

2016 No. 1179

HOUSING

The Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2016

<i>Made</i>	- - - -	<i>6th December 2016</i>
<i>Laid before Parliament</i>		<i>12th December 2016</i>
<i>Coming into force</i>	- -	<i>23rd January 2017</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 122(1) and (6) of the Housing Act 1996(a).

Citation and commencement

1. This Order may be cited as the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2016 and comes into force on 23rd January 2017.

Amendment of the Rent Officers (Housing Benefit Functions) Order 1997

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

(2) In article 4B, after paragraph (1A) (broad rental market area determinations)(c), insert—

“(1B) The power in paragraph (1A) is not limited by paragraph 2(2A) or (2B) of Schedule 3B.”.

(3) In Schedule 3B (broad rental market determinations and local housing allowance determinations)(d)—

(a) in paragraph 2 (local housing allowance determinations)—

(i) before sub-paragraph (3) insert—

“(2A) For a broad rental market area not listed in column 1 of the table in paragraph 5A, the local housing allowance for any category of dwelling is the lower of the amounts set out in sub-paragraph (3)(a) and (b).

(2B) For a broad rental market area listed in column 1 of the table in paragraph 5A, the local housing allowance—

(a) 1996 c.52. Section 122(1) was amended by paragraph 36 of Schedule 2 to the Welfare Reform Act 2012 (c.5).

(b) S.I. 1997/1984.

(c) Article 4B was inserted by S.I. 2003/2398 and amended by S.I. 2007/2871. There are other amending instruments but none is relevant.

(d) Schedule 3B was inserted by S.I. 2007/2871 and amended by S.I. 2013/2978, 2014/3126 and 2015/1573. There are other amending instruments but none is relevant.

- (a) for a category of dwelling listed in the corresponding entry in column 2 of that table, is the lower of the amounts set out in sub-paragraph (3A)(a) and (b);
- (b) for a category of dwelling not so listed, is the lower of the amounts set out in sub-paragraph (3)(a) and (b).”;
- (ii) in sub-paragraph (3)—
 - (aa) for the words before paragraph (a) substitute “The amounts referred to in sub-paragraphs (2A) and (2B)(b) are—”;
 - (bb) at the end of paragraph (a), for “or” substitute “and”;
 - (cc) in paragraph (b), omit “, where that rent is lower than the allowance referred to in paragraph (a)”;
- (iii) after sub-paragraph (3) insert—

“(3A) The amounts referred to in sub-paragraph (2B)(a) are—

 - (a) the local housing allowance determined for that category of dwelling on 30th January 2015 (or, where the determination is amended under article 7A(4) (errors), the allowance provided for in the amended determination), plus 3%; and
 - (b) the maximum local housing allowance listed in column 2 of the following table for the category of dwelling—

<i>1. Category of dwelling as defined in the following paragraphs of this Schedule</i>	<i>2. Maximum local housing allowance for that category of dwelling</i>
paragraph 1(1)(a) (one bedroom, shared accommodation)	£260.64
paragraph 1(1)(b) (one bedroom, exclusive use)	£260.64
paragraph 1(1)(c) (two bedrooms)	£302.33
paragraph 1(1)(d) (three bedrooms)	£354.46
paragraph 1(1)(e) (four bedrooms)	£417.02”

- (b) after paragraph 5 insert—

“**5A.** The table referred to in paragraph 2(2A) and (2B) is as follows—

<i>1. Broad rental market area</i>	<i>2. Category of dwelling as defined in the following paragraphs of this Schedule</i>
Aylesbury	paragraph 1(1)(b) (one bedroom, exclusive use)
Aylesbury	paragraph 1(1)(c) (two bedrooms)
Barrow-in-Furness	paragraph 1(1)(a) (one bedroom, shared accommodation)
Bedford	paragraph 1(1)(d) (three bedrooms)
Bolton and Bury	paragraph 1(1)(a) (one bedroom, shared accommodation)
Bristol	paragraph 1(1)(b) (one bedroom, exclusive use)
Bristol	paragraph 1(1)(d) (three bedrooms)
Bury St. Edmunds	paragraph 1(1)(a) (one bedroom, shared accommodation)
Cambridge	paragraph 1(1)(c) (two bedrooms)
Cambridge	paragraph 1(1)(e) (four bedrooms)
Central London	paragraph 1(1)(a) (one bedroom, shared accommodation)
Central Norfolk and Norwich	paragraph 1(1)(a) (one bedroom, shared accommodation)
Chilterns	paragraph 1(1)(c) (two bedrooms)
Flintshire	paragraph 1(1)(a) (one bedroom, shared accommodation)

