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STATUTORY INSTRUMENTS

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**2010 No. 2836**

**The Rent Officers (Housing Benefit Functions) Amendment Order 2010**

**Amendment of the Rent Officers (Housing Benefit Functions) Order 1997 coming into force on 1st April 2011**

3.—(1) The Rent Officers (Housing Benefit Functions) Order 1997 is amended as follows.

(2) In article 2(1)(1) (interpretation), before the definition of “redetermination”, insert—

““person who requires overnight care” has the meaning given by regulation 2(1) of the Housing Benefit Regulations and the Housing Benefit (State Pension Credit) Regulations;”.

(3) In Schedule 1, in paragraph 4(2)(b) (determinations – local reference rents), after “room suitable for living in” in the first place it occurs insert “and neither the tenant nor the tenant’s partner is a person who requires overnight care”.

(4) In Schedule 2 (size criteria) after paragraph 1 add—

“**1A.** Where the tenant or the tenant’s partner is a person who is stated on the application for the determination as being a person who requires overnight care (or in any case where both of them are so stated), one additional bedroom is allowed.”.