

2008 No. 3156

HOUSING

**The Rent Officers (Housing Benefit Functions) Amendment
(No. 2) Order 2008**

<i>Made</i>	- - - -	<i>9th December 2008</i>
<i>Laid before Parliament</i>		<i>15th December 2008</i>
<i>Coming into force</i>	- -	<i>5th January 2009</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(a).

Citation and commencement

1. This Order may be cited as the Rent Officers (Housing Benefit Functions) Amendment (No. 2) Order 2008 and shall come into force on 5th January 2009.

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

2.—(1) The Rent Officers (Housing Benefit Functions) Order 1997(b) shall be amended as follows.

(2) In article 4B(3A)(c) (broad rental market area determinations and local housing allowance determinations) omit “working”.

(3) In Schedule 1—

(a) in paragraph 4(d) (local reference rents)—

(i) in sub-paragraph (2) for “locality” substitute “broad rental market area (local reference rent)”; and

(ii) for sub-paragraph (6) substitute—

“(6) For the purposes of this paragraph and paragraph 5 “broad rental market area (local reference rent)” means the area 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, taking account of the distance of travel, by public and private transport, to and from those facilities and services.

(7) A broad rental market area (local reference rent) must contain—

(a) residential premises of a variety of types, including such premises held on a variety of tenures; and

(a) 1996 c.52. Section 122 was amended by sections 40 and 67 of, and Schedule 5, paragraph 12 and Schedule 8 to, the Welfare Reform Act 2007 (c.5).

(b) S.I. 1997/1984.

(c) Article 4B was inserted by S.I. 2003/2398 and paragraph (3A) was inserted by S.I. 2007/2871.

(d) The relevant amending instrument is S.I. 2001/3561.

- (b) sufficient privately rented residential premises, to ensure that, in the rent officer's opinion, the local reference rents for tenancies in the area are representative of the rents that a landlord might reasonably be expected to obtain in that area.”; and
 - (b) in paragraph 5 (single room rents) in sub-paragraph (2), for “locality” substitute “broad rental market area (local reference rent)”.
- (4) In Schedule 3B(a) (broad rental market area determinations and local housing allowance determinations)—
- (a) in paragraph 2, omit sub-paragraph (8); and
 - (b) for paragraph 4 substitute—

“4. In this Schedule “broad rental market area” means an area within which a person could reasonably be expected to live having regard to facilities and services for the purposes of health, education, recreation, personal banking and shopping, taking account of the distance of travel, by public and private transport, to and from those facilities and services.

5. A broad rental market area must contain—

- (a) residential premises of a variety of types, including such premises held on a variety of tenures; and
- (b) sufficient privately rented residential premises to ensure that, in the rent officer's opinion, the local housing allowance for the categories of dwelling in the area for which the rent officer is required to determine a local housing allowance is representative of the rents that a landlord might reasonably be expected to obtain in that area.”.

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

3.—(1) The Rent Officers (Housing Benefit Functions) (Scotland) Order 1997(b) shall be amended as follows.

(2) In article 4B(3A)(c) (broad rental market area determinations and local housing allowance determinations) omit “working”.

(3) In Schedule 1—

- (a) in paragraph 4(d) (local reference rents)—
 - (i) in sub-paragraph (2) for “locality” substitute “broad rental market area (local reference rent)”;
 - (ii) for sub-paragraph (6) substitute—

“(6) For the purposes of this paragraph and paragraph 5 “broad rental market area (local reference rent)” means the area 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, taking account of the distance of travel, by public and private transport, to and from those facilities and services.

(7) A broad rental market area (local reference rent) must contain—

- (a) residential premises of a variety of types, including such premises held on a variety of tenures; and
- (b) sufficient privately rented residential premises, to ensure that, in the rent officer's opinion, the local reference rents for tenancies in the area are representative of the rents that a landlord might reasonably be expected to obtain in that area.”; and

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

(b) S.I. 1997/1995.

(c) Article 4B was inserted by S.I. 2003/2398 and paragraph (3A) was inserted by S.I. 2007/2871.

(d) The relevant amending instrument is S.I. 2001/3561.

(b) in paragraph 5 (single room rents) in sub-paragraph (2), for “locality” substitute “broad rental market area (local reference rent)”.

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

(a) in paragraph 2, omit sub-paragraph (8); and

(b) for paragraph 4, substitute—

“4. In this Schedule “broad rental market area” means an area within which a person could reasonably be expected to live having regard to facilities and services for the purposes of health, education, recreation, personal banking and shopping, taking account of the distance of travel, by public and private transport, to and from those facilities and services.

5. A broad rental market area must contain—

(a) residential premises of a variety of types, including such premises held on a variety of tenures; and

(b) sufficient privately rented residential premises to ensure that, in the rent officer’s opinion, the local housing allowance for the categories of dwelling in the area for which the rent officer is required to determine a local housing allowance is representative of the rents that a landlord might reasonably be expected to obtain in that area.”.

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

Kitty Ussher

Parliamentary Under Secretary of State,
Department for Work and Pensions

9th December 2008

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

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.

Article 2 amends the Rent Officers (Housing Benefit Functions) Order 1997. Paragraph (2) amends article 4B(3A) to clarify that the local housing allowance determination takes effect on the first day of the month.

Paragraph (3) amends Schedule 1. In paragraph 4, it substitutes for the definition of “locality” a new definition of “broad rental market area (local reference rent)”. It also makes amendments to paragraphs 4 and 5 to replace references to “locality” with “broad rental market area (local reference rent)”.

Paragraph (4) substitutes a new definition of “broad rental market area” in Schedule 3B that is in similar terms to the new definition of “broad rental market area (local reference rent)” in Schedule 1.

Article 3 makes equivalent amendments to the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997.

A full impact assessment has not been published for this instrument as it has no impact on the private or voluntary sectors.

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