

2003 No. 2398

HOUSING

**The Rent Officers (Housing Benefit Functions)
(Local Housing Allowance) Amendment Order 2003**

Made - - - - - 18th September 2003

Laid before Parliament 24th September 2003

Coming into force in accordance with article 1(1)

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by section 122(1) and (6) of the Housing Act 1996(a) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Rent Officers (Housing Benefit Functions) (Local Housing Allowance) Amendment Order 2003 and shall come into force in relation to the area of a local authority specified in Schedule 1 to this Order on the date specified in that Schedule in relation to that local authority.

(2) In this Order “local authority” has the same meaning as in the Social Security Administration Act 1992(b).

Amendment of the Rent Officers (Housing Benefit Functions) Order 1997

2.—(1) The Rent Officers (Housing Benefit Functions) Order 1997(c) shall be amended in accordance with the following provisions of this article.

(2) In paragraph (1) of article 2, at the appropriate places, insert—

““board and attendance determination” means a determination made in accordance with article 4C;

“broad rental market area” has the meaning specified in paragraph 4 of Part I of Schedule 3A to this Order;

“broad rental market area determination” means a determination made in accordance with article 4B(1);

“local housing allowance determination” means a determination made in accordance with article 4B(2);

(a) 1996 c. 52.

(b) 1992 c. 5.

(c) S.I.1997/1984. Relevant amending instruments are S.I. 2000/1, 2001/1325 and 2003/478.

“pathfinder authority” means a local authority specified in column (1) of the table in Part II of Schedule 3A, on and after the date specified in column (2) of that table in relation to that authority;

“relevant date” means the date specified by a pathfinder authority in an application for a local housing allowance determination made in accordance with regulation 11A(4)(a) of the 1987 Regulations(a);”.

(3) In paragraph (1) of article 2 in the definition of “relevant time” after the words “for the determination” insert the words “or board and attendance determination”.

(4) In sub-paragraph (a) of paragraph (2) of article 3 after the words “each local authority” insert the words “, except for a local authority which is a pathfinder authority,”.

(5) After article 4A insert the following articles—

“Broad rental market area determinations and local housing allowance determinations

4B.—(1) On the day on which this article comes into force in relation to a local authority and so often thereafter as a rent officer, having regard to the definition of “broad rental market area” in paragraph (1) of article 2, considers appropriate, a rent officer shall—

- (a) determine one or more broad rental market areas which will (during the month which next begins after the determination is made) fall, in whole or in part, within the area of that local authority so that every part of the area of that authority falls within a broad rental market area and no part of the area of that authority falls within more than one broad rental market area; and
- (b) give to that authority a notice which—
 - (i) specifies the area contained within each broad rental market area as falls, in whole or in part, within the area of that authority, by reference to the postcodes for each such broad rental market area; and
 - (ii) identifies such of those postcodes as fall within the area of that authority.

(2) No more than 5 and not less than 3 working days before the end of each month a rent officer shall—

- (a) determine, in accordance with the provisions of Part I of Schedule 3A—
 - (i) a local housing allowance for each of the categories of dwelling set out in paragraph 1 of that Part; and
 - (ii) local housing allowances for such other categories of dwelling of more than six rooms as a rent officer believes are likely to be required for the purpose of calculating housing benefit,

for each broad rental market area falling within, in whole or in part, the area of any local authority which is (or will be) a pathfinder authority during the month which follows; and

- (b) give to each such authority notice of the local housing allowance determinations made in accordance with paragraph (a) for each broad rental market area falling within, in whole or in part, the area of that authority.

(3) Any broad rental market area determination made in accordance with paragraph (1), or local housing allowance determination made in accordance with paragraph (2), shall take effect on the first working day of the month which begins after the day on which the determination is made.

(4) Where a pathfinder authority—

- (a) makes an application in accordance with regulation 11A(4)(a) of the 1987 Regulations, a rent officer shall determine, in accordance with the provisions of Part I of Schedule 3A and as soon as is reasonably practicable, the local housing allowance for that category of dwelling at the relevant date, for each broad rental market area falling within, in whole or in part, the area of the pathfinder authority that made the application, at the relevant date; or

(a) S.I. 1987/1971. Relevant amending instruments are S.I. 1989/416, 1990/546 and 1775, 1993/317, 1994/306, 1995/560, 1644 and 2868, 1998/3257, 1999/2401, 2000/4, 2001/1605 and 2003/48, 1338 and 2399.

