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STATUTORY INSTRUMENTS

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**1995 No. 3185 (S.236)**

**HOUSING, SCOTLAND**

**The Rent Officers (Additional Functions)  
(Scotland) 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, in exercise of the powers conferred upon him by section 70(1) and (2) 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 1995 and shall come into force on 2nd January 1996.

**Amendments to Rent Officers (Additional Functions) (Scotland) Order 1995**

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

(a) in paragraph 4(2)(b) (local reference rents)—

(i) in the chapeau to sub-paragraphs (i) to (iii) insert after “use” the words “under the tenancy of the dwelling”;

(ii) before sub-paragraph (i) insert—

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

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

(b) after paragraph 4(3) insert—

“(3A) In sub-paragraph (2)(b)—

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(1) 1988 c. 43.

(2) S.I.1995/1643; 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 the tenant’s 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);

- (c) in paragraph 7(2) (housing associations and charities) for “a charity” substitute “where the landlord is a charity and the dwelling is provided by the landlord in the pursuit of its charitable purposes”; and
- (d) in paragraph 9 (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 (e) 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 “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 the tenant’s 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;”.

St Andrew’s House,  
Edinburgh  
5th December 1995

*Raymond S Robertson*  
Parliamentary Under Secretary of State, Scottish  
Office

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## EXPLANATORY NOTE

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

This Order amends the Rent Officers (Additional Functions) (Scotland) Order 1995 (“the principal Order”) 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 of dwellings.

Article 2(a) and (b) alters the criteria for local reference rent determinations under paragraph 4(2)(b) of Schedule 1 to the principal 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(c) changes the requirement in paragraph 7 of Schedule 1 to the principal Order not to take into account, when making determinations, rents under tenancies where the landlord is a charity. It restricts it to tenancies of dwellings provided in pursuit of charitable purposes.

Article 2(d) alters the criteria for indicative rent level determinations under paragraph 9 of Schedule 1 to the principal 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.