

SCHEDULE 1

PART II

ASSUMPTIONS etc.

[<sup>F1</sup>Ineligible charges and support charges]

[<sup>F2</sup>“ineligible charges” means service charges which are ineligible to be met by housing benefit by virtue of regulation 12B(2) (rent) of and Schedule 1 (ineligible service charges) to the Housing Benefit Regulations or, as the case may be, regulation 12B(2) of and Schedule 1 to the Housing Benefit (State Pension Credit) Regulations except in the case of a tenancy where the rent includes payments for board and attendance, and the rent officer considers that a substantial part of the rent under the tenancy is fairly attributable to board and attendance, charges specified in paragraph 1(a) (i) of Schedule 1 to the Housing Benefit Regulations or, as the case may be, in paragraph 1(a)(i) of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations (charges for meals).]

(2) When making a determination under paragraph 1, 2, or 3 of this Schedule, the rent officer shall assume that—

(a) the items to which the ineligible charges relate; <sup>F6</sup>...

<sup>F6</sup>(b) .....

were not provided or made available.

[<sup>F7</sup>For the purposes of paragraphs 1, 2, 3, and 6 of Part 1 of this Schedule, the rent officer shall assume that the rent payable under the tenancy at the relevant time is—

(a) where an amount is notified to the rent officer under regulation 114A(4)(b) of the Housing Benefit Regulations or, as the case may be, regulations 95A(4)(b) of the Housing Benefit (State Pension Credit) Regulations in respect of that tenancy, that notified amount less the total of any ineligible charges included in that amount; or

(b) in any other case, the total amount stated under regulation 114A(3)(d) of the Housing Benefit Regulations or, as the case may be regulation 95A(3)(d) of the Housing Benefit (State Pension Credit) Regulations less the total of any ineligible charges included in that stated amount.]

(4) The total of any ineligible charges, referred to in sub-paragraph (3), shall be the total of the amounts (excluding any amount which he considers is negligible) of any charges included in the notified amount or the stated amount, as the case may be which, in the rent officer’s opinion, are at the relevant time fairly attributable to any items to which ineligible charges relate.]

**Textual Amendments**

**F1** Sch. 1 para. 7 substituted (3.4.2000) by [The Rent Officers \(Housing Benefit Functions\) \(Scotland\) Amendment Order 2000 \(S.I. 2000/3\)](#), arts. 1(1), **12** (with art. 16)

**F2** Sch. 1 para. 7(1) substituted (7.4.2008) by [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2007 \(S.I. 2007/2871\)](#), arts. 1(4), **17(2)** (with arts. 2, 11, 17(1))

**F3** Words in Sch. 1 para. 7(1) 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. 12(10)(b)(i)** (with regs. 2, 3, Sch. 3, Sch. 4)

**F4** Sch. 1 para. 7(1)(a)(i) omitted (1.4.2003 for specified purposes, 7.4.2003 for specified purposes) by virtue of [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2003 \(S.I. 2003/478\)](#), arts. 1(1), **3(3)(a)(i)**

**Changes to legislation:** There are currently no known outstanding effects for the The Rent Officers (Housing Benefit Functions) (Scotland) Order 1997, Paragraph 7. (See end of Document for details)

- F5** Sch. 1 para. 7(1)(b) and word omitted (1.4.2003 for specified purposes, 7.4.2003 for specified purposes) by virtue of [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2003 \(S.I. 2003/478\)](#), arts. 1(1), **3(3)(a)(ii)**
- F6** Sch. 1 para. 7(2)(b) and word omitted (1.4.2003 for specified purposes, 7.4.2003 for specified purposes) by virtue of [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2003 \(S.I. 2003/478\)](#), arts. 1(1), **3(3)(b)**
- F7** Sch. 1 para. 7(3) substituted (7.4.2008) by [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2007 \(S.I. 2007/2871\)](#), arts. 1(4), **16(4)** (with arts. 2, 11, 16(1))
- F8** Words in Sch. 1 para. 7(3) 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. 12(10)(b)(ii)(aa)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F9** Words in Sch. 1 para. 7(3) 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. 12(10)(b)(ii), **(bb)** (with regs. 2, 3, Sch. 3, Sch. 4)

**Changes to legislation:**

There are currently no known outstanding effects for the The Rent Officers (Housing Benefit Functions) (Scotland) Order 1997, Paragraph 7.