
STATUTORY INSTRUMENTS

1997 No. 1995

The Rent Officers (Housing Benefit Functions) (Scotland) Order 1997

[^{F1}Broad rental market area determinations and local housing allowance determinations

4B.—(1) [^{F2}On the day on which this article comes into force in relation to a [^{F3}local authority][^{F3}pathfinder authority] and so often thereafter as a rent officer, having regard to the definition of “broad rental market area” in paragraph (1) of article 2, considers appropriate, a rent officer shall—

- (a) determine one or more broad rental market areas which will (during the month which next begins after the determination is made) fall, in whole or in part, within the area of that local authority so that every part of the area of that authority falls within a broad rental market area and no part of the area of that authority falls within more than one broad rental market area; and
- (b) give to that authority a notice which—
 - (i) specifies the area contained within each broad rental market area as falls, in whole or in part, within the area of that authority, by reference to the postcodes for each such broad rental market area; and
 - (ii) identifies such of those postcodes as fall within the area of that authority.]

[
^{F4}(1A) [^{F5}At such times as a rent officer considers appropriate, a rent officer shall, if the Secretary of State agrees], in relation to each local authority,—

- (a) determine one or more broad rental market areas which will (during the month which next begins after the determination is made) fall, in whole or in part, within the area of the local authority so that every part of the area of that local authority falls within a broad rental market area and no part of the area of that authority falls within more than one broad rental market area; and
- (b) give to that local authority a notice which—
 - (i) specifies the area contained within each broad rental market area as falls, in whole or in part, within the area of that authority, by reference to the postcodes for each such broad rental market area; and
 - (ii) identifies such of those postcodes as fall within the area of that authority.]

[
^{F6}(1B) The power in paragraph (1A) is not limited by paragraph [^{F7}2(2)] of Schedule 3B.]

(2) [^{F2}No more than 5 and not less than 3 working days before the end of each month a rent officer shall—

- (a) determine, in accordance with the provisions of Part I of Schedule 3A—
 - (i) a local housing allowance for each of the categories of dwelling set out in paragraph 1 of that Part; and

(ii) local housing allowances for such other categories of dwelling of more than six rooms as a rent officer believes are likely to be required for the purpose of calculating housing benefit,

for each broad rental market area falling within, in whole or in part, the area of any local authority which is (or will be) a pathfinder authority during the month which follows; and

(b) give to each such authority notice of the local housing allowance determinations made in accordance with paragraph (a) for each broad rental market area falling within, in whole or in part, the area of that authority.]

[^{F8}(2A) [^{F9}In 2014 and in each subsequent year, on the date specified in paragraph (2B),] a rent officer shall—

(a) for each broad rental market area determine, in accordance with Schedule 3B, a local housing allowance for each of the categories of dwelling set out in paragraph 1 of Schedule 3B; and

(b) notify each local authority of the local housing allowance determination made in accordance with sub-paragraph (a) for each broad rental market area falling within, in whole or in part, the area of that authority.]

[^{F10}(2B) The date specified for the purposes of paragraph (2A) is the last working day of January [^{F11}and also the 31st March 2020].]

(3) [^{F2}Any broad rental market area determination made in accordance with paragraph (1), or local housing allowance determination made in accordance with paragraph (2), shall take effect on the first working day of the month which begins after the day on which the determination is made.]

[^{F12}(3A) Any broad rental market area determination made in accordance with paragraph (1A) shall take effect—

(a) on the day the determination is made for the purpose of enabling a rent officer to determine a local housing allowance for that area; and

[^{F13}(b) for all other purposes on the next 1st April following the day on which the determination is made.]

(3B) Any local housing allowance determination made in accordance with paragraph (2A) shall take effect on the next 1st April following the day on which the determination is made [^{F14}and the determinations made on the 31st March 2020 shall take effect (on 1st April 2020) in place of the determinations made on the 31st January 2020].]

^{F15}(4)

^{F16}[
^{F17}(4A)]

(5) Where a rent officer has made a local housing allowance determination in accordance with paragraph (4)—

(a) he shall give notice of the determination to the [^{F18}pathfinder authority][^{F18}local authority] that made the application;

(b) any local housing allowance determination made in accordance with sub-paragraph (4) (a) shall take effect for the month in which the relevant date falls [^{F19}, except that no such determination can have effect before 7th April 2008]; and

(c) any local housing allowance determination made in accordance with sub-paragraph (4) (b) shall take effect for the month in which notice is given in accordance with sub-paragraph (a) [^{F20}, except that no such determination can have effect before 7th April 2008].

[

^{F21}(6) Where a rent officer has made a local housing allowance determination in accordance with paragraph (2A)^{F22}... he shall—

- (a) make an approximate monthly allowance determination in relation to that local housing allowance determination; and
- (b) give notice of the approximate monthly allowance determination to each authority to which he is required to give notice of the local housing allowance determination when he gives notice of that determination.]]

