

SCHEDULE 1

Amendments consequential upon the commencement of the Renting Homes (Wales) Act 2016

Rent Officers (Housing Benefit Functions) Order 1997

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

- (a) in article 2(1)(2) (interpretation), at the appropriate place in alphabetical order, insert—
- ““introductory standard contract” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 16 of that Act);”;
 - ““occupation contract” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 7 of that Act);”;
 - ““private landlord” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 10 of that Act);”;
 - ““private registered provider of social housing” has the meaning given by section 80(3) of the Housing and Regeneration Act 2008⁽³⁾;”;
 - ““registered social landlord” means a person registered in the register maintained under section 1 of the Housing Act 1996⁽⁴⁾;”;
 - ““secure contract” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 8 of that Act);”;
 - ““standard contract” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 8 of that Act), but does not include—
- (a) an introductory standard contract,
 - (b) a prohibited conduct standard contract within the meaning given by the Renting Homes (Wales) Act 2016 (see section 116 of that Act), or
 - (c) a supported standard contract within the meaning given by the Renting Homes (Wales) Act 2016 (see section 143 of that Act);”;
- (b) in Schedule 1—
- (i) in paragraph 3(3)⁽⁵⁾ (exceptionally high rents), after “assured tenancy of a dwelling”, insert “in England, or an occupation contract of a dwelling in Wales;”;
 - (ii) in paragraph 3(4)⁽⁶⁾, after “assured tenancies”, insert “or occupation contracts”;
 - (iii) in paragraph 4(1) (local reference rents)—

⁽¹⁾ S.I. 1997/1984.

⁽²⁾ Article 2(1) was amended by articles 2 and 3 of the Rent Officers (Housing Benefit Functions) (Amendment) Order 2000 (S.I. 2000/1), article 2 of the Rent Officers (Housing Benefit Functions) (Local Housing Allowance) Amendment Order 2003 (S.I. 2003/2398), article 2(1) of the Rent Officers (Housing Benefit Functions) (Student Accommodation) Amendment Order 2004 (S.I. 2004/2101), regulation 5 of and paragraph 11 of Schedule 2 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), articles 3, 4, 6 and 10 of the Rent Officers (Housing Benefit Functions) Amendment Order 2007 (S.I. 2007/2871), article 3(1) and (2) of the Rent Officers (Housing Benefit Functions) Amendment Order 2010 (S.I. 2010/2836), article 2 of the Rent Officers (Housing Benefit Functions) (Amendment) Order 2012 (S.I. 2012/646) and article 2 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2013 (S.I. 2013/1544).

⁽³⁾ 2008 c. 17. Section 80(3) was inserted by article 5 of and paragraph 5 of Schedule 1 to the Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844).

⁽⁴⁾ 1996 c. 52. Section 1 was amended by sections 140 and 152 of and paragraph 83 of Schedule 16 and Part VI of Schedule 18 to the Government of Wales Act 1998 (c. 38), sections 61 and 321 of and Schedule 16 to the Housing and Regeneration Act 2008 (c. 17).

⁽⁵⁾ Paragraph 3(3) was amended by article 2(1) and (4)(a) of the Rent Officers (Housing Benefit Functions) (Amendment) Order 2001 (S.I. 2001/3561).

⁽⁶⁾ Paragraph 3(4) was amended by article 2(1) and (4)(a) of the Rent Officers (Housing Benefit Functions) (Amendment) Order 2001 (S.I. 2001/3561).

Changes to legislation: There are currently no known outstanding effects for the *The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022, Paragraph 17*. (See end of Document for details)

- (aa) in paragraph (a) in the definition of H (highest rent), after “assured tenancy of a dwelling”, insert “in England, or an occupation contract of a dwelling in Wales,”;
- (bb) in paragraph (a) in the definition of L (lowest rent), after “assured tenancy of a dwelling”, insert “in England, or an occupation contract of a dwelling in Wales,”;
- (iv) in paragraph 4(2)(a)(7), after “assured tenancy”, insert “or occupation contract”;
- (v) in paragraph 4(2)(b)(i), after “assured tenancy”, insert “or occupation contract”;
- (vi) in paragraph 4(2)(b)(ii), after “assured tenancy”, insert “or occupation contract”;
- (vii) in paragraph 4(2)(b)(iii), after “assured tenancy”, insert “or occupation contract”;
- (viii) in paragraph 4(2)(b)(iv), after “assured tenancy”, insert “or occupation contract”;
- (ix) in paragraph 5(1) (single room rents)—
 - (aa) in paragraph (a) in the definition of H (highest rent), after “assured tenancy of a dwelling”, insert “in England, or an occupation contract of a dwelling in Wales,”;
 - (bb) in paragraph (a) in the definition of L (lowest rent), after “assured tenancy of a dwelling”, insert “in England, or an occupation contract of a dwelling in Wales,”;
- (x) in paragraph 5(2)(a)(8), after “assured tenancy”, insert “or occupation contract”;
- (xi) in paragraph 5(2)(b), after “assured tenancy”, insert “or occupation contract”;
- (xii) in paragraph 8(1) (housing associations etc.), for “In a case”, substitute “In relation to England, in a case”;
- (xiii) after paragraph 8(1), insert—

