
STATUTORY INSTRUMENTS

2012 No. 646

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

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

3.—(1) The Rent Officers (Housing Benefit Functions) (Scotland) 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;”.

(3) In article 4B (broad rental market area determinations and local housing allowance determinations)⁽²⁾—

(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”; and

(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)⁽³⁾—

(1) [S.I. 1997/1995](#).

(2) 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.

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

- (a) in paragraph 1(1) (categories of dwelling)(4) 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)(5)—
- (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.”.

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

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