
STATUTORY INSTRUMENTS

1996 No. 975 (S.106)

HOUSING, SCOTLAND

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

<i>Made</i>	- - - -	<i>29th 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, in exercise of the powers conferred upon him by section 70(1) and (2) of the Housing (Scotland) Act 1988(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

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

Amendments

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

Exceptions

3. At the end of article 5(3) insert—

“(4) No determination shall be made under paragraph 4A in 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 the 1987 Regulations).”(4).

Single room rents determinations

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

(1) 1988 c. 43.
(2) S.I.1995/1643; amending instruments are S.I. 1995/2361 and 1995/3185.
(3) Article 5 was amended by S.I. 1995/2361.
(4) See regulation 2(1) of S.I. 1987/1971, 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—

- a S is the single room rent;
- b H is the highest rent which, in the rent officer’s opinion—
 - (i) 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
 - (ii) is not an exceptionally high rent; and
- c L is the lowest rent which, in the rent officer’s opinion—
 - (i) 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
 - (ii) 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.”

Notifications

5. For paragraph 8(2) in Part 3 of Schedule 1 (notification of Part I 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 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.”

Indicative rent levels

6. In paragraph 9(3)(g)(5) of Part 4 of Schedule 1 (indicative rent levels) for “(e)” substitute “(f)”

(5) Paragraph 9(3)(g) was amended by S.I. 1995/3185.

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.

St Andrew's House,
Edinburgh
29th March 1996

Raymond S Robertson
Parliamentary Under Secretary of State, Scottish
Office

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) (Scotland) Order 1995, which confers 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 (including other rights of occupancy) 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 5 specifies the notice which the rent officer is to give to the local authority where the rent determined under a single room rent determination is equal to or more than the rent payable for the claimant's tenancy. Article 6 makes a correction.

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