Textual Amendments

- F1** Art. 4B –4E inserted (24.9.2003) by [The Rent Officers \(Housing Benefit Functions\) \(Local Housing Allowance\) Amendment Order 2003 \(S.I. 2003/2398\)](#), arts. 1(1), **3(5)**
- F2** Art. 4B(1)(2)(3) omitted (7.4.2008) by virtue of [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2007 \(S.I. 2007/2871\)](#), arts. 1(4), **15(4)(a)** (with arts. 2, 11, 15(1)(2))
- F3** Words in art. 4B(1) substituted (20.3.2008) by [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2007 \(S.I. 2007/2871\)](#), arts. 1(3), **13(2)(a)** (with arts. 2, 11)
- F4** Art. 4B(1A) inserted (20.3.2008) by [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2007 \(S.I. 2007/2871\)](#), arts. 1(3), **13(2)(b)** (with arts. 2, 11)
- F5** Words in art. 4B(1A) substituted (2.4.2012) by [The Rent Officers \(Housing Benefit Functions\) \(Amendment\) Order 2012 \(S.I. 2012/646\)](#), arts. 1, **3(3)(a)**
- F6** Art. 4B(1B) inserted (23.1.2017) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Local Housing Allowance Amendments\) Order 2016 \(S.I. 2016/1179\)](#), arts. 1, **3(2)**
- F7** Word in art. 4B(1B) substituted (30.1.2020) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Amendment\) Order 2020 \(S.I. 2020/27\)](#), arts. 1, **3(2)**
- F8** Art. 4B(2A) substituted (2.4.2012) by [The Rent Officers \(Housing Benefit Functions\) \(Amendment\) Order 2012 \(S.I. 2012/646\)](#), arts. 1, **3(3)(b)**
- F9** Words in art. 4B(2A) substituted (1.9.2013) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Amendment\) Order 2013 \(S.I. 2013/1544\)](#), arts. 1, **3(3)(a)**
- F10** Art. 4B(2B) substituted (8.1.2015) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Local Housing Allowance Amendments\) Order 2014 \(S.I. 2014/3126\)](#), arts. 1, **3(2)**
- F11** Words in art. 4B(2B) added (30.3.2020) by [The Social Security \(Coronavirus\) \(Further Measures\) Regulations 2020 \(S.I. 2020/371\)](#), regs. 1(1), **4(2)(a)(i)**
- F12** Art. 4B(3A)(3B) substituted for art. 4B(3A) (2.4.2012) by [The Rent Officers \(Housing Benefit Functions\) \(Amendment\) Order 2012 \(S.I. 2012/646\)](#), arts. 1, **3(3)(c)**
- F13** Art. 4B(3A)(b) substituted (31.1.2022) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Amendment and Modification\) Order 2021 \(S.I. 2021/1380\)](#), arts. 1(1), **3(2)**
- F14** Words in art. 4B(3B) added (30.3.2020) by [The Social Security \(Coronavirus\) \(Further Measures\) Regulations 2020 \(S.I. 2020/371\)](#), regs. 1(1), **4(2)(a)(ii)**
- F15** Art. 4B(4) omitted (18.3.2011) by virtue of [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2010 \(S.I. 2010/2836\)](#), arts. 1(2), **4(2)(a)(ii)**
- F16** Art. 4B(4A) omitted (18.3.2011) by virtue of [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2010 \(S.I. 2010/2836\)](#), arts. 1(2), **4(2)(a)(iii)**
- F17** Art. 4B(4)(4A) substituted for art. 4B(4) (7.4.2008) by [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2007 \(S.I. 2007/2871\)](#), arts. 1(4), **15(4)(b)** (with arts. 2, 11, 15(1)(2))
- F18** Words in art. 4B(5)(a) substituted (7.4.2008) by [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2007 \(S.I. 2007/2871\)](#), arts. 1(4), **15(4)(c)(i)** (with arts. 2, 11, 15(1)(2))
- F19** Words in art. 4B(5)(b) inserted (7.4.2008) by [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2007 \(S.I. 2007/2871\)](#), arts. 1(4), **15(4)(c)(ii)** (with arts. 2, 11, 15(1)(2))
- F20** Words in art. 4B(5)(c) inserted (7.4.2008) by [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2007 \(S.I. 2007/2871\)](#), arts. 1(4), **15(4)(c)(iii)** (with arts. 2, 11, 15(1)(2))
- F21** Art. 4B(6) inserted (20.3.2008) by [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2007 \(S.I. 2007/2871\)](#), arts. 1(3), **13(2)(e)** (with arts. 2, 11)

Changes to legislation: *There are currently no known outstanding effects for the The Rent Officers (Housing Benefit Functions) (Scotland) Order 1997, Section 4B. (See end of Document for details)*

F22 Words in art. 4B(6) omitted (18.3.2011) by virtue of [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2010 \(S.I. 2010/2836\)](#), arts. 1(2), **4(2)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Rent Officers (Housing Benefit Functions) (Scotland) Order 1997, Section 4B.