

**2024 No. 11**

**HOUSING**

**The Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2024**

<i>Made</i> - - - -	<i>8th January 2024</i>
<i>Laid before Parliament</i>	<i>9th January 2024</i>
<i>Coming into force</i> - -	<i>31st January 2024</i>

The Secretary of State makes this Order in exercise of the powers conferred by section 122(1) and (6)(b) of the Housing Act 1996(a).

**Citation, commencement and extent**

**1.**—(1) This Order may be cited as the Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2024 and comes into force on 31st January 2024.

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

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

**2.**—(1) Schedule 3B to the Rent Officers (Housing Benefit Functions) Order 1997 (broad rental market area determinations and local housing allowance determinations)(b) is amended as follows.

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

(a) in sub-paragraph (1)—

(i) for “paragraph”, in the first place it occurs, substitute “paragraphs”;

(ii) after “allowances” insert “and 3A (minimum local housing allowance)”;

(b) in sub-paragraph (2)(b), in column 2 of the table—

(i) in the row relating to paragraph 1(1)(a), for “£295.49” substitute “£331.39”;

(ii) in the row relating to paragraph 1(1)(b), for “£295.49” substitute “£331.39”;

(iii) in the row relating to paragraph 1(1)(c), for “£365.92” substitute “£412.86”;

(iv) in the row relating to paragraph 1(1)(d), for “£441.86” substitute “£497.10”;

(v) in the row relating to paragraph 1(1)(e), for “£593.75” substitute “£704.22”.

(3) In paragraph 3(1) (anomalous local housing allowances)—

(a) before paragraph (a), for “Where—” substitute “Subject to paragraph 3A, where—”;

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(a) 1996 c. 52. Section 122(1) was amended by paragraph 36 of Schedule 2 to the Welfare Reform Act 2012 (c. 5).

(b) S.I. 1997/1984. Schedule 3B was inserted by S.I. 2007/2871 and relevant amending instruments are S.I. 2008/3156, 2010/2836, 2012/646, 2013/2978, 2015/1753, 2020/27 and 371, 2022/907.

- (b) in the words after paragraph (b), for “shall” substitute “is to”.
- (4) After paragraph 3, insert—

**“Minimum local housing allowance**

**3A.** Where—

- (a) the rent officer has determined the local housing allowance for each of the categories of dwelling in paragraph 1(1) in accordance with paragraph 2 and, where relevant, paragraph 3 (anomalous local housing allowances); and
- (b) the local housing allowance as so determined for a category of dwelling is lower than the local housing allowance determined for that category of dwelling on 31st March 2020,

that local housing allowance is to be the same as the local housing allowance determined for that category of dwelling on 31st March 2020.”.

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

**3.—**(1) Schedule 3B to the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 (broad rental market area determinations and local housing allowance determinations)(a) is amended as follows.

- (2) In paragraph 2 (local housing allowance for category of dwelling in paragraph 1)—
  - (a) in sub-paragraph (1)—
    - (i) for “paragraph”, in the first place it occurs, substitute “paragraphs”;
    - (ii) after “allowances)” insert “and 3A (minimum local housing allowance)”;
  - (b) in sub-paragraph (2)(b), in column 2 of the table—
    - (i) in the row relating to paragraph 1(1)(a), for “£295.49” substitute “£331.39”;
    - (ii) in the row relating to paragraph 1(1)(b), for “£295.49” substitute “£331.39”;
    - (iii) in the row relating to paragraph 1(1)(c), for “£365.92” substitute “£412.86”;
    - (iv) in the row relating to paragraph 1(1)(d), for “£441.86” substitute “£497.10”;
    - (v) in the row relating to paragraph 1(1)(e), for “£593.75” substitute “£704.22”.
- (3) In paragraph 3(1) (anomalous local housing allowances)—
  - (a) before paragraph (a), for “Where—” substitute “Subject to paragraph 3A, where—”;
  - (b) in the words after paragraph (b), for “shall” substitute “is to”.
- (4) After paragraph 3, insert—

**“Minimum local housing allowance**

**3A.** Where—

- (a) the rent officer has determined the local housing allowance for each of the categories of dwelling in paragraph 1(1) in accordance with paragraph 2 and, where relevant, paragraph 3 (anomalous local housing allowances); and
- (b) the local housing allowance as so determined for a category of dwelling is lower than the local housing allowance determined for that category of dwelling on 31st March 2020,

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(a) S.I. 1997/1995 (S. 144). Schedule 3B was inserted by S.I. 2007/2871 and relevant amending instruments are S.I. 2008/3156, 2010/2836, 2012/646, 2013/2978, 2015/1753, 2018/1332, 2020/27 and 371.

that local housing allowance is to be the same as the local housing allowance determined for that category of dwelling on 31st March 2020.”.

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

4.—(1) Schedule 1 to the Rent Officers (Universal Credit Functions) Order 2013 (local housing allowance determinations)(a) is amended as follows.

(2) In paragraph 2 (local housing allowance for category of accommodation in paragraph 1)—

(a) in sub-paragraph (1)—

- (i) for “paragraph”, in the first place it occurs, substitute “paragraphs”;
- (ii) after “allowances)” insert “and 7 (minimum local housing allowance)”;

(b) in sub-paragraph (2)(b), in column 2 of the table—

- (i) in the row relating to paragraph 1(a), for “£1,283.96” substitute “£1,439.97”;
- (ii) in the row relating to paragraph 1(b), for “£1,283.96” substitute “£1,439.97”;
- (iii) in the row relating to paragraph 1(c), for “£1,589.99” substitute “£1,793.98”;
- (iv) in the row relating to paragraph 1(d), for “£1,920.00” substitute “£2,160.02”;
- (v) in the row relating to paragraph 1(e), for “£2,579.98” substitute “£3,060.00”.

(3) In paragraph 5 (anomalous local housing allowances), before sub-paragraph (a), for “Where—” substitute “Subject to paragraph 7, where—”.

(4) At the end, insert—

#### **“Minimum local housing allowance**

7. Where—

- (a) the rent officer has determined the local housing allowance for each of the categories of accommodation in paragraph 1 in accordance with paragraphs 2 and 3 and, where relevant, paragraph 5 (anomalous local housing allowances); and
- (b) the local housing allowance as so determined for a category of accommodation is lower than the local housing allowance determined for that category of accommodation on 31st March 2020,

that local housing allowance is to be the same as the local housing allowance determined for that category of accommodation on 31st March 2020.”.

8th January 2024

*Mel Stride*  
Secretary of State  
Department for Work and Pensions

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(a) S.I. 2013/382. Relevant amending instruments are S.I. 2013/2978, 2015/1753, 2020/27 and 371, 2022/907.

## 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 how the local housing allowance is determined.

Under those Orders, rent officers must determine a local housing allowance (which applies to the private rented sector) for each relevant category of dwelling or accommodation, in each broad rental market area, so that the allowance is set at the lower of rent at the 30th percentile of local rents and the maximum local housing allowance for the relevant category of dwelling or accommodation (national caps). The amendments revise the national caps. The new provisions for the determination of the local housing allowance are first to apply to the determinations to be made on 31st January 2024. The amendments also insert a provision the effect of which is that no revised local housing allowance can be lower than the allowance determined for the relevant category of dwelling or accommodation on 31st March 2020 (when local housing allowance rates were last increased).

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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