- (b) makes an application in accordance with regulation 11A(5) of the 1987 Regulations, a rent officer shall determine, in accordance with the provisions of Part I of Schedule 3A and as soon as is reasonably practicable, the local housing allowance for that category of dwelling for each broad rental market area falling within, in whole or in part, the area of the pathfinder authority.

(5) Where a rent officer has made a local housing allowance determination in accordance with paragraph (4)—

- (a) he shall give notice of the determination to the pathfinder authority that made the application;
- (b) any local housing allowance determination made in accordance with sub-paragraph (4)(a) shall take effect for the month in which the relevant date falls; and
- (c) any local housing allowance determination made in accordance with sub-paragraph (4)(b) shall take effect for the month in which notice is given in accordance with sub-paragraph (a).

Board and attendance determinations and notifications

4C.—(1) Where a pathfinder authority makes an application to a rent officer in accordance with regulation 11A(6) of the 1987 Regulations, a rent officer shall determine whether or not a substantial part of the rent under the tenancy at the relevant time is fairly attributable to board and attendance.

(2) Where a rent officer determines that a substantial part of the rent under the tenancy at the relevant time is fairly attributable to board and attendance, he shall—

- (a) notify the pathfinder authority accordingly; and
- (b) treat the application as if it has been made in accordance with regulation 12A(1) of the 1987 Regulations.

(3) Where a rent officer determines that a substantial part of the rent under the tenancy at the relevant time is not fairly attributable to board and attendance, he shall notify the pathfinder authority accordingly.

(4) Where an application for a board and attendance determination is treated as if it has been made in accordance with regulation 12A(1) of the 1987 Regulations, then, for the purposes of paragraph (a)(ii) of the definition of “relevant period” in article 2(1), it shall be treated as having been received on the day on which the determination referred to in paragraph (2) is made.

Board and attendance redeterminations

4D.—(1) Subject to article 6, where a pathfinder authority applies to a rent officer for a redetermination of a board and attendance determination or board and attendance redetermination, the rent officer shall, in accordance with paragraph (2)—

- (a) make a redetermination of—
 - (i) the board and attendance determination, provided it was made in accordance with article 4C and had effect at the date of the application for it to be redetermined; or
 - (ii) the board and attendance redetermination provided it was made in accordance with head (i), and had effect at the date of the application for it to be redetermined; and
- (b) notify the pathfinder authority of the redetermination.

(2) When making a board and attendance redetermination under this article, the rent officer shall seek, and have regard to, the advice of one or two other rent officers in relation to the redetermination.

(3) A rent officer whose advice is sought in accordance with paragraph (2) shall give that advice.

(4) Article 4C shall apply in relation to a board and attendance redetermination but as if the references to the relevant time were references to the date on which the original application for a board and attendance determination was made, or if earlier, to the date on which the tenancy ended.

Substitute board and attendance determinations and substitute board and attendance redeterminations

4E.—(1) Where a pathfinder authority applies to a rent officer for a substitute board and attendance determination in accordance with regulation 12C of the 1987 Regulations, the provisions of this Order shall apply to that substitute board and attendance determination as they apply to a board and attendance determination but as if references to the relevant time were references to the date on which the original application for a board and attendance determination was made or, if earlier, the date on which the tenancy ended.

(2) Where a pathfinder authority applies to a rent officer for a substitute board and attendance redetermination in accordance with regulation 12C of the 1987 Regulations, the provisions of this Order shall apply to that substitute board and attendance redetermination as they apply to a board and attendance redetermination.”.

(6) In article 5 (insufficient information) for the words “or a redetermination under article 4” substitute “, a redetermination under article 4, a board and attendance determination under article 4C or a board and attendance redetermination under article 4D”.

(7) In article 6 (exceptions)—

- (a) in paragraph (1), for the words “or redetermination” substitute “, redetermination, board and attendance determination or board and attendance redetermination”; and
- (b) in paragraph (4), for the words “or a redetermination” substitute “, redetermination, board and attendance determination or a board and attendance redetermination”.

(8) Number the provision in article 7A (errors) as paragraph (1) of that article and after that paragraph insert the following paragraphs—

“(2) If a rent officer is of the opinion that he has made an error (other than in the application of his professional judgement) in relation to a board and attendance determination or board and attendance redetermination, he shall notify the pathfinder authority which made the application for that board and attendance determination or board and attendance redetermination of the error as soon as practicable after he becomes aware of it.

