
STATUTORY INSTRUMENTS

1995 No. 3148

HOUSING, ENGLAND AND WALES

**The Rent Officers (Additional Functions)
(Amendment No. 2) Order 1995**

Made - - - - *5th December 1995*
Laid before Parliament *11th December 1995*
Coming into force - - *2nd January 1996*

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. This Order may be cited as the Rent Officers (Additional Functions) (Amendment No. 2) Order 1995 and shall come into force on 2nd January 1996.

Amendments

2. In Schedule 1 to the Rent Officers (Additional Functions) Order 1995(2)—

(a) in paragraph 4 in Part 1 of Schedule 1 (local reference rents)—

(i) for the words in sub-paragraph (2)(b) before sub-paragraph (i) substitute—

“if the tenant does not have the use under the tenancy of the dwelling of more than one bedroom or room suitable for living in,

(ia) that under the assured tenancy the tenant does not have the use of more than one bedroom or room suitable for living in;”;

(ii) in sub-paragraph (2)(b)(ii) for “(otherwise than with a member of his household)” substitute “with a person other than a member of his household, a non-dependant or a person who pays rent to the tenant”; and

(iii) after sub-paragraph (3) insert—

“(3A) In sub-paragraph (2)(b)—

(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.1995/1642; to which there are amendments not relevant to this Order.

“bedroom or room suitable for living in” does not include a room which the tenant shares with any person other than—

- (a) a member of his household;
- (b) a non-dependant (as defined in this sub-paragraph); or
- (c) a person who pays rent to the tenant; and

“non-dependant” means a non-dependant of the tenant within the meaning of regulation 3 of the 1987 Regulations.”(3);

- (b) in paragraph 7(2) in Part 2 (housing associations and charities) for “a charity” substitute “or where the landlord is a charity and the dwelling is provided by the landlord in the pursuit of its charitable purposes”; and
- (c) in paragraph 9 in Part 4 (indicative rent levels)—
 - (i) in sub-paragraph (3)(d) after “two rooms” insert “and where none of paragraphs (a) to (c) applies”;
 - (ii) in sub-paragraph (3)(e) after “three rooms” insert “and where none of paragraphs (a) to (d) applies”;
 - (iii) in sub-paragraph (3)(f) after “four rooms” insert “and where none of paragraphs (a) to (e) applies”;
 - (iv) in sub-paragraph (3)(g) after “five rooms” insert “and where none of paragraphs (a) to (f) applies”;
 - (v) in sub-paragraph (3)(h) after “six rooms” insert “and where none of paragraphs (a) to (g) applies”; and
 - (vi) in the definition of room in sub-paragraph (5) after “suitable for living in” insert “and in paragraphs (a), (b) and (c) of sub-paragraph (3) does not include a room which the tenant shares with any person other than—
 - (a) a member of his household;
 - (b) a non-dependant of the tenant (within the meaning of regulation 3 of the 1987 Regulations); or
 - (c) a person who pays rent to the tenant”.

Signed by authority of the Secretary of State

4th December 1995

David Curry
Minister of State,
Department of the Environment

5th December 1995

William Hague
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rent Officers (Additional Functions) Order 1995 which will come into force on 2nd January 1996 and which will confer functions on rent officers, in connection with housing benefit and rent allowance subsidy, requiring them to make determinations and redeterminations in respect of tenancies and licences of dwellings.

Article 2(a) alters the criteria for local reference rent determinations under paragraph 4(2)(b) of Schedule 1 to the earlier Order (which applies where the tenant does not have use of more than one bedroom or room suitable for living in). In particular, rooms shared with a person other than a member of the tenant's household, a non-dependant or a person who pays rent to the tenant are not to be taken into account when deciding if the tenant has the use of more than one room.

Article 2(b) changes the requirement in paragraph 7 of Schedule 1 to that Order not to take into account, when making determinations, rents under tenancies or licences where the landlord is a charity. It restricts it to tenancies and licences of dwellings provided in pursuit of charitable purposes.

Article 2(c) alters the criteria for indicative rent level determinations under paragraph 9 of Schedule 1 to the earlier Order. In particular, for the categories listed in paragraph 9(3)(a) to (c), it amends the definition of room to exclude a room which the tenant shares with the persons mentioned in the amended definition.