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STATUTORY INSTRUMENTS

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**2010 No. 2836**

**The Rent Officers (Housing Benefit Functions) Amendment Order 2010**

**Amendment of the Rent Officers (Housing Benefit Functions) Order 1997 coming into force on 18th March 2011**

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

(2) In article 4B(2) (broad rental market area determinations and local housing allowance determinations)—

(a) omit—

(i) paragraph (2A)(a)(ii);

(ii) paragraph (4) as substituted by article 6(4)(b) of the Rent Officers (Housing Benefit Functions) Amendment Order 2007(3);

(iii) paragraph (4A);

(b) in paragraph (6) omit “, (4) or (4A)”.

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

(a) in paragraph 1 (categories of dwelling)—

(i) omit sub-paragraph (1)(f);

(ii) in sub-paragraph (2)(b) for “to (f)” substitute “to (e)”;

(b) in paragraph 2 (local housing allowance for category of dwelling in paragraph 1)—

(i) for sub-paragraphs (9) and (10) substitute—

“(9) Subject to paragraph (12), the local housing allowance for each category of dwelling specified in paragraph 1 is the amount of the rent at the 30th percentile in the list of rents for that category of dwelling.

(10) The rent at the 30th percentile in the list of rents (“R”) is determined as follows—

(a) where the number of rents on the list is a multiple of 10, the formula is—

$$R = \frac{\text{the amount of the rent at P} + \text{the amount of the rent at P1}}{2}$$

where—

(i) P is the position on the list found by multiplying the number of rents on the list by 3 and dividing by 10; and

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(1) [S.I. 1997/1984](#).

(2) Article 4B was inserted by [S.I. 2003/2398](#). It was amended, and its application extended to all local authorities, by [S.I. 2007/2871](#). There is an amendment not relevant to this instrument.

(3) [S.I. 2007/2871](#).

(4) Schedule 3B was inserted by [S.I. 2007/2871](#). There is an amendment not relevant to this instrument.

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- (ii) P1 is the following position on the list;
- (b) where the number of rents on the list is not a multiple of 10, the formula is—

$$R = \text{the amount of the rent at P2}$$

where P2 is the position on the list found by multiplying the number of rents on the list by 3 and dividing by 10 and rounding the result upwards to the nearest whole number.”;

- (ii) in sub-paragraph (11) for “median rent” substitute “rent at the 30th percentile”;
- (iii) after sub-paragraph (11) insert—

“(12) Where the rent at the 30th percentile for the category of dwelling specified in the paragraph of this Schedule listed in column (1) of the following table exceeds the figure in column (2), the local housing allowance for that category of dwelling is the figure in column (2)—

<i>(1) Paragraph of this Schedule defining the category of dwelling</i>	<i>(2) Maximum local housing allowance for that category of dwelling</i>
paragraph 1(1)(a) (one bedroom, shared accommodation)	£250
paragraph 1(1)(b) (one bedroom, exclusive use)	£250
paragraph 1(1)(c) (two bedrooms)	£290
paragraph 1(1)(d) (three bedrooms)	£340
paragraph 1(1)(e) (four bedrooms)	£400”

- (c) in paragraph 3 (anomalous local housing allowances)—
  - (i) in sub-paragraph (1)(b) for “to (f)” substitute “to (e)”; and
  - (ii) omit sub-paragraph (2).