

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and re-enacts with modifications the Rent Officers (Additional Functions) (Scotland) Order 1995 ("the 1995 Order") and revokes the Orders which amended it. It confers functions on rent officers in connection with housing benefit and rent allowance subsidy and requires rent officers to make determinations and redeterminations relating to a tenancy of a dwelling.

The main modifications relate to single room rent determinations under paragraph 5 of Part I of Schedule 1, which are required where the housing benefit claimant is a young individual. By an amendment (which is not yet in force) made to the 1995 Order by the Rent Officers (Additional Functions) (Scotland) Amendment Order 1997, such determinations would also have been required for single claimants as defined in that 1997 Order. This Order reverses the prospective amendment so that determinations will continue to be required only for young individuals. This Order also changes a criterion in paragraph 5(2)(b)(iv) of Part I of Schedule 1 which is relevant for determining single room rents and provides, in article 6(2), that single room rent determinations are no longer required for the accommodation specified in that provision (hostels, registered homes, etc.).

The other modifications include a requirement for rent officers to make additional assumptions, when making a determination or redetermination, and give additional information to local authorities in the cases specified in article 7(3) and (4) (general counselling or other support services: supported accommodation).

Article 8 of this Order also amends the 1995 Order by adding a requirement relating to supported accommodation similar to that in article 7(3) and (4).

Article 8 comes into force on 18th August 1997 whilst the rest of the Order comes into force on 3rd September 1997. Neither the amendment in article 8 nor the substantive provisions in the rest of the Order have effect relative to applications for determinations made before the respective commencement dates of those provisions.

Changes to legislation:

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