

1989 No. 1446 (S.116)

HOUSING, SCOTLAND

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

<i>Made</i> - - - -	<i>9th August 1989</i>
<i>Laid before Parliament</i>	<i>16th August 1989</i>
<i>Coming into force</i>	<i>6th September 1989</i>

The Secretary of State, in exercise of the powers conferred on him by section 70 of the Housing (Scotland) Act 1988(a) and of all other powers enabling him in that behalf, hereby makes the following Order:

1. This Order may be cited as the Rent Officers (Additional Functions) (Scotland) Amendment Order 1989 and shall come into force on 6th September 1989.

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

- (a) in article 2(1) (interpretation), after "requires -" insert the following definition:-
 "“child” means a person under the age of 16;”;
- (b) in paragraphs 1(1) and (2) and 2(2) of Schedule 1 (determinations) after “determination is made” insert “(or, if earlier, the tenancy ends)”;
- (c) in paragraph 2(1) of Schedule 1 insert at the end “at the time the application for the determination is made (or, if earlier, the tenancy ends)”;
- (d) in paragraph 3(2) of Schedule 1 insert at the end “but not the provision of meals (including the preparation of meals or provision of unprepared food)”;
- (e) in paragraph 1 of Schedule 2 (excluded tenancies)-
 - (i) after “at the time of the determination” insert “or, if earlier, of the end of the tenancy”; and
 - (ii) in sub-paragraph (c) for “(and that determination” substitute “or, if earlier, when that tenancy ended (and the earlier determination”;
- (f) in Schedule 3 (size criteria) for paragraph 1(b) substitute “(b) a person who is not a child,”.

St. Andrew's House, Edinburgh
9th August 1989

Michael B. Forsyth
Parliamentary Under Secretary of State,
Scottish Office

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order amends the Rent Officers (Additional Functions) (Scotland) Order 1989.

That Order provided for the rent officer on an application by a local authority to make a determination or re-determination relating to the level of rent, size of dwelling and rent attributable to the provision of services in a tenancy (other than an excluded tenancy) or any other right of occupancy. Determinations and re-determinations are arrived at with reference to the time an application is made for the determination. This Order amends the original Order so that the relevant time will be either the time of the application or, if the tenancy or occupancy right has ended by then, the time when it came to an end (article 2(b) and (c)). The original Order is also amended so as to apply the time of application or ending of the tenancy or occupancy right to those provisions of the original Order dealing with excluded tenancies or rights (article 2(e)).

This Order also amends the original Order so that for the purposes of determining the rent attributable to the provision of services the provision of meals is not to be included (article 2(d)).

This Order also includes in the original Order a definition of "child" so that it is made clear that in determinations relating to size criteria one bedroom is allowed for any person who is aged 16 or over (article 2(a) and (f)).

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