
STATUTORY INSTRUMENTS

1993 No. 646 (S.92)

HOUSING, SCOTLAND

**The Rent Officers (Additional Functions)
(Scotland) Amendment Order 1993**

<i>Made</i>	- - - -	<i>11th March 1993</i>
<i>Laid before Parliament</i>		<i>11th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 1993</i>

The Secretary of State, in exercise of the powers conferred upon him by section 70 of the Housing (Scotland) Act 1988⁽¹⁾, and sections 113 and 114 of the Local Government Finance Act 1992⁽²⁾, and of all other powers enabling him in that behalf, hereby makes the following Order—

Citation and commencement

1. This Order may be cited as the Rent Officers (Additional Functions) (Scotland) Amendment Order 1993 and shall come into force on 1st April 1993.

Amendment of Rent Officers (Additional Functions) (Scotland) Order 1990

2. The Rent Officers (Additional Functions) (Scotland) Order 1990⁽³⁾ is amended as follows:—

(1) In article 2(1)—

(a) in the definition of dwelling, for “the Social Security Act 1986”⁽⁴⁾ substitute “Part VII of the Social Security Contributions and Benefits Act 1992”⁽⁵⁾; and

(b) for the definition of local authority, substitute—

““local authority” means a district council or an islands council;”.

(2) In article 3(1), for “section 30(2B) or (2C) of the Social Security Act 1986”⁽⁶⁾ substitute “section 136(2) or (3) of the Social Security Administration Act 1992”⁽⁷⁾.

(3) At the end of article 5 add the following paragraph:—

(1) 1988 c. 43.

(2) 1992 c. 14.

(3) S.I.1990/396, amended by S.I. 1991/533.

(4) 1986 c. 50.

(5) 1992 c. 4.

(6) Section 30(2B) and (2C) were inserted by the Social Security Act 1989 (c. 24), section 15(1).

(7) 1992 c. 5.

Status: This is the original version (as it was originally made).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

“(3) Nothing in paragraph 5(2)(a)(ii) shall prevent a determination in the following circumstances:—

- (a) the determination relates to any amendment to the rent to include an amount payable by the tenant to the landlord in respect of the council tax payable by the landlord;
- (b) the application for the determination is made before 1st April 1994;
- (c) no previous application for a determination has been made by the local authority after 31st March 1993; and
- (d) no determination of rent, which included an amount payable by the tenant to the landlord in respect of the council tax payable by the landlord, under section 25 or 25A of that Act took effect after 31st March 1993.”(8)

St Andrew’s House,
Edinburgh
11th March 1993

James Douglas Hamilton
Parliamentary Under Secretary of State, Scottish
Office

(8) Section 25A was inserted by the Local Government Finance (Housing) (Consequential Amendments) (Scotland) Order 1993 (S.I. 1993/685).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rent Officers (Additional Functions) (Scotland) Order 1990 which confers functions on rent officers in connection with housing benefit and rent allowance subsidy.

Article 2(1) and (2) makes amendments to the 1990 Order which are consequential upon the consolidation in 1992 of the “social security legislation”. (The consolidation is contained in the Social Security Contributions and Benefits Act 1992 (c. 4), the Social Security Administration Act 1992 (c. 5), the Social Security (Consequential Provisions) Act 1992 (c. 6), the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), the Social Security Administration (Northern Ireland) Act 1992 (c. 8) and the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9)).

Article 2(3) makes amendments to allow one application to be made by a local authority to the rent officer, during the period commencing on 1st April 1993 and ending on 31st March 1994, to determine a rent where the rent includes an amount payable by the tenant in respect of the council tax irrespective of whether the application is within 12 months of a previous determination or redetermination (provided that there has been no determination on or after 1st April under section 25 or 25A of the Housing (Scotland) Act 1988, of such a rent).