

1989 No. 1430

HOUSING, ENGLAND AND WALES

**The Rent Officers (Additional Functions) (Amendment)
Order 1989**

<i>Made</i> - - - -	<i>4th August 1989</i>
<i>Laid before Parliament</i>	<i>15th August 1989</i>
<i>Coming into force</i>	<i>5th September 1989</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by section 121 of the Housing Act 1988(a), and of all other powers enabling them in that behalf, hereby make the following Order—

1. This Order may be cited as the Rent Officers (Additional Functions) (Amendment) Order 1989 and shall come into force on 5th September 1989.

2. The Rent Officers (Additional Functions) Order 1989(b) is amended as follows—

- (1) in article 2(1), after “requires—” insert –
““child” means a person under the age of 16;”;
- (2) in paragraphs 1(1) and (2) and 2(2) of Schedule 1 after “determination is made” insert “(or, if earlier, the tenancy ends)”;
- (3) in paragraph 2(1) of Schedule 1 after “occupiers’ insert “at the time the application for the determination is made (or, if earlier, the tenancy ends)”;
- (4) at the end of paragraph 3(2) of Schedule 1 insert “but not the provision of meals (including the preparation of meals or provision of unprepared food)”;
- (5) in paragraph 1 of Schedule 2 –
 - (a) after “at the time of the determination” insert “or, if earlier, of the end of the tenancy”, and
 - (b) for “(and that determination” in sub-paragraph (c) substitute “or, if earlier, when that tenancy ended (and the earlier determination”;

(6) for paragraph 1(b) of Schedule 3 substitute "(b) a person who is not a child,"

2nd August 1989

Chris Patten
Secretary of State for the Environment

Signed by authority of
the Secretary of State
4th August 1989

Ian Grist
Parliamentary Under Secretary
of State, Welsh Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rent Officers (Additional Functions) Order 1989 which provided in certain cases for the rent officer to make determinations, or re-determinations, relating to a tenancy or licence of a dwelling with reference to the time the application for the determination was made. Article 2(2) and (3) amends paragraphs 1 and 2 of Schedule 1 so that the relevant time under those paragraphs (or those paragraphs as applied for re-determinations by Schedule 4) will be the time the tenancy or licence ended if that was before the application for the determination was made. The amendment made by article 2(4) stops the provision of meals being treated as the provision of services for the purposes of determinations and re-determinations under paragraph 3 of Schedule 1 (or that paragraph as applied by Schedule 4). Article 2(5) amends paragraph 1 of Schedule 2 (tenancy or licence excluded because of recent earlier determination) to cover the case where a tenancy or licence ended before the earlier determination was made. Article 2(1) and (6) alters the size criteria (for an occupier who is at least 16, but under 18, years old) in Schedule 3 which is relevant for determinations and re-determinations under paragraph 2 of Schedule 1 (or that paragraph as applied by Schedule 4).

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