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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Rent Officers (Housing Benefit Functions) Order 1997 (“the Rent Officers Order”) and the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997.

Article 2, which comes into force on 18th March 2011, amends Schedule 3B to the Rent Officers Order so that the rent officer no longer determines a local housing allowance for five bedroom properties and makes consequential amendments to article 4B. It also amends Schedule 3B to change the method of calculating the local housing allowance so that it is based upon the rent at the 30th percentile computed using the empirical distribution function with averaging method. Article 2 also introduces a maximum local housing allowance for each category of dwelling.

Article 3, which comes into force on 1st April 2011, amends Schedule 2 to the Rent Officers Order so that where the tenant or the tenant’s partner is stated to be a person requiring overnight care, an additional bedroom, in non-local housing allowance cases, will be allowed under the size criteria the rent officer applies when making the determinations in Schedule 1. It also inserts a definition of “person who requires overnight care” into article 2(1) of the Rent Officers Order which refers to the definition in regulation 2(1) of the Housing Benefit Regulations 2006 (S.I. 2006/213) and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214). It also makes a consequential amendment to Schedule 1.

Articles 4 and 5 make equivalent amendments to the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997.

An assessment of the impact of this legislation has been made. Copies of this impact assessment are available in the libraries of both Houses of Parliament, and may also be obtained from the Better Regulation Unit of the Department for Work and Pensions, 6B Caxton House, Tothill Street, London SW1H 9NA, or from the DWP website:

<http://www.dwp.gov.uk/resourcecentre/ria.asp>.