	accommodation)
Harlow and Stortford	paragraph 1(1)(a) (one bedroom, shared accommodation)
Inner North London	paragraph 1(1)(a) (one bedroom, shared accommodation)
Kings Lynn	paragraph 1(1)(a) (one bedroom, shared accommodation)
Luton	paragraph 1(1)(b) (one bedroom, exclusive use)
Luton	paragraph 1(1)(c) (two bedrooms)
Luton	paragraph 1(1)(d) (three bedrooms)
Luton	paragraph 1(1)(e) (four bedrooms)
Milton Keynes	paragraph 1(1)(d) (three bedrooms)
Milton Keynes	paragraph 1(1)(e) (four bedrooms)
Neath Port Talbot	paragraph 1(1)(a) (one bedroom, shared accommodation)
North West Kent	paragraph 1(1)(e) (four bedrooms)
North West London	paragraph 1(1)(b) (one bedroom, exclusive use)
Outer East London	paragraph 1(1)(a) (one bedroom, shared accommodation)
Outer East London	paragraph 1(1)(e) (four bedrooms)
Outer South London	paragraph 1(1)(b) (one bedroom, exclusive use)
Outer South London	paragraph 1(1)(c) (two bedrooms)
Outer South West London	paragraph 1(1)(a) (one bedroom, shared accommodation)
Outer West London	paragraph 1(1)(c) (two bedrooms)
Pembrokeshire	paragraph 1(1)(a) (one bedroom, shared accommodation)
Solihull	paragraph 1(1)(a) (one bedroom, shared accommodation)
South West Essex	paragraph 1(1)(a) (one bedroom, shared accommodation)
South West Herts	paragraph 1(1)(d) (three bedrooms)
Southend	paragraph 1(1)(a) (one bedroom, shared accommodation)
Southern Greater Manchester	paragraph 1(1)(a) (one bedroom, shared accommodation)
Stevenage & North Herts	paragraph 1(1)(b) (one bedroom, exclusive use)
Stevenage & North Herts	paragraph 1(1)(d) (three bedrooms)
Stevenage & North Herts	paragraph 1(1)(e) (four bedrooms)
Sunderland	paragraph 1(1)(a) (one bedroom, shared accommodation)
Swindon	paragraph 1(1)(a) (one bedroom, shared accommodation)
Swindon	paragraph 1(1)(b) (one bedroom, exclusive use)
Vale of Glamorgan	paragraph 1(1)(a) (one bedroom, shared accommodation)
Walton	paragraph 1(1)(a) (one bedroom, shared accommodation)
Warwickshire South	paragraph 1(1)(a) (one bedroom, shared accommodation)”

Amendment of the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997

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

- (2) In article 4B, after paragraph (1A) (broad rental market area determinations)(b), insert—
“(1B) The power in paragraph (1A) is not limited by paragraph 2(2A) or (2B) of Schedule 3B.”.
- (3) In paragraph 2 of Schedule 3B (local housing allowance determinations)(c)—
- (a) before sub-paragraph (3) insert—
“(2A) For all broad rental market areas other than Lothian, the local housing allowance for any category of dwelling is the lower of the amounts set out in sub-paragraph (3)(a) and (b).
(2B) For the Lothian broad rental market area, the local housing allowance—
(a) for the category of dwelling defined in paragraph 1(1)(b) of this Schedule (one bedroom, exclusive use), is the lower of the amounts set out in sub-paragraph (3A)(a) and (b);
(b) for all other categories of dwelling, is the lower of the amounts set out in sub-paragraph (3)(a) and (b).”;
- (b) in sub-paragraph (3)—
- (i) for the words before paragraph (a) substitute “The amounts referred to in sub-paragraphs (2A) and (2B)(b) are—”;
- (ii) at the end of paragraph (a), for “or” substitute “and”;
- (iii) in paragraph (b), omit “, where that rent is lower than the allowance referred to in paragraph (a)”;
- (c) after sub-paragraph (3) insert—
“(3A) The amounts referred to in (2B)(a) are—
(a) the local housing allowance determined for that category of dwelling on 30th January 2015 (or, where the determination is amended under article 7A(4) (errors), the allowance provided for in the amended determination), plus 3%; and
(b) £260.64.”.

