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STATUTORY INSTRUMENTS

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**2001 No. 3561**

**HOUSING**

**The Rent Officers (Housing Benefit Functions) (Amendment) Order 2001**

*Made* - - - - *4th November 2001*  
*Laid before Parliament* *5th November 2001*  
*Coming into force* - - *6th November 2001*

The Secretary of State for Work and Pensions, in exercise of the powers conferred by section 122(1) and (6) of the Housing Act 1996<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Rent Officers (Housing Benefit Functions) (Amendment) Order 2001 and shall come into force on 6th November 2001.

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

2.—(1) Schedule 1 to the Rent Officers (Housing Benefit Functions) Order 1997<sup>(2)</sup> shall be amended as provided in this article and references in this article to paragraphs are to paragraphs of that Schedule.

(2) In paragraph 1—

(a) in sub-paragraph (3), for “locality” in each place where it appears there shall be substituted “vicinity”; and

(b) after sub-paragraph (3) there shall be added the following sub-paragraph—

“(4) For the purposes of this paragraph and paragraph 2 “vicinity” means—

(a) the area immediately surrounding the dwelling; or

(b) where, for the purposes of sub-paragraph (2)(c) of paragraph 2, there is no dwelling in the area immediately surrounding the dwelling which satisfies the description in heads (i), (ii) and (iii) of that sub-paragraph, the area nearest to the dwelling where there is such a dwelling.”.

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(1) 1996 c. 52.

(2) S.I.1997/1984. Relevant amending instruments are S.I. 2000/1, 2001/1325 and 2317.

- (3) In sub-paragraph (2)(c) of paragraph 2 for “locality” there shall be substituted “vicinity”.
- (4) In paragraph 3—
- (a) in sub-paragraphs (3)(a) and (4)(a), for “locality” in each place where it appears there shall be substituted “neighbourhood”; and
- (b) after sub-paragraph (4) there shall be added the following sub-paragraph—
- “(5) For the purposes of this paragraph and paragraph 4(6) “neighbourhood” means—
- (a) where the dwelling is in a town or city, the part of that town or city where the dwelling is located which is a distinct area of residential accommodation; or
- (b) where the dwelling is not in a town or city, the area surrounding the dwelling which is a distinct area of residential accommodation and where there are dwellings satisfying the description in sub-paragraph (4)(b).”.
- (5) After paragraph 4(5) there shall be added the following sub-paragraph—
- “(6) For the purposes of this paragraph and paragraph 5 “locality” means an area—
- (a) comprising two or more neighbourhoods, including the neighbourhood where the dwelling is situated, each neighbourhood adjoining at least one other in the area;
- (b) within which a tenant of the dwelling could reasonably be expected to live having regard to facilities and services for the purposes of health, education, recreation, personal banking and shopping which are in or accessible from the neighbourhood of the dwelling, taking account of the distance of travel, by public and private transport, to and from facilities and services of the same type and similar standard; and
- (c) containing residential premises of a variety of types, and including such premises held on a variety of tenancies.”.

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

3.—(1) Schedule 1 to the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997(3) shall be amended as provided in this article and references in this article to paragraphs are to paragraphs of that Schedule.

- (2) In paragraph 1—
- (a) in sub-paragraph (3), for “locality” in each place where it appears there shall be substituted “vicinity”; and
- (b) after sub-paragraph (3) there shall be added the following sub-paragraph—
- “(4) For the purposes of this paragraph and paragraph 2 “vicinity” means—
- (a) the area immediately surrounding the dwelling; or
- (b) where, for the purposes of sub-paragraph (2)(c) of paragraph 2, there is no dwelling in the area immediately surrounding the dwelling which satisfies the description in heads (i), (ii) and (iii) of that sub-paragraph, the area nearest to the dwelling where there is such a dwelling.”.
- (3) In sub-paragraph (2)(c) of paragraph 2 for “locality” there shall be substituted “vicinity”.
- (4) In paragraph 3—
- (a) in sub-paragraphs (3)(a) and (4)(a), for “locality” in each place where it appears there shall be substituted “neighbourhood”; and
- (b) after sub-paragraph (4) there shall be added the following sub-paragraph—

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(3) S.I. 1997/1995 (S.144). Relevant amending instruments are S.I. 2000/3, 2001/1326 and 2318.

- “(5) For the purposes of this paragraph and paragraph 4(6) “neighbourhood” means—
- (a) where the dwelling is in a town or city, the part of that town or city where the dwelling is located which is a distinct area of residential accommodation; or
  - (b) where the dwelling is not in a town or city, the area surrounding the dwelling which is a distinct area of residential accommodation and where there are dwellings satisfying the description in sub-paragraph (4)(b).”.
- (5) After paragraph 4(5) there shall be added the following sub-paragraph—
- “(6) For the purposes of this paragraph and paragraph 5 “locality” means an area—
- (a) comprising two or more neighbourhoods, including the neighbourhood where the dwelling is situated, each neighbourhood adjoining at least one other in the area;
  - (b) within which a tenant of the dwelling could reasonably be expected to live having regard to facilities and services for the purposes of health, education, recreation, personal banking and shopping which are in or accessible from the neighbourhood of the dwelling, taking account of the distance of travel, by public and private transport, to and from facilities and services of the same type and similar standard; and
  - (c) containing residential premises of a variety of types, and including such premises held on a variety of tenancies.”.

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

4th November 2001

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

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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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 (“the Orders”) which confer functions on rent officers in connection with housing benefit and rent allowance subsidy and require them to make determinations in respect of tenancies and licences of dwellings.

Articles 2 and 3 amend paragraphs 1 to 5 of Schedule 1 to each of the Orders. Articles 2(2) and (3) and 3(2) and (3) replace the term ‘locality’ with ‘vicinity’ for the purposes of paragraphs 1 and 2 which relate to significantly high rents and size-related rent. Articles 2(4) and 3(4) replace the term ‘locality’ with ‘neighbourhood’ in paragraph 3 which relates to exceptionally high rents. Articles 2(5) and 3(5) insert a definition of the term ‘locality’ for the purposes of paragraphs 4 and 5 which relate to local reference rents and single room rents.

This Order does not impose a charge on business.