(3) If a rent officer is of the opinion that he has made an error (other than in the application of his professional judgement) in relation to a broad rental market area determination or a local housing allowance determination, he shall notify any pathfinder authority to which notification of that determination was sent of the error, and the amended determination, as soon as practicable after he becomes aware of it.”.

(9) In sub-paragraph (3) of paragraph 5 of Schedule 1 to the Order (determinations—single room rents)—

- (a) for the words “(3) to (5)” substitute “(3) and (5)”; and
- (b) for the words “this sub-paragraph” substitute “this paragraph”.

(10) After Schedule 3 to the Order insert the new Schedule 3A set out in Schedule 2 to this Order.

Amendment of the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997

3.—(1) The Rent Officers (Housing Benefit Functions) (Scotland) Order 1997(a) shall be amended in accordance with the following provisions of this article.

(2) In paragraph (1) of article 2, at the appropriate places, insert—

““board and attendance determination” means a determination made in accordance with article 4C;

“broad rental market area” has the meaning specified in paragraph 4 of Part I of Schedule 3A to this Order;

“broad rental market area determination” means a determination made in accordance with article 4B(1);

“local housing allowance determination” means a determination made in accordance with article 4B(2);

(a) S.I. 1997/1995. Relevant amending instruments are S.I. 2000/3, 2001/1326 and 2003/478.

“pathfinder authority” means a local authority specified in column (1) of the table in Part II of Schedule 3A, on and after the date specified in column (2) of that table in relation to that authority;

“relevant date” means the date specified by a pathfinder authority in an application for a local housing allowance determination made in accordance with regulation 11A(4)(a) of the 1987 Regulations(a);”.

(3) In paragraph (1) of article 2 in the definition of “relevant time” after the words “for the determination” insert the words “or board and attendance determination”.

(4) In sub-paragraph (a) of paragraph (2) of article 3 after the words “each local authority” insert the words “, except for a local authority which is a pathfinder authority,”.

(5) After article 4A insert the following articles—

“Broad rental market area determinations and local housing allowance determinations

4B.—(1) On the day on which this article comes into force in relation to a local authority and so often thereafter as a rent officer, having regard to the definition of “broad rental market area” in paragraph (1) of article 2, considers appropriate, a rent officer shall—

- (a) determine one or more broad rental market areas which will (during the month which next begins after the determination is made) fall, in whole or in part, within the area of that local authority so that every part of the area of that authority falls within a broad rental market area and no part of the area of that authority falls within more than one broad rental market area; and
- (b) give to that authority a notice which—
 - (i) specifies the area contained within each broad rental market area as falls, in whole or in part, within the area of that authority, by reference to the postcodes for each such broad rental market area; and
 - (ii) identifies such of those postcodes as fall within the area of that authority.

(2) No more than 5 and not less than 3 working days before the end of each month a rent officer shall—

- (a) determine, in accordance with the provisions of Part I of Schedule 3A—
 - (i) a local housing allowance for each of the categories of dwelling set out in paragraph 1 of that Part; and
 - (ii) local housing allowances for such other categories of dwelling of more than six rooms as a rent officer believes are likely to be required for the purpose of calculating housing benefit,

for each broad rental market area falling within, in whole or in part, the area of any local authority which is (or will be) a pathfinder authority during the month which follows; and

- (b) give to each such authority notice of the local housing allowance determinations made in accordance with paragraph (a) for each broad rental market area falling within, in whole or in part, the area of that authority.

(3) Any broad rental market area determination made in accordance with paragraph (1), or local housing allowance determination made in accordance with paragraph (2), shall take effect on the first working day of the month which begins after the day on which the determination is made.

(4) Where a pathfinder authority—

- (a) makes an application in accordance with regulation 11A(4)(a) of the 1987 Regulations, a rent officer shall determine, in accordance with the provisions of Part I of Schedule 3A and as soon as is reasonably practicable, the local housing allowance for that category of dwelling at the relevant date, for each broad rental market area falling within, in whole or in part, the area of the pathfinder authority that made the application, at the relevant date; or

(a) S.I. 1987/1971. Relevant amending instruments are S.I. 1989/416, 1990/546 and 1775, 1993/317, 1994/306, 1995/560, 1644 and 2868, 1998/3257, 1999/2401, 2000/4, 2001/1605 and 2003/48, 1338 and 2399.

- (b) makes an application in accordance with regulation 11A(5) of the 1987 Regulations, a rent officer shall determine, in accordance with the provisions of Part I of Schedule 3A and as soon as is reasonably practicable, the local housing allowance for that category of dwelling for each broad rental market area falling within, in whole or in part, the area of the pathfinder authority.

