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STATUTORY INSTRUMENTS

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**2013 No. 666**

**HOUSING**

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

|                               |         |                        |
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| <i>Made</i>                   | - - - - | <i>19th March 2013</i> |
| <i>Laid before Parliament</i> |         | <i>21st March 2013</i> |
| <i>Coming into force</i>      | - -     | <i>1st April 2013</i>  |

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<sup>(1)</sup>.

**Citation and commencement**

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

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

**2.—**(1) The Rent Officers (Housing Benefit Functions) Order 1997<sup>(2)</sup> is amended as follows.

(2) In Schedule 2 (size criteria)—

(a) for paragraph 1A<sup>(3)</sup> substitute—

“**1A.** One additional bedroom is allowed where on the application for the determination—

(a) the tenant or the tenant’s partner is (or both of them are) stated as being a person who requires overnight care; or

(b) the tenant or the tenant’s partner is (or both of them are) stated as being a qualifying parent or carer.

**1B.** Two additional bedrooms are allowed where sub-paragraphs (a) and (b) of paragraph 1A both apply.”;

(b) after paragraph 2 add—

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(1) 1996 c.52. The amendments to section 122 are not relevant to this Order.

(2) S.I. 1997/1984.

(3) Paragraph 1A of Schedule 2 was inserted by S.I. 2010/2836.

“3. In this Schedule “qualifying parent or carer” has the meaning given by regulation 2(1) of the Housing Benefit Regulations.”.

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

**3.—(1)** The Rent Officers (Housing Benefit Functions) (Scotland) Order 1997<sup>(4)</sup> is amended as follows.

(2) In Schedule 2 (size criteria)—

(a) for paragraph 1A<sup>(5)</sup> substitute—

“**1A.** One additional bedroom is allowed where on the application for the determination—

(a) the tenant or the tenant’s partner is (or both of them are) stated as being a person who requires overnight care; or

(b) the tenant or the tenant’s partner is (or both of them are) stated as being a qualifying parent or carer.

**1B.** Two additional bedrooms are allowed where sub-paragraphs (a) and (b) of paragraph 1A both apply.”;

(b) after paragraph 2 add—

“3. In this Schedule “qualifying parent or carer” has the meaning given by regulation 2(1) of the Housing Benefit Regulations.”.

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

19th March 2013

*Freud*  
Parliamentary Under-Secretary of State  
Department for Work and Pensions

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

(5) Paragraph 1A of Schedule 2 was inserted by [S.I. 2010/2836](#).

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## 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.

Schedule 2 to each of the Orders requires the rent officer to apply size criteria when making determinations in accordance with Schedule 4 of the Orders. Schedule 2 requires the rent officer to allow an additional bedroom where the local authority making an application for a determination states that the tenant or the tenant's partner is a person requiring overnight care.

The amendments require a rent officer to include an additional bedroom where the local authority making an application for a determination states that the tenant or the tenant's partner is a qualifying parent or carer within the meaning of the Housing Benefit Regulations 2006 ([S.I. 2006/213](#)). This will apply to a person who has a child or qualifying young person placed with them who would not be taken into account as an occupier because they are in the care of the local authority. It will also apply to a person who is approved as a foster parent (or in Scotland approved as a foster carer or kinship carer) but who does not currently have a child or qualifying young person placed with them (but only for a period of 52 weeks).

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.