
STATUTORY INSTRUMENTS

2000 No. 1

The Rent Officers (Housing Benefit Functions) (Amendment) Order 2000

Assumptions etc.

12. For paragraph 7 of Part II of Schedule 1 (medical, nursing and other care services), substitute—

“Ineligible charges and support charges

7.—(1) For the purposes of this paragraph—

(a) “ineligible charges” means service charges which are ineligible to be met by housing benefit by virtue of regulation 10(3) (rent) of and Schedule 1 (ineligible service charges) to the 1987 Regulations except—

(i) any support charges; and

(ii) 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 1987 Regulations (charges for meals)⁽¹⁾; and

(b) “support charges” means any charges specified under paragraph (1ZA) of regulation 12A of the 1987 Regulations (requirement to refer to rent officers).

(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; and

(b) the items to which the support charges relate,

were not to be provided or made available.

(3) For the purposes of paragraphs 1, 2, 3 and 6 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 12A(7A)(b) of the 1987 Regulations⁽²⁾ 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 12A(1A) of the 1987 Regulations⁽³⁾ 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

(1) Paragraph 1(a)(i) was amended by [S.I. 1988/1444](#).

(2) Regulation 12A(7A) is inserted by [S.I. 2000/4](#).

(3) Regulation 12A(1A) was inserted by [S.I. 1995/2868](#) and is amended by [S.I. 2000/4](#).

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officer’s opinion, are at the relevant time fairly attributable to any items to which ineligible charges relate.”.