

2008 No.

HOUSING

**Rent Officers (Housing Benefit Functions) Amendment (No. 2)
Order 2008**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by section 122(1) and (6) of the Housing Act 1996(a).

Citation and commencement

1. This Order may be cited as the Rent Officers (Housing Benefit Functions) Amendment (No. 2) Order 2008 and shall come into force on [].

Amendment of the Rent Officers (Housing Benefit Functions) Order 1997

2.—(1) The Rent Officers (Housing Benefit Functions) Order 1997(b) shall be amended as follows.

(2) In article 4B(3A)(c) (broad rental market area determinations and local housing allowance determinations) omit “working”.

(3) In Schedule 1—

(a) in paragraph 4(d) (local reference rents)—

(i) in sub-paragraph (2) for “locality” substitute “broad rental market area (local reference rent)”;

(ii) for sub-paragraph (6) substitute—

“(6) For the purposes of this paragraph and paragraph 5 “broad rental market area (local reference rent)” means the area within which a tenant of the dwelling could reasonably be expected to live having regard to facilities and services for the purposes of health, education, recreation, personal banking and shopping, taking account of the distance of travel, by public and private transport, to and from those facilities and services.”; and

(iii) after sub-paragraph (6), insert—

“(7) A broad rental market (local reference rent) area must contain—

(a) 1996 c.52 .Section 122 was amended by sections 40 and 67 of, and Schedule 5, paragraph 12 and Schedule 8 to, the Welfare Reform Act 2007 (c.5).
(b) S.I. 1997/1984.
(c) Article 4B was inserted by S.I. 2003/2398 and paragraph (3A) was inserted by S.I. 2007/2871.
(d) The relevant amending instrument is S.I. 2001/3561.

- (a) residential premises of a variety of types, including such premises held on a variety of tenures; and
 - (a) sufficient privately rented residential premises, to ensure that, in the rent officer's opinion, the local reference rents for tenancies in the area are representative of the rents that a landlord might reasonably be expected to obtain in that area.”; and
 - (b) in paragraph 5 (single room rents) in sub-paragraph (2), for “locality” substitute “broad rental market area (local reference rent)”.
- (4) In Schedule 3B(a) (broad rental market area determinations and local housing allowance determinations)—
- (a) for paragraph 4, substitute—

“4. In this Schedule “broad rental market area” means an area within which a person could reasonably be expected to live having regard to facilities and services for the purposes of health, education, recreation, personal banking and shopping, taking account of the distance of travel, by public and private transport, to and from those facilities and services.”; and
 - (b) after paragraph 4 insert—

“5. A broad rental market area must contain—

 - (a) residential premises of a variety of types, including such premises held on a variety of tenures; and
 - (b) sufficient privately rented residential premises to ensure that, in the rent officer's opinion, the local housing allowance for the categories of dwelling in the area for which the rent officer is required to determine a local housing allowance is representative of the rents that a landlord might reasonably be expected to obtain in that area.”.

Amendment of the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997

3.—(1) The Rent Officers (Housing Benefit Functions) (Scotland) Order 1997(b) shall be amended as follows.

(2) In article 4B(3A)(c) (broad rental market area determinations and local housing allowance determinations) omit “working”.

(3) In Schedule 1—

(a) in paragraph 4(d) (local reference rents)—

(i) in sub-paragraph (2) for “locality” substitute “broad rental market area (local reference rent)”;

(ii) for sub-paragraph (6) substitute—

“(6) For the purposes of this paragraph and paragraph 5 “broad rental market area (local reference rent)” means the area within which a tenant of the dwelling could reasonably be expected to live having regard to facilities and services for the purposes of health, education, recreation, personal banking and shopping, taking account of the distance of travel, by public and private transport, to and from those facilities and services.”; and

(iii) after sub-paragraph (6), insert—

“(7) A broad rental market (local reference rent) area must contain—

(a) residential premises of a variety of types, including such premises held on a variety of tenures; and

(a) Schedule 3B was inserted by S.I. 2007/2871.

(b) S.I. 1997/1995.

(c) Article 4B was inserted by S.I. 2003/2398 and paragraph (3A) was inserted by S.I. 2007/2871.

(d) The relevant amending instrument is S.I. 2001/3561.

- (a) sufficient privately rented residential premises, to ensure that, in the rent officer’s opinion, the local reference rents for tenancies in the area are representative of the rents that a landlord might reasonably be expected to obtain in that area.”; and
 - (b) in paragraph 5 (single room rents) in sub-paragraph (2), for “locality” substitute “broad rental market area (local reference rent)”.
- (4) In Schedule 3B(a) (broad rental market area determinations and local housing allowance determinations)—
- (a) for paragraph 4, substitute—

“4. In this Schedule “broad rental market area” means an area within which a person could reasonably be expected to live having regard to facilities and services for the purposes of health, education, recreation, personal banking and shopping, taking account of the distance of travel, by public and private transport, to and from those facilities and services.”; and
 - (b) after paragraph 4 insert—

“5. A broad rental market area must contain—

 - (a) residential premises of a variety of types, including such premises held on a variety of tenures; and
 - (b) sufficient privately rented residential premises to ensure that, in the rent officer’s opinion, the local housing allowance for the categories of dwelling in the area for which the rent officer is required to determine a local housing allowance is representative of the rents that a landlord might reasonably be expected to obtain in that area.”.

Amendment of the Rent Officers (Housing Benefit Functions) Amendment Order 2008

- 4.—(1) The Rent Officers (Housing Benefit Functions) Amendment Order 2008(b) shall be amended as follows.
- (2) In article 2 (amendment of the Rent Officers (Housing Benefit Functions) Amendment Order 2007), paragraphs (2) and (4) are omitted.

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

Name
Parliamentary Under Secretary of State,
Department for Work and Pensions

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rent Officers (Housing Benefit Functions) Order 1997, the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 and the Rent Officers (Housing Benefit Functions) Amendment Order 2008.

Article 2 amends the Rent Officers (Housing Benefit Functions) Order 1997. Paragraph (1) amends article 4A(3B) to clarify that the local housing allowance determination takes effect on the first day of the month.

Paragraph (2) amends Schedule 1. In paragraph 4, it substitutes for the definition of “locality” a new definition of “broad rental market area (local reference rent)”. It also makes amendments to paragraphs 4 and 5 to replace references to “locality” with “broad rental market area (local reference rent)”.

(a) Schedule 3B was inserted by S.I. 2007/2871.
(b) S.I. 2008/587.

Paragraph (3) substitutes a new definition of “broad rental market area” in Schedule 3B that is in similar terms to the new definition of “broad rental market area (local reference rent)” in Schedule 1.

Article 3 makes equivalent amendments to the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997.

Article 4 amends the Rent Officers (Housing Benefit Functions) Amendment Order 2008. This contained an amendment to article 4A(3B) of the Rent Officers (Housing Benefit Functions) Order 1997 and the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 which had an erroneous coming into force date. That amendment is now contained in articles 2 and 3 of this Order.

A full impact assessment has not been published for this instrument as it has no impact on the private or voluntary sectors.