
STATUTORY INSTRUMENTS

1991 No. 426

HOUSING, ENGLAND AND WALES

The Rent Officers (Additional Functions) (Amendment) Order 1991

<i>Made</i>	- - - -	<i>1st March 1991</i>
<i>Laid before Parliament</i>		<i>11th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</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(1) 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 1991 and shall come into force on 1st April 1991.

2. The Rent Officers (Additional Functions) Order 1990(2) is amended as follows—

(1) in article 5(2), for sub-paragraphs (a) and (b) of paragraph (2) substitute—

“(a) either—

- (i) a determination under section 22 of the Housing Act 1988 has taken effect in relation to the tenancy, or
- (ii) within the period of 12 months ending on the date the application for a determination (or, as the case may be, a redetermination) was received, a determination under section 14 or 22 of that Act took effect (or would have taken effect but for the agreement of the landlord and tenant) in relation to the tenancy or a tenancy of the same dwelling on terms which were substantially the same (disregarding the terms relating to the amount of rent) as the terms of the tenancy were on that date, or
- (iii) within the period mentioned in sub-paragraph (ii), an application was made under the said section 22 in relation to such a tenancy as is referred to in that sub-paragraph and a determination was precluded by subsection (3)(b) of that section, and

(1) 1988 c. 50; section 121 was amended by section 110(3) of the Local Government and Housing Act 1989 (c. 42).

(2) S.I.1990/428.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) there has been no substantial change in the condition of the dwelling (including the making of improvements) or in the terms of the tenancy, other than relating to the amount of the rent, within that period.”.

(2) At the end of paragraph 3(2) of Schedule 1 insert “or the provision of services to which any service charge for fuel relates”.

(3) At the end of paragraph 7(2) of Schedule 1 insert “or, where the rent assessment committee has not made a determination, the rent payable under the tenancy when the application to the rent assessment committee was made”.

3.—(1) The amendments made by this Order do not have effect in a case where an application is made for a re-determination in relation to a determination made before this Order comes into force.

(2) In paragraph (1), “redetermination” and “determination” have the same meaning as in the Order referred to in article 2.

28th February 1991

Michael Heseltine
Secretary of State for the Environment

1st March 1991

David Hund
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rent Officers (Additional Functions) Order 1990 (which conferred functions on rent officers in connection with housing benefit and rent allowance subsidy).

The earlier Order requires a rent officer in specified circumstances to make determinations and redeterminations relating to a tenancy or licence of a dwelling. Article 2(1) of this Order substitutes a new article 5(2) relating to assured tenancies and assured agricultural occupancies. It adds to the cases in which determinations and redeterminations cannot be made where applications have already been made to a rent assessment committee under section 14 or 22 of the Housing Act 1988. Now they also cannot be made if there has been a recent determination under section 14 or 22 in relation to a similar tenancy or occupancy or if a determination under section 22 is precluded by subsection (3) (b) of that section; and it no longer matters that the rent is different from the rent determined under section 14 or 22.

Paragraph 3 of Schedule 1 to the earlier Order provides for cases where the rent officer must determine if rent is attributable to the provision of services. Article 2(2) of this Order amends the definition of “services” in paragraph 3(2) to exclude some services relating to fuel.

Article 2(3) of this Order amends paragraph 7 of Schedule 1 to the earlier Order to require the rent officer additionally to notify the local authority of the level of rent under an assured tenancy where article 5(2)(a)(iii) of that Order (inserted by this Order) applies.

Article 3 stops the amendments applying to a redetermination relating to a determination made before this Order comes into force.