

---

STATUTORY INSTRUMENTS

---

**1989 No. 578**

**The Rent Officers (Additional Functions) (Scotland) Order 1989**

**Citation and commencement**

1. This Order may be cited as the Rent Officers (Additional Functions) (Scotland) Order 1989 and shall come into force on 1st April 1989.

**Interpretation**

2.—(1) In this Order, unless the context otherwise requires—

“determination” means a determination (including an interim and a further determination) in accordance with Schedule 1 to this Order;

“dwelling” has the same meaning as in the Social Security Act 1986( (1));

“excluded tenancy” means a tenancy of a category listed in Schedule 2 to this Order;

“local authority” has the same meaning as it has in the Social Security Act 1986 in relation to Scotland;

“occupier” means a person (whether or not identified by name) who is stated, in the application for a determination, to occupy the dwelling;

“rent” has the same meaning as in section 25 of the Housing (Scotland) Act 1988, except that the reference to the house in subsection (3) shall be construed as a reference to the dwelling;

“size criteria” means the standards relating to bedrooms and rooms suitable for living in specified in Schedule 3 to this Order;

“tenancy” includes any other right of occupancy and references to a tenant, a landlord or any other expression appropriate to a tenancy shall be construed accordingly.

(2) In this Order any reference to a notice or application is to a notice or application in writing, and any notice by a rent officer may be sent by post.

**Additional Functions**

3.—(1) Where, in connection with housing benefit and rent allowance subsidy, a local authority applies to a rent officer for determinations relating to a tenancy of a dwelling, the rent officer shall (subject to article 5) make the determinations and give notice in accordance with Schedule 1 to this Order.

(2) If a rent officer needs further information in order to make a determination, he shall serve notice on the local authority requesting that information and until he receives it paragraph (1) shall not apply to the making of that determination.

4. If, within the period of 10 weeks beginning with the date on which the local authority was given notice of a determination, the local authority applies (in connection with housing benefit and rent allowance subsidy) to a rent officer for a re-determination, a rent officer (subject to article 5)

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

shall make the re-determination and give notice in accordance with Schedule 4 to this Order and a rent officer whose advice is sought as provided for in that Schedule shall give that advice.

5.—(1) No determination or re-determination shall be made if the application for it is withdrawn or relates to an excluded tenancy.

(2) No determination or re-determination shall be made under paragraph 1 of Schedule 1 (or that paragraph as applied by Schedule 4) if the tenancy is an assured tenancy and—

- (a) the rent payable under the tenancy on the date the application for the determination (or, as the case may be, re-determination) was received was an amount determined under section 34 of the Housing (Scotland) Act 1988 or,
- (b) the rent so payable on that date was an amount determined under section 25 of that Act and that rent took effect within the period of 12 months ending with the date the application was received.

St Andrew's House,  
Edinburgh  
23rd March 1989

*James Douglas-Hamilton*  
Parliamentary Under Secretary of State, Scottish  
Office