(5) Where a rent officer has made a local housing allowance determination in accordance with paragraph (4)—

- (a) he shall give notice of the determination to the pathfinder authority that made the application;
- (b) any local housing allowance determination made in accordance with sub-paragraph (4)(a) shall take effect for the month in which the relevant date falls; and
- (c) any local housing allowance determination made in accordance with sub-paragraph (4)(b) shall take effect for the month in which notice is given in accordance with sub-paragraph (a).

Board and attendance determinations and notifications

4C.—(1) Where a pathfinder authority makes an application to a rent officer in accordance with regulation 11A(6) of the 1987 Regulations, a rent officer shall determine whether or not a substantial part of the rent under the tenancy at the relevant time is fairly attributable to board and attendance.

(2) Where a rent officer determines that a substantial part of the rent under the tenancy at the relevant time is fairly attributable to board and attendance, he shall—

- (a) notify the pathfinder authority accordingly; and
- (b) treat the application as if it has been made in accordance with regulation 12A(1) of the 1987 Regulations.

(3) Where a rent officer determines that a substantial part of the rent under the tenancy at the relevant time is not fairly attributable to board and attendance, he shall notify the pathfinder authority accordingly.

(4) Where an application for a board and attendance determination is treated as if it has been made in accordance with regulation 12A(1) of the 1987 Regulations, then, for the purposes of paragraph (a)(ii) of the definition of “relevant period” in article 2(1), it shall be treated as having been received on the day on which the determination referred to in paragraph (2) is made.

Board and attendance redeterminations

4D.—(1) Subject to article 6, where a pathfinder authority applies to a rent officer for a redetermination of a board and attendance determination or board and attendance redetermination, the rent officer shall, in accordance with paragraph (2)—

- (a) make a redetermination of—
 - (i) the board and attendance determination, provided it was made in accordance with article 4C and had effect at the date of the application for it to be redetermined; or
 - (ii) the board and attendance redetermination provided it was made in accordance with head (i), and had effect at the date of the application for it to be redetermined; and
- (b) notify the pathfinder authority of the redetermination.

(2) When making a board and attendance redetermination under this article, the rent officer shall seek, and have regard to, the advice of one or two other rent officers in relation to the redetermination.

(3) A rent officer whose advice is sought in accordance with paragraph (2) shall give that advice.

(4) Article 4C shall apply in relation to a board and attendance redetermination but as if the references to the relevant time were references to the date on which the original application for a board and attendance determination was made, or if earlier, to the date on which the tenancy ended.

Substitute board and attendance determinations and substitute board and attendance redeterminations

4E.—(1) Where a pathfinder authority applies to a rent officer for a substitute board and attendance determination in accordance with regulation 12C of the 1987 Regulations, the provisions of this Order shall apply to that substitute board and attendance determination as they apply to a board and attendance determination but as if references to the relevant time were references to the date on which the original application for a board and attendance determination was made or, if earlier, the date on which the tenancy ended.

(2) Where a pathfinder authority applies to a rent officer for a substitute board and attendance redetermination in accordance with regulation 12C of the 1987 Regulations, the provisions of this Order shall apply to that substitute board and attendance redetermination as they apply to a board and attendance redetermination.”.

(6) In article 5 (insufficient information) for the words “or a redetermination under article 4” substitute “, a redetermination under article 4, a board and attendance determination under article 4C or a board and attendance redetermination under article 4D”.

(7) In article 6 (exceptions)—

- (a) in paragraph (1), for the words “or redetermination” substitute “, redetermination, board and attendance determination or board and attendance redetermination”; and
- (b) in paragraph (4), for the words “or a redetermination” substitute “, redetermination, board and attendance determination or a board and attendance redetermination”.

(8) Number the provision in article 7A (errors) as paragraph (1) of that article and after that paragraph insert the following paragraphs—

“(2) If a rent officer is of the opinion that he has made an error (other than in the application of his professional judgement) in relation to a board and attendance determination or board and attendance redetermination, he shall notify the pathfinder authority which made the application for that board and attendance determination or board and attendance redetermination of the error as soon as practicable after he becomes aware of it.

(3) If a rent officer is of the opinion that he has made an error (other than in the application of his professional judgement) in relation to a broad rental market area determination or a local housing allowance determination, he shall notify any pathfinder authority to which notification of that determination was sent of the error, and the amended determination, as soon as practicable after he becomes aware of it.”.

