
STATUTORY INSTRUMENTS

1997 No. 1984

The Rent Officers (Housing Benefit Functions) Order 1997

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

^{F1} ...

“assured tenancy” has the same meaning as in Part I of the Housing Act 1988, except that it includes a tenancy which would be an assured tenancy but for paragraph 2 [^{F2}, 8] or 10 of Schedule 1 to that Act and a licence which would be an assured tenancy (within the extended meaning given in this definition) were it a tenancy;

[^{F3}“board and attendance determination” means a determination made in accordance with article 4C;

[^{F4}“broad rental market area” has the meaning specified in paragraph 4 of Part I of Schedule 3A [^{F5} or paragraph 4 of Schedule 3B, as the case may be,] to this Order;]

[^{F4}“broad rental market area” has the meaning specified in paragraph 4 of Schedule 3B;]

[^{F6}“broad rental market area determination” means a determination made in accordance with article 4B(1) [^{F7} or 4B(1A), as the case may be];]

[^{F6}“broad rental market area determination” means a determination made in accordance with article 4B(1A);]

“child” means a person under the age of 16;

“determination” means a determination made in accordance with Part I or IV of Schedule 1 to this Order;

“dwelling” means any residential accommodation whether or not consisting of the whole or part of a building and whether or not comprising separate and self-contained premises;

[^{F8}[^{F9}“hostel” has the same meaning as in regulation 2(1) of the Housing Benefit Regulations or, as the case may be, regulation 2(1) of the Housing Benefit (State Pension Credit) Regulations;]

[^{F8} “hostel” has the same meaning as in regulation 2(1) of the Housing Benefit Regulations or, as the case may be, regulation 2(1) of the Housing Benefit (State Pension Credit) Regulations;]

^{F10}[^{F11} “the Housing Benefit Regulations” mean the Housing Benefit Regulations 2006;

^{F10} “the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;]

[^{F12}“introductory standard contract” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 16 of that Act);]

“local authority” has the same meaning as in the Social Security Administration Act 1992 ^{M1} in relation to England and in relation to Wales;

[^{F13}[^{F3}“local housing allowance determination” means a determination made in accordance with article 4B(2) [^{F14} or article 4B(2A), as the case may be];]

[^{F13}“local housing allowance determination” means a determination made in accordance with article 4B(2A);]

[^{F12}“occupation contract” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 7 of that Act);]

“occupier” means a person (whether or not identified by name) who is stated, in the application for the determination, to occupy the dwelling as his home;

[^{F15}[^{F3}“pathfinder authority” means a local authority specified in column (1) of the table in Part II of Schedule 3A, on and after the date specified in column (2) of that table in relation to that authority;]]

[^{F16}“person who requires overnight care” has the meaning given by regulation 2(1) of the Housing Benefit Regulations and the Housing Benefit (State Pension Credit) Regulations;]

[^{F12}“private landlord” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 10 of that Act);]

[^{F12}“private registered provider of social housing” has the meaning given by section 80(3) of the Housing and Regeneration Act 2008;]

“redetermination” means a redetermination made in accordance with article 4;

[^{F12}“registered social landlord” means a person registered in the register maintained under section 1 of the Housing Act 1996;]

[^{F17}[^{F18}“relevant date” means the date specified by a pathfinder authority in an application for a local housing allowance determination made in accordance with regulation 13A(4)(a) of the Housing Benefit Regulations or, as the case may be, regulation 13A(4)(a) of the Housing Benefit (State Pension Credit) Regulations;]]

[^{F17} “relevant date” means the date specified by a local authority in an application for a local housing allowance determination made in accordance with regulation 13D(7)(a) of the Housing Benefit Regulations or, as the case may be, regulation 13D(7)(a) of the Housing Benefit (State Pension Credit) Regulations;]

