
WELSH STATUTORY INSTRUMENTS

2022 No. 1172

**The Renting Homes (Wales) Act 2016 (Saving
and Transitional Provisions) Regulations 2022**

PART 9

Housing Benefit and Universal Credit Functions

Transitional provision: housing benefit functions: local housing allowance determinations

17.—(1) For the purpose of determining a local housing allowance under article 4B(1) of and Schedule 3B(2) to the 1997 Order (broad rental market area determinations and local housing allowance determinations), for so long as it is necessary to refer to rents payable before the day on which section 239 of the 2016 Act comes into force, the value of rent which, in the rent officer’s opinion, would have been payable for a category of dwelling, specified in paragraph 1 of Schedule 3B to the 1997 Order, in Wales let under an assured tenancy, is to be deemed to be the rent that would have been payable in relation to the relevant category of dwelling let under a relevant secure or standard contract.

(2) In this regulation “relevant secure or standard contract” means a secure or standard contract in relation to which the landlord does not meet the landlord condition in section 80(3) of the 1985 Act.

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- (1) Article 4B was inserted by article 2 of the Rent Officers (Housing Benefit Functions) (Local Housing Allowance) Amendment Order 2003 (S.I. 2003/2398), 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 to 6 of the Rent Officers (Housing Benefit Functions) Amendment Order 2007 (S.I. 2007/2871), article 2 of the Rent Officers (Housing Benefit Functions) Amendment Order 2008 (S.I. 2008/587), article 2 of 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), article 2 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2013 (S.I. 2013/1544), article 2 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2016 (S.I. 2016/1179), article 2 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2020 (S.I. 2020/27), regulation 4 of the Social Security (Coronavirus) (Further Measures) Regulations 2020 (S.I. 2020/371) and article 2 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment and Modification) Order 2021 (S.I. 2021/1380).
- (2) Schedule 3B was inserted by articles 3 and 4 of the Rent Officers (Housing Benefit Functions) Amendment Order 2007 (S.I. 2007/2871) and amended by article 2 of the Rent Officers (Housing Benefit Functions) Amendment (No 2) Order 2008 (S.I. 2008/3156), article 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), article 2 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2013 (S.I. 2013/2978), article 2 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2015 (S.I. 2015/1753), article 2 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2016 (S.I. 2016/1179), article 2 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2020 (S.I. 2020/27), regulation 4 of the Social Security (Coronavirus) (Further Measures) Regulations 2020 (S.I. 2020/371) and regulation 2 of and paragraph 17 of Schedule 1 to the Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907 (W. 198)).
- (3) Section 80 was amended by section 24(2) of and paragraph 26 of Part 2 of Schedule 5 to the Housing and Planning Act 1986 (c. 63), sections 83(2) and 140 of and Schedule 18 to the Housing Act 1988 (c. 50), sections 140 and 152 of and paragraph 5 of Schedule 16 and Part 4 of Schedule 18 to the Government of Wales Act 1998 (c. 38), sections 195 and 222 of and paragraphs 10 and 13 of Schedule 19 and paragraphs 9 and 11 of Schedule 22 to the Localism Act 2011 (c. 20), article 5 of and paragraph 14 of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325), article 4 of and paragraphs 2 and 10 of Schedule 1 to Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002) and article 5 of and paragraphs 15 and 19 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866).

Transitional provision: universal credit functions: local housing allowance determinations

18.—(1) For the purpose of determining a local housing allowance under article 4(4) of and Schedule 1(5) to the 2013 Order (local housing allowance determinations), for so long as it is necessary to refer to rents payable before the day on which section 239 of the 2016 Act comes into force, the value of rent which, in the rent officer's opinion, would have been payable for a category of dwelling, specified in paragraph 1 of Schedule 1 to the 2013 Order, in Wales let under an assured tenancy, is to be deemed to be the rent that would have been payable in relation to the relevant category of dwelling let under a relevant secure or standard contract.

(2) In this regulation "relevant secure or standard contract" means a secure or standard contract in relation to which the landlord does not meet the landlord condition in section 80(6) of the 1985 Act.

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- (4) Article 4 was amended by article 4 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2013 (S.I. 2013/1544), article 4 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2014 (S.I. 2014/3126), article 4 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2015 (S.I. 2015/1753) and regulation 4 of the Social Security (Coronavirus) (Further Measures) Regulations 2020 (S.I. 2020/371).
- (5) Schedule 1 was amended by article 4 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2013 (S.I. 2013/2978), article 4 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2015 (S.I. 2015/1753), article 4 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2016 (S.I. 2016/1179), article 4 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2018 (S.I. 2018/1332), article 4 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2020 (S.I. 2020/27), regulation 4 of the Social Security (Coronavirus) (Further Measures) Regulations 2020 (S.I. 2020/371) and regulation 2 of and paragraph 28 of Schedule 1 to the Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907 (W. 198)).
- (6) Section 80 was amended by section 24(2) of and paragraph 26 of Part 2 of Schedule 5 to the Housing and Planning Act 1986 (c. 63), sections 83(2) and 140 of and Schedule 18 to the Housing Act 1988 (c. 50), sections 140 and 152 of and paragraph 5 of Schedule 16 and Part 4 of Schedule 18 to the Government of Wales Act 1998 (c. 38), sections 195 and 222 of and paragraphs 10 and 13 of Schedule 19 and paragraphs 9 and 11 of Schedule 22 to the Localism Act 2011 (c. 20), article 5 of and paragraph 14 of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325), article 4 of and paragraphs 2 and 10 of Schedule 1 to Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002) and article 5 of and paragraphs 15 and 19 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866).