

2013 No. 1544

HOUSING

**The Rent Officers (Housing Benefit and Universal Credit
Functions) (Amendment) Order 2013**

Made - - - - 24th June 2013
Laid before Parliament 27th June 2013
Coming into force - - 1st September 2013

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by section 122(1) and (6) of the Housing Act 1996(a).

Citation and commencement

1. This Order may be cited as the Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2013 and comes into force on 1st September 2013.

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

- 2.—(1) The Rent Officers (Housing Benefit Functions) Order 1997(b) is amended as follows.
- (2) In article 2(1) (interpretation)(c) omit the definition of “applicable consumer prices index”.
- (3) In article 4B (broad rental market area determinations and local housing allowance determinations)(d)—
- (a) in paragraph (2A), for “In 2012 and in each subsequent year, no more than 20 working days after the applicable consumer prices index is published,” substitute “In 2014 and in each subsequent year, on the date specified in paragraph (2B),”; and
- (b) after paragraph (2A) insert—
- “(2B) The date specified for the purposes of paragraph (2A) is—
- (a) 15th January where that is a Tuesday; or
- (b) where 15th January is not a Tuesday, the first Tuesday following 15th January.”.
- (4) In Schedule 3B (broad rental market area determinations and local housing allowance determinations)(e), in paragraph 2 (local housing allowance for category of dwelling in paragraph 1)(f)—

(a) 1996 c. 52. Section 122(1) was amended by paragraph 36 of Schedule 2 to the Welfare Reform Act 2012 (c. 5).
(b) S.I. 1997/1984.
(c) The definition of “consumer prices index” was inserted in article 2(1) by S.I. 2012/646. There are other amendments to that article which are not relevant to this instrument.
(d) Article 4B was inserted by S.I. 2003/2398. Paragraph (2A) was inserted by S.I. 2007/2871 and amended by S.I. 2012/646. There are other amendments to that article which are not relevant to this instrument.
(e) Schedule 3B was inserted by S.I. 2007/2871.
(f) Paragraph 2(11) was amended by S.I. 2010/2836 and substituted by S.I. 2012/646. Paragraph 2(13) was inserted by S.I. 2012/646.

- (a) for sub-paragraph (11) substitute—
 - “(11) The amount to be determined by the rent officer for the purposes of sub-paragraph (1A) is the local housing allowance last determined for that category of dwelling increased by one per cent.”; and
- (b) omit sub-paragraph (13).

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

3.—(1) The Rent Officers (Housing Benefit Functions) (Scotland) Order 1997(a) is amended as follows.

(2) In article 2(1) (interpretation)(b) omit the definition of “applicable consumer prices index”.

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

- (a) in paragraph (2A), for “In 2012 and in each subsequent year, no more than 20 working days after the applicable consumer prices index is published,” substitute “In 2014 and in each subsequent year, on the date specified in paragraph (2B),”; and
- (b) after paragraph (2A) insert—
 - “(2B) The date specified for the purposes of paragraph (2A) is—
 - (a) 15th January where that is a Tuesday; or
 - (b) where 15th January is not a Tuesday, the first Tuesday following 15th January.”.

(4) In Schedule 3B (broad rental market area determinations and local housing allowance determinations)(d), in paragraph 2 (local housing allowance for category of dwelling in paragraph 1)(e)—

- (a) for sub-paragraph (11) substitute—
 - “(11) The amount to be determined by the rent officer for the purposes of sub-paragraph (1A) is the local housing allowance last determined for that category of dwelling increased by one per cent.”; and
- (b) omit sub-paragraph (13).

Amendment to the Rent Officers (Universal Credit Functions) Order 2013

4.—(1) The Rent Officers (Universal Credit Functions) Order 2013(f) is amended as follows.

(2) In article 2 (interpretation) omit the definition of “applicable consumer prices index”.

(3) In article 4 (local housing allowance determinations)—

- (a) in paragraph (2), for “No more than 20 working days after the applicable consumer prices index is published,” substitute “In 2014 and in each subsequent year, on the date specified in paragraph (2A),”; and
- (b) after paragraph (2) insert—
 - “(2A) The date specified for the purposes of paragraph (2) is—
 - (a) 15th January where that is a Tuesday; or
 - (b) where 15th January is not a Tuesday, the first Tuesday following 15th January.”.

(a) S.I. 1997/1995.

(b) The definition of “consumer prices index” was inserted in article 2(1) by S.I. 2012/646. There are other amendments to that article which are not relevant to this instrument.

(c) Article 4B was inserted by S.I. 2003/2398. Paragraph (2A) was inserted by S.I. 2007/2871 and amended by S.I. 2012/646. There are other amendments to that article which are not relevant to this instrument.

(d) Schedule 3B was inserted by S.I. 2007/2871.

(e) Paragraph 2(11) was amended by S.I. 2010/2836 and substituted by S.I. 2012/646. Paragraph 2(13) was inserted by S.I. 2012/646.

(f) S.I. 2013/382.

(4) For paragraph 4 of Schedule 1 (amount determined by reference to the consumer prices index) and the preceding heading substitute—

“Amount determined by reference to the previous local housing allowance

4. The amount to be determined by the rent officer for the purposes of paragraph 2(2) is the local housing allowance last determined for that category of dwelling increased by one per cent.”.

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

Freud

Parliamentary Under-Secretary of State
Department for Work and Pensions

24th June 2013

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rent Officers (Housing Benefit Functions) Order 1997, the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 and the Rent Officers (Universal Credit Functions) Order 2013 to make changes to how and when the local housing allowance (“LHA”) is determined.

Articles 2 to 4, respectively, amend those Orders to provide that from and including 2014, the LHA will be determined on 15th January in each year when it is a Tuesday and on the first Tuesday following the 15th January in each year when it is not. They also amend those Orders to provide that the LHA rate will be the lower of the rent at the 30th percentile of listed rents or the previous year’s LHA increased by one per cent, instead of the lower of the rent at the 30th percentile of listed rents or the previous LHA rate uprated by the Consumer Prices Index inflation published in the previous September.

An assessment of the impact of this Order has been made. A copy of the impact assessment is available alongside the instrument on www.legislation.gov.uk.

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