[^{F19}“relevant period” means–

- (a) in relation to a determination, the period of five working days (or, where the determination does not relate to a prospective tenancy and the rent officer intends to inspect the dwelling before making the determination, 25 working days) beginning with–
 - (i) where the rent officer requests further information under article 5, the date on which he receives the information; and
 - (ii) in any other case, the date on which he receives the application for the determination; and
- (b) in relation to a redetermination, the period of 20 working days beginning with–
 - (i) where the rent officer requests further information under article 5, the date on which he receives the information; and
 - (ii) in any other case, the date on which he receives the application for that redetermination;]

“relevant time” means the time the application [^{F20}or board and attendance determination] is made or, if earlier, the tenancy ends;

[^{F21}[^{F22}“rent” means any of the periodical payments referred to in regulation 12(1) of the Housing Benefit Regulations or, as the case may be, regulation 12(1) of the Housing Benefit (State Pension Credit) Regulations;]]

[^{F21} “rent” means any of the periodical payments referred to in regulation 12(1) of the Housing Benefit Regulations or, as the case may be, regulation 12(1) of the Housing Benefit (State Pension Credit) Regulations;]

[^{F12} “secure contract” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 8 of that Act);]

“size criteria” means the standards relating to bedrooms and rooms suitable for living in specified in Schedule 2 to this Order;

[^{F12} “standard contract” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 8 of that Act), but does not include—

- (a) an introductory standard contract,
- (b) a prohibited conduct standard contract within the meaning given by the Renting Homes (Wales) Act 2016 (see section 116 of that Act), or
- (c) a supported standard contract within the meaning given by the Renting Homes (Wales) Act 2016 (see section 143 of that Act);]

“tenancy” includes—

- (a) a licence; and
- (b) a prospective tenancy or licence; and

references to a tenant, a landlord or any other expression appropriate to a tenancy shall be construed accordingly; and

[^{F23} “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.]

^{F24}^{F25} ...

(2) In this Order any reference to a notice or application is to a notice or application in writing, except in a case where the recipient consents (whether generally or specifically) to the notice or application being transmitted by electronic means.

Textual Amendments

- F1** Words in art. 2(1)(as inserted by art 2(2) of [The Rent Officers \(Housing Benefit Functions\) \(Amendment\) Order 2012 \(S.I. 2012/646\)](#) omitted (1.9.2013) by virtue of [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Amendment\) Order 2013 \(S.I. 2013/1544\)](#), arts. 1, **2(2)**
- F2** Word in art. 2(1) inserted (31.8.2004) by [The Rent Officers \(Housing Benefit Functions\) \(Student Accommodation\) Amendment Order 2004 \(S.I. 2004/2101\)](#), arts. 1, **2(1)**
- F3** Words in art. 2(1) inserted (24.9.2003) by [Rent Officers \(Housing Benefit Functions\) \(Local Housing Allowance\) Amendment Order 2003 \(S.I. 2003/2398\)](#), arts. 1(1), **2(2)**
- F4** Words in art. 2 substituted (7.4.2008) by [Rent Officers \(Housing Benefit Functions\) Amendment Order 2007 \(S.I. 2007/2871\)](#), arts. 1(4), **6(3)(a)** (with arts. 2, 6(1), (2))
- F5** Words in art. 2 inserted (20.3.2008) by [Rent Officers \(Housing Benefit Functions\) Amendment Order 2007 \(S.I. 2007/2871\)](#), arts. 1(3), **4(1)(a)** (with art. 2)
- F6** Words in art. 2 substituted (7.4.2008) by [Rent Officers \(Housing Benefit Functions\) Amendment Order 2007 \(S.I. 2007/2871\)](#), arts. 1(4), **6(3)(b)** (with arts. 2, 6(1), (2))
- F7** Words in art. 2 inserted (20.3.2008) by [Rent Officers \(Housing Benefit Functions\) Amendment Order 2007 \(S.I. 2007/2871\)](#), arts. 1(3), **4(1)(b)** (with art. 2)
- F8** Words in art. 2 substituted (7.4.2008) by [Rent Officers \(Housing Benefit Functions\) Amendment Order 2007 \(S.I. 2007/2871\)](#), arts. 1(4), **10(1)(a)** (with art. 2)

