
STATUTORY INSTRUMENTS

1995 No. 2365

HOUSING, ENGLAND AND WALES

The Rent Officers (Additional Functions) (Amendment) Order 1995

<i>Made</i>	- - - -	<i>7th September 1995</i>
<i>Laid before Parliament</i>		<i>11th September 1995</i>
<i>Coming into force</i>		
<i>for the purposes of articles 2 and 4</i>		<i>2nd October 1995</i>
<i>for all other purposes</i>		<i>2nd January 1996</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by section 121(1) and (2) of the Housing Act 1988⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Order—

Citation and commencement

1.—(1) This Order may be cited as the Rent Officers (Additional Functions) (Amendment) Order 1995.

(2) This Order shall come into force for the purposes of articles 2 and 4 on 2nd October 1995 and for all other purposes on 2nd January 1996.

Amendments to 1990 Order

2. In the Rent Officers (Additional Functions) Order 1990⁽²⁾—

- (a) omit article 5(2)(3)(exclusion for certain assured tenancies and assured agricultural occupancies);
- (b) after paragraph 6 of Schedule 1 (notifications insert—

“(6A) Where the rent officer has made a determination under paragraph 2A(3) of the highest rent for an assured tenancy and the rent payable under the tenancy includes a

(1) 1988 c. 50; section 121(1) was amended by section 110(3) of the Local Government and Housing Act 1989 (c. 42).
(2) S.I.1990/428; relevant amending instruments are S.I. 1991/426, S.I. 1994/568 and 3040.
(3) Article 5(2) was amended by S.I. 1991/426.

payment which is ineligible for housing benefit under paragraph 1(a)(i) or 4 of Schedule 1 to the Housing Benefit (General) Regulations 1987 (charges for meals or fuel), the rent officer when giving notice of his determination to the local authority shall also state in the notice whether the rent determined by him—

- (a) includes a payment which would be ineligible for housing benefit under paragraph 1(a)(i) of Schedule 1 to the 1987 Regulations; or
 - (b) includes a payment which would be ineligible for housing benefit under paragraph 4 of that Schedule; or
 - (c) includes both these payments⁽⁴⁾; and⁵
- (c) omit paragraph 7(2) of Schedule 1⁽⁵⁾(notification to local authority in article 5(2) cases).

Amendments to 1995 Order

3. In the Rent Officers (Additional Functions) Order 1995⁽⁶⁾—

- (a) after article 5(2) (cases where no determination to be made) insert—

“(3) If the rent officer becomes aware that an application is not one which gives rise to a duty to make a determination under article 3(1) (whether by reason of this article or otherwise), the rent officer shall give the local authority notice to that effect.”; and

- (b) after paragraph 8(2) in Part 3 of Schedule 1 (notifications of determinations) insert—

“(2A) Where the rent officer has made a determination under paragraph 3(3) of the highest rent for an assured tenancy and the rent payable under the tenancy includes a payment which is ineligible for housing benefit under paragraph 1(a)(i) or 4 of Schedule 1 to the 1987 Regulations (charges for meals or fuel), the rent officer when giving notice of his determination to the local authority shall also state in the notice whether the rent determined by him—

- (a) includes a payment which would be ineligible for housing benefit under paragraph 1(a)(i) of Schedule 1 to the 1987 Regulations; or
- (b) includes a payment which would be ineligible for housing benefit under paragraph 4 of that Schedule; or
- (c) includes both these payments.”.

Application

4. Any amendment made by article 2 of this Order does not have effect in a case where an application for a determination is made before the date on which amendment comes into force.

Signed by authority of the Secretary of State

6th September 1995

James Clappison
Parliamentary Under-Secretary of State,
Department of the Environment

(4) Paragraph 2A of Schedule 1 to the 1990 Order was inserted by S.I. 1994/568 and amended by S.I. 1994/3040; paragraph 1(a)(i) of Schedule 1 to the 1987 Regulations (S.I. 1987/1971) was amended by S.I. 1988/1444.
(5) Paragraph 7(2) was amended by S.I. 1991/426.
(6) S.I. 1995/1642.

7th September 1995

William Hague
Secretary of State for Wales

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rent Officers (Additional Functions) Order 1990 which conferred functions on rent officers, in connection with housing benefit and rent allowance subsidy, and required them to make determinations and redeterminations in respect of tenancies and licences of dwellings. It also amends the Rent Officers (Additional Functions) Order 1995 which will replace the 1990 Order on 2nd January 1996.

Article 2(a) amends the 1990 Order to remove an exclusion for assured tenancies and agricultural occupancies with rents determined under the Housing Act 1988 and article 2(c) makes an amendment consequential on this. Article 3(a) amends the 1995 Order to add a requirement for rent officers to notify local authorities where a determination requested by the authority is not one to which the Order applies.

Both the 1990 and 1995 Orders are amended to add a requirement for rent officers to give local authorities additional information if the rent under a tenancy (or licence fee under a licence) includes a charge for meals or fuel and is determined to be exceptionally high. The amendment to the 1990 Order is made by article 2(b) and the amendment to the 1995 Order by article 3(b).

The amendments to the 1990 Order come into force on 2nd October 1995 (subject to the transitional case described in article 4) and the amendments to the 1995 Order on 2nd January 1996.