(9) In sub-paragraph (3) of paragraph 5 of Schedule 1 to the Order (determinations—single room rents)—

- (a) for the words “(3) to (5)” substitute “(3) and (5)”; and
- (b) for the words “this sub-paragraph” substitute “this paragraph”.

(10) After Schedule 3 to the Order insert the new Schedule 3A set out in Schedule 2 to this Order.

Signed by authority of the Secretary of State for Work and Pensions.

Chris Pond
Parliamentary Under-Secretary of State,
Department for Work and Pensions

18th September 2003

SCHEDULE 1

Article 1

DATE ON WHICH ORDER COMES INTO FORCE FOR LOCAL
AUTHORITY AREAS

<i>Local authority</i>	<i>Date</i>
Blackpool	17th October 2003
Brighton and Hove	19th January 2004
Conwy	19th January 2004
Coventry	15th December 2003
Edinburgh	19th January 2004
Leeds	19th January 2004
Lewisham	17th November 2003
North East Lincolnshire	19th January 2004
Teignbridge	15th December 2003

SCHEDULE 2

Articles 2(10) and 3(10)

NEW SCHEDULE TO BE INSERTED AFTER SCHEDULE 3 TO EACH OF
THE RENT OFFICERS (HOUSING BENEFIT FUNCTIONS) ORDER 1997
AND THE RENT OFFICERS (HOUSING BENEFIT FUNCTIONS)
(SCOTLAND) ORDER 1997

SCHEDULE 3A

Articles 2(2) and 4B

PART I

Categories of dwelling

1.—(1) The categories of dwelling for which a rent officer is required to determine a local housing allowance in accordance with article 4B(2)(a)(i) are—

- (a) a dwelling where the tenant has the exclusive use of only one bedroom and where the tenancy provides for him to—
 - (i) share the use of a kitchen, a bathroom and toilet and a room suitable for living in;
 - (ii) have the exclusive use of a kitchen or facilities for cooking and share the use of a bathroom and toilet and a room suitable for living in; or
 - (iii) have the exclusive use of a bathroom and toilet and share the use of a kitchen and a room suitable for living in;
- (b) a dwelling where the tenant has the use of only two rooms;
- (c) a dwelling where the tenant has the use of only three rooms;
- (d) a dwelling where the tenant has the use of only four rooms;
- (e) a dwelling where the tenant has the use of only five rooms;
- (f) a dwelling where the tenant has the use of only six rooms.

(2) In sub-paragraph (1)(b) to (f) of this paragraph and in paragraph 3 “room” means a bedroom or room suitable for living in, except for a room which the tenant shares with any person other than—

- (a) a member of his household;
- (b) a non-dependant of the tenant (within the meaning of regulation 3 of the 1987 Regulations(a)); or
- (c) a person who pays rent to the tenant.

(a) S.I. 1987/1971. Relevant amending instruments are S.I. 1989/416, 1990/546 and 1775, 1993/317, 1994/306, 1995/560, 1644 and 2868, 1998/3257, 1999/2401, 2000/4, 2001/1605 and 2003/48, 1338 and 2399.

Formula for local housing allowance for category of dwelling in paragraph 1(1)(a)

2.—(1) The rent officer shall determine a local housing allowance for the category of dwelling in paragraph 1(1)(a) in accordance with the following formula—

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

where—

A is the local housing allowance;

H is the highest rent which, in the rent officer's opinion—

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

L is the lowest rent which, in the rent officer's opinion—

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

(2) The criteria are—

- (a) that the dwelling under the assured tenancy—
 - (i) is in the broad rental market area for which the local housing allowance is being determined; and
 - (ii) is in a reasonable state of repair;
- (b) that under the assured tenancy, the tenant has the exclusive use of only one bedroom and the tenancy provides for him to—
 - (i) share the use of a kitchen, a bathroom and toilet and a room suitable for living in;
 - (ii) have the exclusive use of a kitchen or facilities for cooking and share the use of a bathroom and toilet and a room suitable for living in; or
 - (iii) have the exclusive use of a bathroom and toilet and share the use of a kitchen and a room suitable for living in; and
- (c) that the rent does not include any payment for board and attendance.

(3) When ascertaining H and L under sub-paragraph (1) the rent officer shall—

- (a) assume that no one who would have been entitled to housing benefit had sought or is seeking the tenancy; and
- (b) exclude the amount of any rent which, in the rent officer's opinion, is fairly attributable to the provision of services performed for, or facilities (including the use of furniture) provided for, or rights made available to, the tenant which are ineligible to be met by housing benefit.