- F9** Words in art. 2 substituted (6.3.2006) by *The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217)*, reg. 1(1), **Sch. 2 para. 11(2)(a)** (with regs. 2, 3, Sch. 3, 4)
- F10** Words in art. 2 inserted (7.4.2008) by *Rent Officers (Housing Benefit Functions) Amendment Order 2007 (S.I. 2007/2871)*, arts. 1(4), **10(1)(b)** (with art. 2)
- F11** Words in art. 2 inserted (6.3.2006) by *The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217)*, reg. 1(1), **Sch. 2 para. 11(2)(b)** (with regs. 2, 3, Sch. 3, 4)
- F12** Words in art. 2(1) inserted (W.) (1.12.2022) by *The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907)*, reg. 1(2), **Sch. 1 para. 17(a)**
- F13** Words in art. 2 substituted (7.4.2008) by *Rent Officers (Housing Benefit Functions) Amendment Order 2007 (S.I. 2007/2871)*, arts. 1(4), **6(3)(c)** (with arts. 2, 6(1), (2))
- F14** Words in art. 2 inserted (20.3.2008) by *Rent Officers (Housing Benefit Functions) Amendment Order 2007 (S.I. 2007/2871)*, arts. 1(3), **4(1)(c)** (with art. 2)
- F15** Words in art. 2 omitted (7.4.2008) by virtue of *Rent Officers (Housing Benefit Functions) Amendment Order 2007 (S.I. 2007/2871)*, arts. 1(4), **6(3)(d)** (with arts. 2, 6(1), (2))
- F16** Words in art. 2(1) inserted (1.4.2011) by *The Rent Officers (Housing Benefit Functions) Amendment Order 2010 (S.I. 2010/2836)*, arts. 1(3), **3(2)**
- F17** Words in art. 2 substituted (7.4.2008) by *Rent Officers (Housing Benefit Functions) Amendment Order 2007 (S.I. 2007/2871)*, arts. 1(4), **6(3)(e)** (with arts. 2, 6(1), (2))
- F18** Words in art. 2 substituted (6.3.2006) by *The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217)*, reg. 1(1), **Sch. 2 para. 11(2)(c)** (with regs. 2, 3, Sch. 3, 4)
- F19** Words in art. 2 inserted (E.W.) (3.4.2000) by *The Rent Officers (Housing Benefit Functions) (Amendment) Order 2000 (S.I. 2000/1)*, arts. 1(1), **3**
- F20** Words in art. 2(1) inserted (24.9.2003) by *Rent Officers (Housing Benefit Functions) (Local Housing Allowance) Amendment Order 2003 (S.I. 2003/2398)*, arts. 1(1), **2(3)**
- F21** Words in art. 2 substituted (7.4.2008) by *Rent Officers (Housing Benefit Functions) Amendment Order 2007 (S.I. 2007/2871)*, arts. 1(4), **10(1)(c)** (with art. 2)
- F22** Words in art. 2 substituted (6.3.2006) by *The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217)*, reg. 1(1), **Sch. 2 para. 11(2)(d)** (with regs. 2, 3, Sch. 3, 4)
- F23** Words in art. 2 added (20.3.2008) by *Rent Officers (Housing Benefit Functions) Amendment Order 2007 (S.I. 2007/2871)*, arts. 1(3), **4(1)(d)** (with art. 2)
- F24** Words in art. 2 omitted (6.3.2006) by virtue of *The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217)*, reg. 1(1), **Sch. 2 para. 11(2)(e)** (with regs. 2, 3, Sch. 3, 4)
- F25** Words in art. 2 omitted (7.4.2008) by virtue of *Rent Officers (Housing Benefit Functions) Amendment Order 2007 (S.I. 2007/2871)*, arts. 1(4), **10(1)(d)** (with art. 2)

Marginal Citations

- M1** 1992 c.5.

Changes to legislation:

There are currently no known outstanding effects for the The Rent Officers (Housing Benefit Functions) Order 1997, Section 2.