Status: Point in time view as at 07/04/2008. This version of this provision has been superseded.
Changes to legislation: Housing Act 1996, Section 122 is up to date with all changes known to be in force
on or before 11 June 2024. There are changes that may be brought into force at a future date. Changes that
have been made appear in the content and are referenced with annotations. (See end of Document for details)

Housing Act 1996

1996 CHAPTER 52

PART IV

HOUSING BENEFIT AND RELATED MATTERS

122   Functions of rent officers in connection with housing benefit and rent allowance subsidy.

(1) The Secretary of State may by order require rent officers to carry out such functions as may be specified in the order in connection with housing benefit and rent allowance subsidy.

(2) Without prejudice to the generality of subsection (1), an order under this section may contain provision—

  (a) enabling a prospective landlord to apply for a determination for the purposes of any application for housing benefit which may be made by a tenant of a dwelling which he proposes to let;

  (b) as to the payment of a fee by the landlord for that determination;

  (c) requiring the landlord to give a copy of the determination to the appropriate local authority; and

  (d) enabling the appropriate local authority to seek a redetermination when a claim for housing benefit or rent allowance subsidy is made.

F1(3) . . . .

(4) In relation to rent allowance subsidy, the Secretary of State may by order under section 140B of the Social Security Administration Act 1992—

  (a) provide for any calculation under subsection (2) of that section to be made,

  (b) specify any additions and deductions as are referred to in [**F2**subsection (4) or (5) of that section] , and

  (c) exercise his discretion as to what is unreasonable for the purposes of subsection [**F3**(5)(b)] of that section,

by reference to determinations made by rent officers in exercise of functions conferred on them under this section.

(5) The Secretary of State may by any such **[F4**order as is mentioned in subsection (4)]** require a local authority in any prescribed case—

    (a)   to apply to a rent officer for a determination to be made in pursuance of the functions conferred on them under this section, and

    (b)   to do so within such time as may be specified in the order **F5**....

(6) An order under this section—

    (a)   shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament;

    (b)   may make different provision for different cases or classes of case and for different areas; and

    (c)   may contain such transitional, incidental and supplementary provisions as appear to the Secretary of State to be desirable.

(7) In this section "housing benefit" and "rent allowance subsidy" have the same meaning as in Part VIII of the **M1**Social Security Administration Act 1992.

Textual Amendments

F1   S. 122(3) repealed (7.4.2008) by Welfare Reform Act 2007 (c. 5), s. 70(1), **Sch. 8**; S.I. 2007/2872, art. 2(1)(c) (with arts. 3-5)

F2   Words in s. 122(4)(b) substituted (retrospective to 18.9.2003) by Local Government Act 2003 (c. 26), s. 128(1)(b), **Sch. 7 para. 60(1)(a)**

F3   Word in s. 122(4)(c) substituted (retrospective to 18.9.2003) by Local Government Act 2003 (c. 26), s. 128(1)(b), **Sch. 7 para. 60(1)(b)**

F4   Words in s. 122(5) substituted (7.4.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 5 para. 12**; S.I. 2007/2872, art. 2(1)(d) (with arts. 3-5)

F5   Words in s. 122(5)(b) repealed (7.4.2008) by Welfare Reform Act 2007 (c. 5), s. 70(1), **Sch. 8**; S.I. 2007/2872, art. 2(1)(c) (with arts. 3-5)

Marginal Citations

M1   1992 c. 5.

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