	£72.53
Gravesham	£76.80
Great Yarmouth	£63.20
Greenwich	£86.49
Guildford	£93.78
Hackney	£87.00
Hammersmith	£97.90
Haringey	£91.16
Harlow	£78.95
Harrogate	£69.87
Harrow	£96.48

Havering	£81.23
High Peak	£62.95
Hillingdon	£95.24
Hinckley	£66.60
Hounslow	£88.66
Ipswich	£69.26
Isles of Scilly	£69.20
Islington	£98.03
Kensington	£109.02
Kettering	£68.73
Kingston upon Hull	£63.17
Kingston upon Thames	£97.02
Kirklees	£60.38
Lambeth	£91.80
Lancaster	£65.70
Leeds	£62.40
Leicester	£62.17
Lewes	£76.48
Lewisham	£81.80
Lincoln	£57.86
Luton	£73.30
Manchester	£64.67
Mansfield	£62.21
Medway Towns	£70.18
Melton	£64.68
Mid Devon	£67.36
Mid Suffolk	£70.34
Milton Keynes	£71.79
North East Derbyshire	£67.03
New Forest	£84.30
Newark	£66.00
Newcastle upon Tyne	£63.45
Newham	£81.23
North Kesteven	£65.61
North Tyneside	£63.59
North Warwick	£73.42
Northampton	£70.04
Northumberland	£57.33
Norwich	£67.16
Nottingham	£63.41
Nuneaton	£66.10
North West Leicester	£66.54
Oadby and Wigston	£66.55
Oldham	£61.73
Oxford City	£89.56
Poole	£72.95
Portsmouth	£72.09
Reading	£90.08
Redbridge	£90.77
Redditch	£66.49
Richmondshire	£66.57
Rochdale	£62.09
Rotherham	£62.87

Rugby	£72.55
Runnymede	£93.32
Salford	£64.97
Sandwell	£70.34
Sedgemoor	£67.56
Selby	£66.97
Sheffield	£60.56
Shepway	£71.88
Shropshire	£69.46
Slough	£89.56
Solihull	£70.12
South Cambridge	£88.33
South Derbyshire	£67.57
South Holland	£63.41
South Kesteven	£65.98
South Lakeland	£74.55
South Tyneside	£62.54
Southampton	£71.79
Southend on Sea	£73.86
Southwark	£90.60
St Albans	£94.77
Stevenage	£83.62
Stockport	£63.09
Stockton	£67.52
Stoke on Trent	£60.97
Stroud	£70.96
Sutton	£89.53
Swindon	£69.73
Tamworth	£68.77
Tandridge	£82.66
Taunton Deane	£69.59
Tendring	£71.14
Thanet	£70.42
Thurrock	£72.97
Tower Hamlets	£92.18
Uttlesford	£84.51
Waltham Forest	£85.42
Wandsworth	£105.16
Warrington	£66.70
Warwick	£78.82
Waveney	£67.10
Waverley	£93.92
Wealden	£72.19
Welwyn Hatfield	£89.35
West Lancashire	£64.79
Westminster	£106.58
Wigan	£65.29
Wiltshire	£77.03
Winchester	£85.55
Woking	£89.58
Wokingham	£94.11
Wolverhampton	£67.54
Wycombe	£90.43

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SCHEDULE 3

Article 6(5)

Part to be substituted for Part 5 of Schedule 4A to the 1998 Order

“PART 5

AMOUNTS FOR PURPOSES OF PART 4, PARAGRAPH 4: AUTHORITIES  
IN WALES

**TABLE**

RELEVANT YEAR 2011-12

<i>Authority</i>	<i>(1)</i> <i>Specified Amount “O”</i> £	<i>(2)</i> <i>Guideline rent increase</i> £
Caerphilly	3.60	2.86
Cardiff	71.42	3.93
Carmarthen	61.58	3.64
Denbighshire	59.06	3.71
Flintshire	62.38	3.09
Isle of Anglesey	58.61	3.06
Pembrokeshire	61.76	3.77
Powys	63.95	3.31
Swansea	61.74	3.05
Vale of Glamorgan	68.41	3.83
Wrexham	60.92	3.46”

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Income-related Benefits (Subsidy to Authorities) Order 1998 (“the 1998 Order”), which provides for the calculation and payment of housing benefit and council tax benefit subsidy to local authorities in England, Wales and Scotland which administer those benefits. Sections 140C(4) and 140F(2) of the Social Security Administration Act 1992 authorise the making or varying of an Order before, during or after the year to which it relates.

Article 2, which has effect from 1st April 2010, revokes article 4(4) and (4A) of the 1998 Order. These required returns in respect of arrangements relating to fraud and error which have been revoked. Article 2 also revokes articles 9A and 22 of the 1998 Order which are transitional provisions that are no longer needed. It amend article 9(2) to remove references to article 9A.

Article 3, which also has effect from 1st April 2010, substitutes a new table in Schedule 1 to the 1998 Order. This substitutes new figures to be used in the calculation of subsidy for the year beginning on 1st April 2010.

Article 4, which has effect from 1st April 2011, amends Part 3 of the 1998 Order. It amends articles 17A and 17C, which make provision for the calculation of subsidy for certain kinds of temporary accommodation, to clarify which local housing allowance rate is to be used in the calculation for accommodation with five bedrooms. It also amends articles 17B and 17C so that arrangements for calculating subsidy in relation to temporary accommodation do not cover exempt accommodation, where a non-profit landlord, or someone acting on its behalf, provides care,



support or supervision to the tenant. Article 4 also inserts in article 11 (interpretation of Part 3) a new definition which is needed for these amendments.

Article 4 also amends article 18, which provides for additions to subsidy in respect of certain overpayments. It substitutes a simpler definition of “technical overpayment” which applies to overpayments of rent rebate and council tax benefit where the rebate or benefit is reduced or eliminated as a result of a reduction or elimination of a liability to pay rent or council tax, or where entitlement to council tax benefit is reduced or eliminated because of some other change of circumstances. It does not apply to any overpayment occurring before the liability was reduced or eliminated, or before the authority suspended, revised or superseded the award of council tax benefit. It also removes the separate provision in article 18(2)(c) relating to overpayments arising as a result of a reduction in the amount of council tax a person is liable to pay, as this is within the new definition of a technical overpayment.

Article 4 also adds a new category of overpayment to cover payments on account paid in excess of final benefit entitlement. Subsidy of 100 per cent. will be payable on any amount that the authority has not recovered. Article 4(3) and Article 5 (which also takes effect from 1st April 2011) revoke existing provisions about subsidy in relation to payments on account, which are superseded by these amendments.

Article 6, which also has effect from 1st April 2011, amends Schedule 4A to the 1998 Order, which determines whether or not an authority is liable to a deduction from rent rebate subsidy payable for 2011-12. With respect to authorities in England, paragraph (3) simplifies the calculation so that it is based on the average weekly rent for a dwelling in the authority’s Housing Revenue Account, and paragraph (4) substitutes a new table in Part 3 of Schedule 4A (weekly rent limits). With respect to authorities in Wales, paragraph (5) substitutes a new table in Part 5 of Schedule 4A which sets out the specified amount “O” and the guideline rent increase used when calculating deductions from subsidy under paragraph 4 in Part 4 of that Schedule.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.

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STATUTORY INSTRUMENTS

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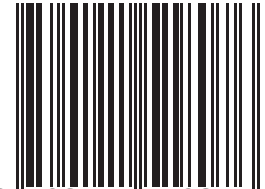
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