
STATUTORY INSTRUMENTS

2012 No. 646

The Rent Officers (Housing Benefit Functions) (Amendment) Order 2012

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

- 2.—(1) The Rent Officers (Housing Benefit Functions) Order 1997(1) is amended as follows.
- (2) In article 2(1) (interpretation) before the definition of “assured tenancy” insert—
- ““applicable consumer prices index” in relation to any year means the consumer prices index of annual inflation as at September of that year published by the Office of National Statistics(2);”.
- (3) In article 4B (broad rental market area determinations and local housing allowance determinations)(3)—
- (a) in paragraph (1A) for “On 20th March 2008 and so often thereafter as a rent officer considers appropriate, a rent officer shall” substitute “At such times as a rent officer considers appropriate, a rent officer shall, if the Secretary of State agrees”;
- (b) for paragraph (2A) substitute—
- “(2A) In 2012, and in each subsequent year, no more than 20 working days after the applicable consumer prices index is published, a rent officer shall—
- (a) for each broad rental market area determine, in accordance with Schedule 3B, a local housing allowance for each of the categories of dwelling set out in paragraph 1 of Schedule 3B; and
- (b) notify each local authority of the local housing allowance determination made in accordance with sub-paragraph (a) for each broad rental market area falling within, in whole or in part, the area of that authority.”; and
- (c) for paragraph (3A) substitute—
- “(3A) Any broad rental market area determination made in accordance with paragraph (1A) shall take effect—
- (a) on the day the determination is made for the purpose of enabling a rent officer to determine a local housing allowance for that area; and
- (b) for all other purposes on the next 1st April following the day on which the determination is made.
- (3B) Any local housing allowance determination made in accordance with paragraph (2A) shall take effect on the next 1st April following the day on which the determination is made.”.
- (4) In Schedule 3B (broad rental market area determinations and local housing allowance determinations)(4)—

(1) [S.I. 1997/1984](#).

(2) The Consumer Prices Index figure is published on the website of the Office for National Statistics (www.ons.gov.uk).

(3) Article 4B was inserted by [S.I. 2003/2398](#). Paragraphs (1A), (2A) and (3A) were inserted by [S.I. 2007/2871](#). Paragraph (3A) was amended by [S.I. 2008/3156](#). There are other amendments not relevant to this instrument.

(4) Schedule 3B was inserted by [S.I. 2007/2871](#).

- (a) in paragraph 1(1) (categories of dwelling)(5) for “article 4B(2A)(a)(i)” substitute “article 4B(2A)(a)”;
- (b) in paragraph 2 (local housing allowance for category of dwelling in paragraph 1)(6)—
- (i) after sub-paragraph (1) insert—
- “(1A) Subject to sub-paragraph (12), the local housing allowance for a category of dwelling is—
- (a) the rent at the 30th percentile determined in accordance with sub-paragraphs (2) to (10) where that does not exceed the amount determined in accordance with sub-paragraph (11); or
- (b) in any other case, the amount determined in accordance with sub-paragraph (11).”;
- (ii) omit sub-paragraph (9); and
- (iii) for sub-paragraphs (11) and (12) substitute—
- “(11) The amount to be determined by the rent officer for the purposes of sub-paragraph (1A) is as follows—
- (a) where the applicable consumer prices index is a positive number, the local housing allowance last determined for that category of dwelling multiplied by the factor “M”; or
- (b) where the applicable consumer prices index is a negative number or zero, the local housing allowance last determined for that category of dwelling.
- (12) Where the local housing allowance would otherwise not be a whole number of pence, it must be rounded to the nearest whole penny by disregarding any amount less than half a penny and treating any amount of half a penny or more as a whole penny.
- (13) In this paragraph the factor “M” is determined as follows—
- $$M = 1 + (CPI/100)$$
- where “CPI” is the applicable consumer prices index in relation to the year in which the determination is made.”.

(5) There are amendments not relevant to this Order.

(6) Sub-paragraph (9) was substituted, sub-paragraph (11) was amended and sub-paragraph (12) was inserted by [S.I. 2010/2836](#).