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STATUTORY INSTRUMENTS

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**1999 No. 2403**

**LANDLORD AND TENANT, ENGLAND**

**The Administration of the Rent  
Officer Service (England) Order 1999**

*Made* - - - - *2nd September 1999*  
*Laid before Parliament* *9th September 1999*  
*Coming into force* - - *1st October 1999*

Whereas, with respect to registration areas in England, it appears to the Secretary of State for the Environment, Transport and the Regions that it is no longer appropriate for the appointment, remuneration and administration of rent officers to be a function of local authorities<sup>(1)</sup>;

Now therefore the Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred on him by section 64B of the Rent Act 1977<sup>(2)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Order—

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Administration of the Rent Officer Service (England) Order 1999 and shall come into force on 1st October 1999.

(2) This Order extends to England only.

**Abolition of schemes under section 63 in England**

2.—(1) The areas specified in this Order for the purposes of section 64B of the Rent Act 1977 are all the registration areas in England (“the specified areas”).

(2) No scheme under section 63 of the Rent Act 1977<sup>(3)</sup> shall be made for any of the specified areas.

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(1) See section 64B(1) of the Rent Act 1977 (c. 42); section 64B was inserted by section 120 of, and Part II of Schedule 14 to, the Housing Act 1988 (c. 50).  
(2) The Secretary of State can exercise the power under this section only in relation to England: see article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).  
(3) Section 63 was amended by sections 120 and 140(2) of, Part I of Schedule 14 to, and Schedule 18 to, the Housing Act 1988 (c. 50); subsection (9), as added by paragraph 13(3) of Schedule 8 to the Local Government Act 1985 (c. 51), was substituted by regulations 2 and 4 of the Local Government Changes (Rent Act) Regulations 1995 (S.I. 1995/2451). There are other amendments to section 63 not relevant to this Order.

(3) Subject to article 8, any scheme made under section 63, in relation to any of the specified areas, which was in existence immediately before 1st October 1999, shall cease to have effect on that date.

#### **Appointment etc. of rent officers in England**

3.—(1) The Secretary of State shall appoint such number of rent officers for the specified areas as he considers necessary.

- (2) The Secretary of State may—
- (a) appoint rent officers for fixed periods; and
  - (b) suspend or dismiss rent officers.

#### **Remuneration, pensions, allowances and gratuities**

4.—(1) The Secretary of State shall remunerate rent officers and shall determine the amounts of rent officers' remuneration having regard to any representations from such persons as he accepts as being representative of rent officers.

(2) Pensions, allowances and gratuities shall be paid to or in respect of rent officers in accordance with section 1 of the Superannuation Act 1972(4) or a scheme made under that section, or regulations made under section 7 or 24 of that Act.

#### **Administration of rent officers**

- 5.—(1) The Secretary of State shall—
- (a) provide office accommodation and clerical and other assistance for rent officers;
  - (b) allocate work as between rent officers; and
  - (c) supervise the conduct of rent officers.

(2) Rent officers shall discharge such of the Secretary of State's functions under paragraph (1) as the Secretary of State may direct either generally or as respects particular rent officers.

(3) The Secretary of State may direct a rent officer to carry out the functions of a rent officer within such registration area as the Secretary of State may specify.

(4) A local authority may, by arrangement with the Secretary of State (which may include terms as to payment) and in connection with his functions under this Order—

- (a) provide goods or materials, or administrative, professional or technical services to the Secretary of State;
- (b) allow the Secretary of State to use any vehicle, plant or apparatus belonging to the local authority and, without prejudice to sub-paragraph (a) above, place at his disposal any person employed in connection with the vehicle or other property in question; or
- (c) carry out works of maintenance (including minor renewals, minor improvements and minor extensions) in connection with land or buildings for the maintenance of which the Secretary of State is responsible.

(5) Nothing in paragraph (4)(a) and (b) above authorises a local authority to construct any buildings or works.

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(4) 1972 c. 11.

## **Expenditure**

6.—(1) Any expenditure which is of a kind mentioned in paragraph (2) shall be met by the Secretary of State by grant, reimbursement or otherwise.

(2) Expenditure mentioned in paragraph (1) is any expenditure—

- (a) attributable to this Order, or
- (b) incurred in respect of pensions, allowances or gratuities payable to or in respect of rent officers (appointed in pursuance of a scheme made under section 63 of the Rent Act 1977 or under this Order) by virtue of section 1 of the Superannuation Act 1972 or regulations made under section 7 or 24 of that Act, or
- (c) incurred in respect of increases of pensions payable to or in respect of rent officers (so appointed) by virtue of the Pensions (Increase) Act 1971(5).

## **Amendments to the Rent Act 1977**

7. In the Rent Act 1977—

(a) for subsection (4) of section 63, there shall be substituted the following subsection—

“(4) In this Part “the rent officer” means—

- (a) in relation to any area not specified in an order made under section 64B of this Act, any rent officer appointed for the area who is authorised to act in accordance with a scheme under this section;
- (b) in relation to any area or areas so specified, any rent officer appointed by the Secretary of State.”;

(b) for subsection (1) of section 66, there shall be substituted the following subsections—

“(1) For each registration area, a register for the purposes of this Part of this Act shall be prepared and kept up to date by the rent officer.

(1A) The rent officer shall make the register available for inspection in such place or places and in such manner—

- (a) if the area is not specified in an order made under section 64B of this Act, as may be provided by the scheme made for the area under section 63 of this Act;
- (b) if the area is so specified, as the Secretary of State may direct.”.

## **Transitional, incidental and supplementary provisions**

8.—(1) Anyone who was a rent officer immediately before 1st October 1999, appointed in pursuance of a scheme made under section 63 of the Rent Act 1977, shall continue to be a rent officer.

(2) Subject to paragraphs (3) to (5) below, anything which before 1st October 1999 was being done by, to or in relation to a rent officer to whom paragraph (1) applies, may be continued after that date by, to or in relation to him.

(3) Subject to paragraph (4), where the appointment of a rent officer to whom paragraph (1) applies was made subject to rights, liabilities, powers or duties, any of those rights, liabilities, powers and duties which existed immediately before 1st October 1999 shall continue to exist.

(4) Subject to paragraph (5), all of the proper officer’s and local authority’s rights, liabilities, powers and duties, to which the appointment of a rent officer referred to in paragraph (3) was subject, shall be transferred to the Secretary of State and shall be subject to any modifications necessary to

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enable them to apply in relation to the Secretary of State instead of the proper officer or, as the case may be, the local authority.

(5) Paragraph (4) shall not transfer or otherwise affect—

- (a) the liabilities of any person to be prosecuted for, convicted of and sentenced for any offence; or
- (b) the liabilities of any person to pay compensation to or in respect of a rent officer arising from anything done or a failure to do anything before 1st October 1999.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

*Chris Mullen*  
Parliamentary Under Secretary of State,  
Department of the Environment, Transport and  
the Regions

2nd September 1999

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides that the appointment, remuneration and administration of rent officers in England are to be functions of the Secretary of State rather than of local authorities.

Article 2 of the Order abolishes, on 1st October 1999, schemes for rent registration areas in England made under section 63 of the Rent Act 1977.

Article 3 makes provision with respect to the appointment of rent officers in England, which becomes a function of the Secretary of State. Article 4 makes provision with respect to the remuneration of rent officers and the payment of pensions, allowances and gratuities to or in respect of rent officers. Article 5 makes provision with respect to the administration of rent officers.

Article 6 makes provision for specified expenditure to be met by the Secretary of State.

Article 7 makes amendments to the Rent Act 1977.

Article 8 contains transitional, incidental and supplementary provisions.