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STATUTORY INSTRUMENTS

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**2007 No. 2871**

**The Rent Officers (Housing Benefit Functions) Amendment Order 2007**

**Amendments to the Rent Officers Order which remake amendments made by the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006**

**10.**—(1) In article 2(1) (interpretation)—

(a) for the definition of “hostel” substitute—

““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;”;

(b) after that definition insert—

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

(c) for the definition of “rent” substitute—

““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;”;

(d) omit the definition of the “1987 Regulations”.

(2) In article 3A(2) (transitional arrangements for determination of single room rents with effect from 2nd July 2001), for “regulation 12A of the 1987 Regulations” substitute “regulation 14 of the Housing Benefit Regulations or, as the case may be, regulation 14 of the Housing Benefit (State Pension Credit) Regulations”.

(3) In article 4A(3) (substitute determinations and substitute redeterminations), for “regulation 12C of the 1987 Regulations” substitute “regulation 17 of the Housing Benefit Regulations or, as the case may be, regulation 17 of the Housing Benefit (State Pension Credit) Regulations”.

(4) In article 4E(4) (substitute board and attendance determinations and substitute board and attendance redeterminations), wherever “regulation 12C of the 1987 Regulations” occurs, substitute “regulation 17 of the Housing Benefit Regulations or, as the case may be, regulation 17 of the Housing Benefit (State Pension Credit) Regulations”.

(5) In article 6(5) (exceptions)—

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- (1) The definitions of “hostel” and “rent” were substituted by [S.I. 2006/217](#) and the definitions of “Housing Benefit Regulations” and “Housing Benefit (State Pension Credit) Regulations” were inserted by [S.I. 2006/217](#).
- (2) Article 3A was inserted by [S.I. 2001/1325](#) and amended by [S.I. 2001/2317](#) and [2006/217](#).
- (3) Article 4A was substituted by [S.I. 2000/1](#) and amended by [S.I. 2006/217](#).
- (4) Article 4E was inserted by [S.I. 2003/2398](#) and amended by [S.I. 2006/217](#).
- (5) Article 6 was amended by [S.I. 2003/2398](#) and [2006/217](#).

- (a) in paragraph (2) for “regulation 7(3) of the 1987 Regulations” substitute “regulation 9(4) of the Housing Benefit Regulations or, as the case may be, regulation 9(4) of the Housing Benefit (State Pension Credit) Regulations”; and
  - (b) in paragraph (3), for “the 1987 Regulations” substitute “the Housing Benefit Regulations and the Housing Benefit (State Pension Credit) Regulations”.
- (6) In article 7(6) (special cases), for “regulation 10(1) of the 1987 Regulations” substitute “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”.
- (7) In Schedule 1(7)—
- (a) in Part 1, in paragraph 4(4) (local reference rents), for the definition of “non-dependant” substitute—
    - ““non-dependant” means a non-dependant of the tenant within the meaning of regulation 3 of the Housing Benefit Regulations or, as the case may be, regulation 3 of the Housing Benefit (State Pension Credit) Regulations;”;
  - (b) in Part 4, in paragraph 11(5)(b) (indicative rent levels), for “regulation 3 of the 1987 Regulations” substitute “regulation 3 of the Housing Benefit Regulations or, as the case may be, regulation 3 of the Housing Benefit (State Pension Credit) Regulations”.
- (8) In Schedule 3A (categories of dwelling)(8), in Part 1, in paragraph 1(2)(b), for “regulation 3 of the 1987 Regulations” substitute “regulation 3 of the Housing Benefit Regulations or, as the case may be, regulation 3 of the Housing Benefit (State Pension Credit) Regulations.”.

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(6) Article 7 was amended by [S.I. 2000/1](#) and [2006/217](#).

(7) Paragraphs 4(4) and 11(5)(b) of Schedule 1 were amended by [S.I. 2006/217](#).

(8) Schedule 3A was inserted by [S.I. 2003/2398](#) and amended by [S.I. 2006/217](#).