“(1A) In relation to Wales, in a case where the local authority states in the application that the landlord is a housing association, a community landlord, or a charity, the rent officer shall assume that the landlord is not such a body.”;
- (xiv) in paragraph 8(2), for “The rent officer”, substitute “In relation to England, the rent officer”;
- (xv) after paragraph 8(2), insert—

“(2A) In relation to Wales, the rent officer shall not take into account the rent under any occupation contract where the landlord is a housing association or a community landlord, or where the landlord is a charity and the dwelling is provided by the landlord in the pursuit of its charitable purposes.”;
- (xvi) in paragraph 8(3), at the appropriate place in alphabetical order, insert—

““community landlord” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 9 of that Act);”;
- (xvii) in paragraph 11(1) (indicative rent levels)—
 - (aa) in paragraph (a) in the definition of H (highest rent), after “assured tenancy of a dwelling”, insert “in England, or an occupation contract of a dwelling in Wales,”;

(7) Paragraph 4(2) was amended by articles 2 and 10(a) of the Rent Officers (Housing Benefit Functions) (Amendment) Order 2000 (S.I. 2000/1), article 2 of the Rent Officers (Housing Benefit Functions) (Amendment) (No 2) Order 2001 (S.I. 2001/2317), article 2(1) and (3)(a) of the Rent Officers (Housing Benefit Functions) (Amendment) (No 2) Order 2008 (S.I. 2008/3156) and article 3 of the Rent Officers (Housing Benefit Functions) Amendment Order 2010 (S.I. 2010/2836).

(8) Paragraph 5(2) was amended by articles 2 and 4 of the Rent Officers (Housing Benefit Functions) (Amendment) Order 2001 (S.I. 2001/1325).

- (bb) in paragraph (a) in the definition of L (lowest rent), after “assured tenancy of a dwelling”, insert “in England, or an occupation contract of a dwelling in Wales,;
- (c) in Schedule 3B(9) (broad rental market area determinations and local housing allowance determinations), in paragraph 2(10) (local housing allowance for category of dwelling in paragraph 1)—
 - (i) for sub-paragraph (4), substitute—

“(4) The rent officer must compile a list of rents in ascending order of the rents which, in the rent officer’s opinion, are payable—

 - (a) for each category of dwelling specified in paragraph 1—
 - (i) in England, let under an assured tenancy, or
 - (ii) in Wales—
 - (aa) before the day on which section 239 of the Renting Homes (Wales) Act 2016 comes into force, let under an assured tenancy, or
 - (bb) on or after that day, let under a relevant occupation contract; and
 - (b) in the 12 month period ending on the 30th day of the September preceding the date of the determination.”;
 - (ii) in sub-paragraph (5)(a), in the words before sub-paragraph (i), after “assured tenancy”, insert “or a relevant occupation contract, as the case may be,”;
 - (iii) in sub-paragraph (5)(a)(i), after “assured tenancy”, insert “or relevant occupation contract”;
 - (iv) in sub-paragraph (5)(a)(iii), after “assured tenancy”, insert “or relevant occupation contract”;
 - (v) after sub-paragraph (10), insert—

“(11) In this paragraph, “relevant occupation contract” means—

 - (a) a secure contract in relation to which the landlord is a registered social landlord, a private registered provider of social housing, or a private landlord,
 - (b) a standard contract, or
 - (c) an introductory standard contract in relation to which the landlord is a registered social landlord or a provider of social housing.”;
- (d) in Schedule 4 (special cases)—
 - (i) in paragraph 1(a) (houseboats), for “or an assured tenancy”, substitute “, an assured tenancy or an occupation contract”;
 - (ii) in paragraph 2(a) (mobile homes), for “or an assured tenancy”, substitute “, an assured tenancy or an occupation contract”.

(9) Schedule 3B was inserted by articles 3 and 4 of the Rent Officers (Housing Benefit Functions) Amendment Order 2007 ([S.I. 2007/2871](#)).

(10) Paragraph 2 was substituted by article 2 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2013 ([S.I. 2013/2978](#)). There are amendments to paragraph 2 which are not relevant to these Regulations.

Changes to legislation: There are currently no known outstanding effects for the The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022, Paragraph 17. (See end of Document for details)

Commencement Information

II Sch. 1 para. 17 in force at 1.12.2022, see **reg. 1(2)**

Changes to legislation:

There are currently no known outstanding effects for the The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022, Paragraph 17.