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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 relating to claim-related rent coming into force on 7th April 2008 save for certain purposes**

9.—(1) This article shall not apply where the rent officer has made a determination under paragraphs 1, 2, 3, 4 or 5 of Part 1 of Schedule 1 to the Rent Officers Order and that determination was made in relation to—

- (a) an application under—
  - (i) regulation 14 of the Housing Benefit Regulations 2006 as in force before the substitution of regulation 14 by virtue of regulation 8 of the Housing Benefit (Local Housing Allowance and Information Sharing) Amendment Regulations 2007; or
  - (ii) regulation 14 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 as in force before the substitution of regulation 14 by virtue of regulation 8 of the Housing Benefit (State Pension Credit) (Local Housing Allowance and Information Sharing) Amendment Regulations 2007; or
- (b) an application for a redetermination, substitute determination or substitute redetermination relating to a determination to which sub-paragraph (a) applies made under regulation 15, 16 or 17 of the Regulations referred to in sub-paragraph (a)(i) or (ii).

(2) In paragraph 6(1) of Part 1 of Schedule 1—

- (a) for sub-paragraph (1) substitute—

“(1) In this paragraph, and in paragraph 9, “claim-related rent” means the claim-related rent determined by the rent officer in accordance with paragraph (2A).”;
- (b) after sub-paragraph (1) insert—

“(2A) The rent officer shall determine that the claim-related rent is—

  - (a) where he makes a determination under sub-paragraph (2) of paragraph 1, sub-paragraph (2) of paragraph 2 and sub-paragraph (3) of paragraph 3, the lowest of the three rents determined under those sub-paragraphs;
  - (b) where he makes a determination under only two of the sub-paragraphs referred to in paragraph (a), the lower of the two rents determined under those sub-paragraphs;
  - (c) where he makes a determination under only one of the sub-paragraphs referred to in paragraph (a), the rent determined under that sub-paragraph;
  - (d) where he does not make a determination under any of the sub-paragraphs referred to in sub-paragraph (a), the rent payable under the tenancy of the dwelling at the relevant time.”.

- (c) omit sub-paragraph (2); and
  - (d) in sub-paragraph (3) omit “Where the dwelling is not in a hostel,”.
- (3) In paragraph 9(1)(2) of Part 3 of Schedule 1—
- (a) for sub-paragraph (1)(c) substitute—
    - “(c) where that claim-related rent includes an amount which would be ineligible for housing benefit under paragraph 1(a)(i) of Schedule 1 to the Housing Benefit Regulations or, as the case may be, paragraph 1(a)(i) of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations (charges for meals), the inclusion of an ineligible amount in respect of meals;”;
  - (b) after sub-paragraph (1)(d) insert—
    - “(da) where any rent determined under paragraph 4 includes an amount which would be ineligible for housing benefit under the provisions referred to in sub-paragraph (c), the inclusion of an ineligible amount in respect of meals; and”.