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STATUTORY INSTRUMENTS

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**1994 No. 3108 (S.169)**

**HOUSING, SCOTLAND**

**The Rent Officers (Additional Functions)  
(Scotland) Amendment (No.2) Order 1994**

*Made* - - - - *5th December 1994*  
*Laid before Parliament* *7th December 1994*  
*Coming into force* - - *1st January 1995*

The Secretary of State, in exercise of the powers conferred upon him by section 70 of the Housing (Scotland) Act 1988(1), 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 (No.2) Order 1994 and shall come into force on 1st January 1995.

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

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

- (a) at the end of article 2(2) (notice or application to be in writing) add “, except in a case where the recipient consents, either generally or specifically, to the notice or application being transmitted by electronic means.”;
- (b) in paragraph 2A of Schedule 1(3) (exceptionally high rents)—
  - (i) in sub-paragraph (1) for “in the registration area in which the dwelling is situated” substitute—
    - “of dwellings which—
    - (a) are in the same locality as the dwelling (or in as similar a locality as is reasonably practicable), and
    - (b) have the same number of bedrooms and other rooms suitable for living in as the dwelling (or, in a case where the dwelling does not accord with

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(1) 1988 c. 43.

(2) S.I.1990/396; amended by S.I. 1991/533, 1993/646 and 1994/582.

(3) Paragraph 2A was inserted by S.I. 1994/582.

the size criteria for the occupiers, the same number of such bedrooms and other rooms as does so accord).”;

- (ii) in sub-paragraph (2) omit the definition of registration area;
- (iii) for sub-paragraph (3) substitute—

“(3) If the rent officer determines under sub-paragraph (1) that the rent is exceptionally high, the rent officer shall also determine the highest rent, which is not an exceptionally high rent, which a landlord might reasonably have been expected to obtain at the relevant time (on the assumption that no one who would have been entitled to housing benefit had sought or is seeking the tenancy) for an assured tenancy of a dwelling which—

- (a) is in the same locality as the dwelling;
- (b) has the same number of bedrooms and other rooms suitable for living in as the dwelling (or, in a case where the dwelling does not accord with the size criteria for the occupiers, the same number of such bedrooms and other rooms as does so accord); and
- (c) is in a reasonable state of repair.”; and

- (iv) omit paragraph (4).

### **Transitional provision**

**3.** The amendments made by this Order do not have effect in a case where an application is made—

- (a) for a determination before the date this Order comes into force, or
- (b) for a redetermination where the determination was made before that date.

St Andrew’s House,  
Edinburgh  
5th December 1994

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

## **EXPLANATORY NOTE**

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

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

The main amendments are in article 2(b) and relate to the provisions requiring rent officers to make determinations and redeterminations about whether the rent payable under a tenancy or licence of a dwelling is exceptionally high. The Order also enables notices and applications for any determination or redetermination under the 1990 Order to be made by electronic means (article 2(a)).

Article 3 stops the amendments affecting applications for determinations made before this Order comes into force or applications for redeterminations relating to such determinations.