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STATUTORY INSTRUMENTS

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**2021 No. 1380**

**HOUSING**

**The Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment and Modification) Order 2021**

*Made* - - - - *7th December 2021*  
*Laid before Parliament* *10th December 2021*  
*Coming into force* - - *31st January 2022*

The Secretary of State, in exercise of the powers conferred by section 122(1) and (6) of the Housing Act 1996<sup>(1)</sup>, makes the following Order.

**Citation, Commencement and Extent**

1.—(1) This Order may be cited as the Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment and Modification) Order 2021 and comes into force on 31st January 2022.

(2) This Order extends to England and Wales and Scotland.

**Amendments to 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 article 4B(3A) (date on which a broad rental market area determination takes effect)<sup>(3)</sup>, for sub-paragraph (b) substitute—

“(b) for all other purposes on the next 1st April following the day on which the determination is made.”.

**Amendments to the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997**

3.—(1) The Rent Officers (Housing Benefit Functions) (Scotland) Order 1997<sup>(4)</sup> is amended as follows.

(2) In article 4B(3A) (date on which a broad rental market area determination takes effect)<sup>(5)</sup>, for sub-paragraph (b) substitute—

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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.

(3) Article 4B(3A) was inserted by S.I. 2007/2871 and amended by S.I. 2012/646 and 2017/1323.

(4) S.I. 1997/1995 (S. 144).

(5) Article 4B(3A) was inserted by S.I. 2007/2871 and amended by S.I. 2012/646 and 2017/1323.

“(b) for all other purposes on the next 1st April following the day on which the determination is made.”.

#### **Amendments to the Rent Officers (Universal Credit Functions) Order 2013**

4.—(1) The Rent Officers (Universal Credit Functions) Order 2013(6) is amended as follows.

(2) In article 3(6) (date on which a broad rental market area determination takes effect)(7), for sub-paragraph (b) substitute—

“(b) for all other purposes on the next relevant Monday following the day on which the determination is made.”.

#### **Modifications to the Rent Officers (Housing Benefit Functions) Order 1997**

5. For the purposes of determining the local housing allowances in 2022, Schedule 3B (broad rental market area determinations and local housing allowance determinations) to the Rent Officers (Housing Benefit Functions) Order 1997(8) is to be read as if for paragraph 2(2) there were substituted—

“(2) For all broad rental market areas the local housing allowance for any category of dwelling is the allowance determined for that category of dwelling on 31st March 2020.”.

#### **Modifications to the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997**

6. For the purposes of determining the local housing allowances in 2022, Schedule 3B (broad rental market area determinations and local housing allowance determinations) to the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997(9) is to be read as if for paragraph 2(2) there were substituted—

“(2) For all broad rental market areas the local housing allowance for any category of dwelling is the allowance determined for that category of dwelling on 31st March 2020.”.

#### **Modifications to the Rent Officers (Universal Credit Functions) Order 2013**

7. For the purposes of determining the local housing allowances in 2022, Schedule 1 (local housing allowance determinations) to the Rent Officers (Universal Credit Functions) Order 2013(10) is to be read as if for paragraph 2(2) there were substituted—

“(2) For all broad rental market areas the local housing allowance for any category of accommodation is the allowance determined for that category of accommodation on 31st March 2020.”.

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(6) S.I. 2013/382.

(7) Article 3(6) was amended by S.I. 2017/1323.

(8) Schedule 3B was inserted by S.I. 2007/2871 and the relevant amending instruments are S.I. 2013/2978, 2015/1753, 2020/27 and 371. Paragraph 2(2) was modified by S.I. 2020/1519 for the purposes of the local housing allowance determinations in 2021.

(9) Schedule 3B was inserted by S.I. 2007/2871 and the relevant amending instruments are S.I. 2013/2978, 2015/1753, 2020/27 and 371. Paragraph 2(2) was modified by S.I. 2020/1519 for the purposes of the local housing allowance determinations in 2021.

(10) The relevant amending instruments are S.I. 2013/2978, 2015/1753, 2020/27 and 371. Paragraph 2(2) was modified by S.I. 2020/1519 for the purposes of the local housing allowance determinations in 2021.

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

7th December 2021

*David Rutley*  
Parliamentary Under Secretary of State  
Department of Work and Pensions

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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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](#)) (S. 144) and the Rent Officers (Universal Credit Functions) Order 2013 ([S.I. 2013/382](#)) to make changes to when Broad Rental Market Area Determinations take effect. It also modifies those Orders to make provision for the determination of local housing allowances in 2022.

Articles 2 and 3 amend [S.I. 1997/1984](#) and [1997/1995](#) to provide that a change to a Broad Rental Market Area Determination will take effect from the next 1st April following the day on which the determination is made.

Article 4 amends [S.I. 2013/382](#) to provide that a change to a Broad Rental Market Area Determination will take effect from the first Monday of the first tax year that follows the day on which the determination is made.

Articles 5, 6 and 7 modify the above Rent Officers Orders to provide that, for all broad rental market areas, the local housing allowance for any category of dwelling or accommodation is the allowance determined for that category of dwelling or accommodation on 31st March 2020. The modification will apply for the purposes of determining local housing allowances in 2022.

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.