

## SCHEDULE 1

Article 3(2)(a)

### PART IV INDICATIVE RENT LEVELS

11.—(1) The rent officer shall determine the indicative rent level for each category described in sub-paragraph (3) in accordance with the following formula—

$$I = \frac{H + 3L}{4}$$

where I is the indicative rent level;

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

- (a) which a landlord might reasonably be expected to obtain at the time the determination is being made for an assured tenancy of a dwelling meeting the criteria in sub-paragraph (2); and
- (b) which is not an exceptionally high rent; and

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

- (a) which a landlord might reasonably be expected to obtain at the time the determination is being made for an assured tenancy of a dwelling meeting the criteria in sub-paragraph (2); and
- (b) which is not an exceptionally low rent.

(2) The criteria are that—

- (a) the dwelling is in the area of the local authority;
- (b) the dwelling is in a reasonable state of repair; and
- (c) the dwelling and tenancy accord with the category to which the determination relates.

(3) The categories for the purposes of this paragraph are—

- (a) a dwelling where the tenant does not have use of more than one room where a substantial part of the rent under the tenancy is fairly attributable to board and attendance;
- (b) a dwelling where the tenant does not have use of more than one room, the tenancy provides for him to share a kitchen or toilet and paragraph (a) does not apply;
- (c) a dwelling where the tenant does not have use of more than one room and where paragraphs (a) and (b) do not apply;
- (d) a dwelling where the tenant does not have use of more than two rooms and where none of paragraphs (a) to (c) applies;
- (e) a dwelling where the tenant does not have use of more than three rooms and where none of paragraphs (a) to (d) applies;
- (f) a dwelling where the tenant does not have use of more than four rooms and where none of paragraphs (a) to (e) applies;

*Changes to legislation: There are currently no known outstanding effects for the The Rent Officers (Housing Benefit Functions) (Scotland) Order 1997, PART IV. (See end of Document for details)*

- (g) a dwelling where the tenant does not have use of more than five rooms and where none of paragraphs (a) to (f) applies; and
  - (h) a dwelling where the tenant does not have use of more than six rooms and where none of paragraphs (a) to (g) applies.
- (4) When ascertaining H and L under sub-paragraph (1), the rent officer–
- (a) shall assume that no one who would have been entitled to housing benefit had sought or is seeking the tenancy; and
  - (b) shall exclude the amount of any rent which, in the rent officer’s opinion, is fairly attributable to the provision of services which are ineligible to be met by housing benefit
- <sup>F1</sup>(c) .....
- (5) In this paragraph–
- “room” means a bedroom or room suitable for living in and in paragraphs (a), (b) and (c) of sub-paragraph (3) does not include 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 [<sup>F2</sup>regulation 3 of the Housing Benefit Regulations or, as the case may be, regulation 3 of the Housing Benefit (State Pension Credit) Regulations]); or
  - (c) a person who pays rent to the tenant;
- “services” has the meaning given by paragraph 4(5).

**Textual Amendments**

**F1** Sch. 1 para. 11(4)(c) and word omitted (1.4.2003 for specified purposes, 7.4.2003 for specified purposes) by virtue of [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2003 \(S.I. 2003/478\)](#), arts. 1(1), **3(4)**

**F2** Words in Sch. 1 para. 11(5)(b) substituted (6.3.2006 for specified purposes, 7.4.2008 for all other purposes) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 12(10)(d)** (with regs. 2, 3, Sch. 3, Sch. 4); (S.I. 2007/2871, art. 19(7)(b))

**Changes to legislation:**

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