(4) When ascertaining H and L under sub-paragraph (1) the rent officer may, where he is not satisfied that—

- (a) the broad rental market area contains a sufficient number of dwellings that accord with the category of dwelling set out in paragraph 1(1)(a) to enable him to make a local housing allowance determination; or
- (b) he has sufficient other information about the market in the broad rental market area to enable him to make a local housing allowance determination,

take account of rents in other similar areas in which he believes a comparable market exists.

Formula for local housing allowance for other categories of dwelling

3.—(1) For categories of dwelling other than the category of dwelling in paragraph 1(1)(a), the rent officer shall determine a local housing allowance in accordance with the formula—

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

where—

B is the local housing allowance;

H is the highest rent which, in the rent officer's opinion—

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

L is the lowest rent which, in the rent officer's opinion—

- (a) a landlord might reasonably have been expected to obtain, at the date of the determination, for an assured tenancy of a dwelling which meets the criteria specified in sub-paragraph (2); and

(b) is not an exceptionally low rent.

(2) The criteria are that the dwelling under the assured tenancy—

(a) is in the broad rental market area for which the local housing allowance is being determined;

(b) is in a reasonable state of repair; and

(c) has the same number of rooms as the category of dwelling in respect of which the local housing allowance is being determined.

(3) Sub-paragraphs (3) and (4) of paragraph 2 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, except that “in respect of which the local housing allowance is being determined” shall be substituted for “set out in paragraph 1(1)(a)”.

Broad rental market area

4. In this Schedule “broad rental market area” means an area—

(a) comprising two or more distinct areas of residential accommodation, each distinct area of residential accommodation adjoining at least one other in the area;

(b) within which a person could reasonably be expected to live having regard to facilities and services for the purposes of health, education, recreation, personal banking and shopping, taking account of the distance of travel, by public and private transport, to and from facilities and services of the same type and similar standard; and

(c) containing residential premises of a variety of types, and including such premises held on a variety of tenancies.

PART II

<i>Column (1)</i> <i>Local authority</i>	<i>Column (2)</i> <i>Date</i>
Blackpool	17th November 2003
Brighton and Hove	2nd February 2004
Conwy	9th February 2004
Coventry	12th January 2004
Edinburgh	9th February 2004
Leeds	9th February 2004
Lewisham	1st December 2003
North East Lincolnshire	9th February 2004
Teignbridge	12th January 2004

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rent Officers (Housing Benefit Functions) Order 1997 and the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 which confer functions on rent officers in connection with housing benefit and rent allowance subsidy. The amendments will come into force on the dates specified in relation to the areas of specified local authorities which will subsequently become pathfinder authorities.

Article 2 amends the Rent Officers (Housing Benefit Functions) Order 1997.

Article 2(2) inserts definitions, including those for three new types of determinations.

Article 2(3) amends the definition of “relevant time”.

Article 2(4) removes the requirement to make indicative rent level determinations for pathfinder authorities.

Article 2(5) inserts articles 4B to 4E. Article 4B requires rent officers to determine and give notice of broad rental market areas and local housing allowance determinations. Article 4C provides for rent officers to make and give notice of board and attendance determinations and for an application for such a determination to be treated as an application under regulation 12A(1) of the Housing Benefit (General) Regulations 1987 in certain circumstances. Article 4D makes provision in relation to board and attendance redeterminations and article 4E makes provision in relation to substitute board and attendance determinations and substitute board and attendance redeterminations.

Article 2(6) amends article 5 to provide for a rent officer to seek further information in relation to board and attendance redeterminations.

Article 2(7) amends article 6 to provide that the rent officer shall not make a board and attendance determination or redetermination if the application is withdrawn and must notify the local authority where he is aware that such an application does not give rise to a duty to make a determination.

Article 2(8) renumbers the existing provision in article 7A and makes provision for the rent officer to notify the pathfinder authority of certain errors in relation to board and attendance determinations and redeterminations, broad rental market area and local housing allowance determinations and to give notice of amended broad rental market area and local housing allowance determinations.

Article 2(9) makes minor drafting amendments to paragraph 5 of Schedule 1.

Article 2(10) inserts Schedule 3A, Part I of which makes provision in relation to local housing allowance determinations, broad rental market areas and Part II of which lists the local authorities that will become pathfinder authorities and the dates on which this will occur.

Article 3 makes equivalent amendments in the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997.

2003 No. 2398

HOUSING

**The Rent Officers (Housing Benefit Functions)
(Local Housing Allowance) Amendment Order 2003**

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