
STATUTORY INSTRUMENTS

1996 No. 959

HOUSING, ENGLAND AND WALES

The Rent Officers (Additional Functions) (Amendment) Order 1996

<i>Made</i>	- - - -	<i>27th March 1996</i>
<i>Laid before Parliament</i>		<i>2nd April 1996</i>
<i>Coming into force</i>	- -	<i>7th October 1996</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(1) and (2) of the Housing Act 1988(1) and of all other powers enabling them in that behalf, hereby make the following Order—

Citation and commencement

1. This Order may be cited as the Rent Officers (Additional Functions) (Amendment) Order 1996 and shall come into force on 7th October 1996.

Amendments

2. The Rent Officers (Additional Functions) Order 1995(2) is amended in accordance with the following articles.

Exceptions

3. At the end of article 5 (exceptions)(3) add—

“(4) No determination shall be made under paragraph 4A in Part 1 of Schedule 1 unless the local authority states in the application that the claimant is, or may be, a young individual (which has the same meaning as in of the 1987 Regulations).”(4).

Single room rents determinations

4. After paragraph 4 in Part 1 of Schedule 1 (determinations) insert—

(1) 1988 c. 50; section 121(1) was amended by section 110(3) of the Local Government and Housing Act 1989 (c. 42).
(2) S.I. 1995/1642; amended by S.I. 1995/2365 and 3148.
(3) Article 5 was amended by S.I. 1995/2365.
(4) See regulation 2(1) amended by S.I. 1996/965.

“Single room rents

4A.—(1) The rent officer shall determine a single room rent in accordance with the following formula—

$$S = \frac{H + L}{2}$$

where—

S is the single room rent;

H is the highest rent, in the rent officer’s opinion,—

- (a) which a landlord might reasonably have been expected to obtain, at the relevant time, for an assured tenancy of a dwelling which meets the criteria in sub-paragraph (2); and
- (b) which is not an exceptionally high rent; and

L is the lowest rent, in the rent officer’s opinion, —

- (a) which a landlord might reasonably have been expected to obtain, at the relevant time, for an assured tenancy of a dwelling which meets the criteria in sub-paragraph (2); and
- (b) which is not an exceptionally low rent.

(2) The criteria are—

- (a) that the dwelling under the assured tenancy is in the same locality as the dwelling and is in a reasonable state of repair;
- (b) that, under the assured tenancy, the tenant—
 - (i) has the exclusive use of one bedroom;
 - (ii) does not have the use of any other bedroom or room suitable for living in;
 - (iii) shares the use of a toilet; and
 - (iv) shares a kitchen or has no use of a kitchen; and
- (c) that the rent does not include any payment for board and attendance.

(3) Sub-paragraphs (3) and (4) of paragraph 4 apply when ascertaining H and L under this paragraph as if the reference in those sub-paragraphs to H and L were to H and L under this paragraph.”.

Assumptions etc.

5. In paragraph 7(2) in Part 2 of Schedule 1 (assumptions etc.)(5) for “or or where” substitute “or where”.

Notifications

6. For paragraph 8(2) in Part 3 of Schedule 1 (notification of Part 1 determinations) substitute—

“(2) If the rent officer determines a rent under—

- (a) paragraph 4 (local reference rents); or
- (b) paragraph 4A (single room rents);

which is equal to or more than the rent payable for the tenancy, the rent officer shall give notice to the local authority of this in place of giving notice of the determination made under

(5) Paragraph 7(2) was amended by S.I. [1995/3148](#).

paragraph 4 or, as the case may be, paragraph 4A (and sub-paragraphs (1) and (3) shall apply to such a notice as they apply to determinations).”.

Application

7. This Order does not have effect in a case where an application for a determination is made before the date on which this Order comes into force.

Signed by authority of the Secretary of State.

27th March 1996

James Clappison
Parliamentary Under-Secretary of State,
Department of the Environment

27th March 1996

William Hague
Secretary of State for Wales

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rent Officers (Additional Functions) Order 1995 which conferred functions on rent officers, in connection with housing benefit and rent allowance subsidy, and requires them to make determinations and redeterminations in respect of tenancies and licences of dwellings.

Articles 3 and 4 add a requirement for rent officers to make a single room rent determination where a local authority, when applying for a determination, states that the housing benefit claimant is or may be a young individual. Article 6 specifies the notice which the rent officer is to give to the local authority where the rent under a single room rent determination is equal to or more than the rent under the claimant's tenancy or licence. Article 5 makes a correction.

Article 7 stops the amendments applying to applications for a determination made before the Order comes into force.