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STATUTORY INSTRUMENTS

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**2009 No. 2459**

**HOUSING**

**The Rent Officers (Housing Benefit Functions) Amendment Order 2009**

*Made* - - - - *6th September 2009*  
*Laid before Parliament* *11th September 2009*  
*Coming into force* - - *12th October 2009*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 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 2009 and shall come into force on 12th October 2009.

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

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

(2) In Schedule 3B<sup>(3)</sup> (Broad rental market determinations and local housing allowance determinations) in paragraph 2 (Local housing allowance for category of dwelling in paragraph 1) after sub-paragraph (5) insert—

“(5A) Where the rent officer is not satisfied that the list of rents in respect of any category of dwelling would contain sufficient rents, payable at the date of the determination for dwellings in the broad rental market area, to enable a local housing allowance to be determined which is representative of the rents that a landlord might reasonably be expected to obtain in that area, the rent officer may add to the list rents for dwellings in the same category in other areas in which a comparable market exists.”.

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(1) 1996 c.52. Section 122 was amended by Schedule 5, paragraph 12 and Schedule 8 to the Welfare Reform Act 2007 (c.5).  
(2) S.I. 1997/1984.  
(3) Schedule 3B was inserted by S.I. 2007/2871 and amended by S.I. 2008/3156.

### **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> shall be amended as follows.

(2) In Schedule 3B<sup>(5)</sup> (Broad rental market determinations and local housing allowance determinations) in paragraph 2 (Local housing allowance for category of dwelling in paragraph 1) after sub-paragraph (5) insert—

“(5A) Where the rent officer is not satisfied that the list of rents in respect of any category of dwelling would contain sufficient rents, payable at the date of the determination for dwellings in the broad rental market area, to enable a local housing allowance to be determined which is representative of the rents that a landlord might reasonably be expected to obtain in that area, the rent officer may add to the list rents for dwellings in the same category in other areas in which a comparable market exists.”.

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

*Helen Goodman*  
Parliamentary Under Secretary of State,  
Department for Work and Pensions

6th September 2009

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

(5) Schedule 3B was inserted by [S.I. 2007/2871](#) and amended by [S.I. 2008/3156](#).

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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 (S.I. 1997/1984) and the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 (S.I. 1997/1995).

In each case paragraph 2 of Schedule 3B sets out how a rent officer should determine a local housing allowance for each category of dwelling identified in paragraph 1. This process involves drawing up a list of rents, payable at the date of the determination, for dwellings within a broad rental market area. This Order inserts a new sub-paragraph (5A). This will allow the rent officer, if not satisfied that the list of rents for a particular category would contain sufficient rents to enable a representative local housing allowance to be determined, to add to the list rents for dwellings in the same category located in other areas in which a comparable market exists.

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