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STATUTORY INSTRUMENTS

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**2020 No. 27**

**HOUSING**

**The Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2020**

<i>Made</i>	- - - -	<i>at 9.30 a.m. on 13th January 2020</i>
<i>Laid before Parliament</i>		<i>at 4.00 p.m. on 13th January 2020</i>
<i>Coming into force</i>	- -	<i>30th January 2020</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 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 and Universal Credit Functions) (Amendment) Order 2020 and comes into force on 30th January 2020.

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

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

(2) In paragraph (1B) of article 4B (broad rental market area determinations and local housing allowance determinations), for “2(2A) or (2B)” substitute “2(2)”.

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

(a) In paragraph 2 (local housing allowance for category of dwelling in paragraph 1), for sub-paragraphs (2A), (2B), (3) and (3A) substitute—

“(2) The local housing allowance for any category of dwelling is the lowest of—

(a) the rent at the 30th percentile determined in accordance with sub-paragraphs (4) to (8);

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(1) 1996 c.52. Section 122(1) was amended by paragraph 36 of Schedule 2 to the Welfare Reform Act 2012 (c.5).  
(2) S.I. 1997/1984. Article 4B was inserted by S.I. 2003/2398, and paragraph (1B) of that article was inserted by S.I. 2016/1179. Schedule 3B was inserted by S.I. 2007/2871, and relevant amending instruments are S.I. 2013/2978, 2015/1753, 2016/1179, 2017/1323 and 2018/1332.

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- (b) the local housing allowance last determined for that category of dwelling (or, where the determination is amended under article 7A(4) (errors), the allowance provided for in the amended determination), increased by 1.7%; and
- (c) for a category of dwelling listed in column 1 of the following table, the amount listed in column 2 of that table (maximum local housing allowance)—

<i>1. Category of dwelling as specified in paragraph 1</i>	<i>2. Maximum local housing allowance for that category of dwelling</i>
paragraph 1(1)(a) (one bedroom, shared accommodation)	£281.21
paragraph 1(1)(b) (one bedroom, exclusive use)	£281.21
paragraph 1(1)(c) (two bedrooms)	£326.19
paragraph 1(1)(d) (three bedrooms)	£382.43
paragraph 1(1)(e) (four bedrooms)	£449.94

; and

- (b) omit paragraph 5A.

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

**3.**—(1) The Rent Officers (Housing Benefit Functions)(Scotland) Order 1997(3) is amended as follows.

(2) In paragraph (1B) of article 4B (broad rental market area determinations and local housing allowance determinations), for “2(2A) or (2B)” substitute “2(2)”.

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

- (a) in paragraph 2 (local housing allowance for category of dwelling in paragraph 1), for sub-paragraphs (2A), (2B), (3) and (3A) substitute—

“(2) The local housing allowance for any category of dwelling is the lowest of—

- (a) the rent at the 30th percentile determined in accordance with sub-paragraphs (4) to (8);
- (b) the local housing allowance last determined for that category of dwelling (or, where the determination is amended under article 7A(4) (errors), the allowance provided for in the amended determination), increased by 1.7%; and
- (c) for a category of dwelling listed in column 1 of the following table, the amount listed in column 2 of that table (maximum local housing allowance)—

<i>1. Category of dwelling as specified in paragraph 1</i>	<i>2. Maximum local housing allowance for that category of dwelling</i>
paragraph 1(1)(a) (one bedroom, shared accommodation)	£281.21

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(3) S.I. Article 4B was inserted by [S.I. 2003/2398](#) and paragraph (1B) of that article was inserted by [S.I. 2016/1179](#). Schedule 3B was inserted by [S.I. 2007/2871](#), and relevant amending instruments are [S.I. 2013/2978](#), [2015/1753](#), [2016/1179](#), [2017/1323](#) and [2018/1332](#).

<i>1. Category of dwelling as specified in paragraph 1</i>	<i>2. Maximum local housing allowance for that category of dwelling</i>
paragraph 1(1)(b) (one bedroom, exclusive use)	£281.21
paragraph 1(1)(c) (two bedrooms)	£326.19
paragraph 1(1)(d) (three bedrooms)	£382.43
paragraph 1(1)(e) (four bedrooms)	£449.94”

; and

- (b) omit paragraph 5A.

#### **Amendment of the Rent Officers (Universal Credit Functions) Order 2013**

4.—(1) The Rent Officers (Universal Credit Functions) Order 2013(4) is amended as follows.

(2) In paragraph 2A of article 3 (broad rental market area determinations), for “2(2A) or (2B)” substitute “2(2)”.

(3) In Schedule 1 (local housing allowance determinations)—

- (a) in paragraph 2 (local housing allowance for category of accommodation in paragraph 1), for sub-paragraphs (2A), (2B), (3), and (3A) substitute—

“(2) The local housing allowance for any category of accommodation is the lowest of—

- (a) the rent at the 30th percentile determined in accordance with paragraph 3;
- (b) the local housing allowance last determined for that category of accommodation (or, where the allowance is redetermined under article 6 (redeterminations), the allowance as so redetermined), increased by 1.7%; and
- (c) for a category of accommodation listed in column 1 of the following table, the amount listed in column 2 of that table (maximum local housing allowance)—

<i>1. Category of accommodation as in paragraph 1</i>	<i>2. Maximum local housing allowance for that accommodation</i>
paragraph 1(a) (one bedroom, shared accommodation)	£1,218.57
paragraph 1(b) (one bedroom, exclusive use)	£1,218.57
paragraph 1(c) (two bedrooms)	£1,413.54
paragraph 1(d) (three bedrooms)	£1,657.25
paragraph 1(e) (four bedrooms)	£1,949.71”

; and

- (b) omit paragraph 5A.

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(4) S.I. 2013/382. Paragraph (2A) of article 3 was inserted by S.I. 2016/1179. Relevant amendments of Schedule 1 were made by S.I. 2013/2978, 2015/1753, 2016/1179, 2017/1323 and 2018/1332.

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

At 9.30 a.m. on 13th January 2020

*Will Quince*  
Parliamentary Under Secretary of State  
Department of Work and Pensions

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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), the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 (S.I. 1997/1995), and the Rent Officers (Universal Credit Functions) Order 2013 (S.I. 2013/382) (“the Orders”) to make changes to the manner in which a local housing allowance is determined.

Articles 2, 3, and 4 amend the Orders to provide that, for any category of dwelling (or accommodation, in relation to Universal Credit), the local housing allowance is the lowest of: the rent at the 30th percentile for the broad rental market area in question, determined in accordance with the Orders; the local housing allowance as last determined, increased by 1.7%; and the maximum housing allowance for the category of dwelling in question.

The increase of 1.7% in the local housing allowance as last determined is representative of the increase in the Consumer Price Index over 12 months as determined by the Office for National Statistics in September 2019<sup>(5)</sup>.

These articles also provide for revised amounts of the maximum housing allowance for specified categories of dwellings (or accommodation, in relation to Universal Credit), and make consequential changes.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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(5) See <https://www.ons.gov.uk/economy/inflationandpricesindices/bulletins/consumerpriceinflation/september2019>. Hard copies are available from the Library at the Department for Work and Pensions, Caxton House, Tothill St, London SW1H 9NA.