

---

## EXPLANATORY NOTE

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

This Order revokes and re-enacts with modifications the Rent Officers (Additional Functions) (Scotland) Order 1990 which conferred functions on rent officers in connection with housing benefit and rent allowance subsidy and required rent officers to make determinations and redeterminations relating to a tenancy of a dwelling. The Order adds requirements for rent officers to make determinations for prospective tenancies and rights of occupancy (article 2), to determine local reference rents (paragraph 4 of Schedule 1) and to determine indicative rent levels (Part 4 of Schedule 1). It removes the requirement for rent officers to make interim determinations.

The other principal modifications are changes to the definition of rent (article 2(1)), the matters to which rent officers must have regard in determinations for exceptionally high rents (paragraph 3 of Schedule 1), and the size criteria (Schedule 2); the addition of an assumption that the landlord is not a housing association or a charity (paragraph 7 of Schedule 1), the removal of an exclusion for certain assured tenancies and agricultural occupancies with rents determined by a rent assessment committee; and the addition of provisions for determinations relating to mooring charges for houseboats, pitch fees for caravans and payments under rental purchase agreements (article 6 and Schedule 4).

Article 8 stops the Order affecting applications for determinations made before the Order comes into force.