
STATUTORY INSTRUMENTS

2007 No. 2871

The Rent Officers (Housing Benefit Functions) Amendment Order 2007

Amendments to the Rent Officers (Scotland) Order relating to claim-related rent coming into force on 7th April 2008 save for certain purposes

18.—(1) This article shall not apply where the rent officer has made a determination under paragraphs 1, 2, 3, 4 or 5 of Part 1 of Schedule 1 to the Rent Officers (Scotland) Order and that determination was made in relation to—

- (a) an application under—
 - (i) regulation 14 of the Housing Benefit Regulations 2006 as in force before the substitution of regulation 14 by virtue of regulation 8 of the Housing Benefit (Local Housing Allowance and Information Sharing) Amendment Regulations 2007; or
 - (ii) regulation 14 of the as in force before the substitution of regulation 14 by virtue of regulation 8 of the Housing Benefit (State Pension Credit) (Local Housing Allowance and Information Sharing) Amendment Regulations 2007; or
- (b) an application for a redetermination, substitute determination or substitute redetermination relating to a determination to which sub-paragraph (a) applies made under regulation 15, 16 or 17 of the Regulations referred to in sub-paragraph (a)(i) or (ii).

(2) In paragraph 6(1) of Part 1 of Schedule 1—

- (a) for sub-paragraph (1) substitute—

“(1) In this paragraph, and in paragraph 9, “claim-related rent” means the claim-related rent determined by the rent officer in accordance with paragraph (2A).”;
- (b) after sub-paragraph (1) insert—

“(2A) The rent officer shall determine that the claim-related rent is—

 - (a) where he makes a determination under sub-paragraph (2) of paragraph 1, sub-paragraph (2) of paragraph 2 and sub-paragraph (3) of paragraph 3, the lowest of the three rents determined under those sub-paragraphs;
 - (b) where he makes a determination under only two of the sub-paragraphs referred to in paragraph (a), the lower of the two rents determined under those sub-paragraphs;
 - (c) where he makes a determination under only one of the sub-paragraphs referred to in paragraph (a), the rent determined under that sub-paragraph;
 - (d) where he does not make a determination under any of the sub-paragraphs referred to in sub-paragraph (a), the rent payable under the tenancy of the dwelling at the relevant time.”.
 - (c) omit sub-paragraph (2); and
 - (d) in sub-paragraph (3) omit “Where the dwelling is not in a hostel,”.

(3) In paragraph 9(1)(2) of Part 3 of Schedule 1—

(a) for sub-paragraph (1)(c) substitute—

“(c) where that claim-related rent includes an amount which would be ineligible for housing benefit under paragraph 1(a)(i) of Schedule 1 to the Housing Benefit Regulations or, as the case may be, paragraph 1(a)(i) of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations (charges for meals), the inclusion of an ineligible amount in respect of meals;”;

(b) after sub-paragraph (1)(d) insert—

“(da) where any rent determined under paragraph 4 includes an amount which would be ineligible for housing benefit under the provisions referred to in sub-paragraph (c), the inclusion of an ineligible amount in respect of meals; and”.