Amendment of the Rent Officers (Universal Credit Functions) Order 2013

4.—(1) The Rent Officers (Universal Credit Functions) Order 2013(d) is amended as follows.

- (2) In article 3, after paragraph (2) (broad rental market area determinations) insert—
“(2A) The power in paragraph (2) is not limited by paragraph 2(2A) or (2B) of Schedule 1.”.
- (3) In Schedule 1 (local housing allowance determinations)(e)—
- (a) in paragraph 2—
- (i) before sub-paragraph (3) insert—
“(2A) For a broad rental market area not listed in column 1 of the table in paragraph 5A, the local housing allowance for any category of accommodation is the lower of the amounts set out in sub-paragraph (3)(a) and (b).

(a) S.I. 1997/1995.

(b) Article 4B was inserted by S.I. 2003/2398 and amended by S.I. 2007/2871. There are other amending instruments but none is relevant.

(c) Schedule 3B was inserted by S.I. 2007/2871 and amended by S.I. 2013/2978, 2014/3126 and 2015/1573. There are other amending instruments but none is relevant.

(d) S.I. 2013/382.

(e) Schedule 1 was amended by S.I. 2013/2978, 2014/3126 and 2015/1573.

(2B) For a broad rental market area listed in column 1 of the table in paragraph 5A, the local housing allowance—

- (a) for a category of accommodation listed in the corresponding entry in column 2 of that table, is the lower of the amounts set out in sub-paragraph (3A)(a) and (b);
- (b) for a category of accommodation not so listed, is the lower of the amounts set out in sub-paragraph (3)(a) and (b).”;

(ii) in paragraph (3)—

- (aa) for the words before paragraph (a) substitute “The amounts referred to in sub-paragraphs (2A) and (2B)(b) are—”;
- (bb) at the end of paragraph (a), for “or” substitute “and”;
- (cc) in paragraph (b), omit “, where that rent is lower than the allowance referred to in paragraph (a)”;

(iii) after paragraph (3) insert—

“(3A) The amounts referred to in sub-paragraph (2B)(a) are—

- (a) the local housing allowance determined for that category of accommodation on 30th January 2015 (or, where the determination is amended under article 6 (redeterminations), the allowance as so redetermined), plus 3%; and
- (b) the maximum local housing allowance listed in column 2 of the following table for the category of accommodation—

<i>1. Category of accommodation as defined in the following paragraphs of this Schedule</i>	<i>2. Maximum local housing allowance for that category of accommodation</i>
paragraph 1(1)(a) (one bedroom, shared accommodation)	£1129.42
paragraph 1(1)(b) (one bedroom, exclusive use)	£1129.42
paragraph 1(1)(c) (two bedrooms)	£1310.13
paragraph 1(1)(d) (three bedrooms)	£1536.01
paragraph 1(1)(e) (four bedrooms)	£1807.07”

(b) after paragraph 5 insert—

“**5A.** The table referred to in paragraph 2(2A) and (2B) is as follows—

<i>1. Broad rental market area</i>	<i>2. Category of accommodation as defined in the following paragraphs of this Schedule</i>
Aylesbury	paragraph 1(1)(b) (one bedroom, exclusive use)
Aylesbury	paragraph 1(1)(c) (two bedrooms)
Barrow-in-Furness	paragraph 1(1)(a) (one bedroom, shared accommodation)
Bedford	paragraph 1(1)(d) (three bedrooms)
Bolton and Bury	paragraph 1(1)(a) (one bedroom, shared accommodation)
Bristol	paragraph 1(1)(b) (one bedroom, exclusive use)
Bristol	paragraph 1(1)(d) (three bedrooms)
Bury St. Edmunds	paragraph 1(1)(a) (one bedroom, shared accommodation)
Cambridge	paragraph 1(1)(c) (two bedrooms)
Cambridge	paragraph 1(1)(e) (four bedrooms)
Central London	paragraph 1(1)(a) (one bedroom, shared accommodation)
Central Norfolk and Norwich	paragraph 1(1)(a) (one bedroom, shared accommodation)

Chilterns	paragraph 1(1)(c) (two bedrooms)
Flintshire	paragraph 1(1)(a) (one bedroom, shared accommodation)
Harlow and Stortford	paragraph 1(1)(a) (one bedroom, shared accommodation)
Inner North London	paragraph 1(1)(a) (one bedroom, shared accommodation)
Kings Lynn	paragraph 1(1)(a) (one bedroom, shared accommodation)
Lothian	paragraph 1(1)(b) (one bedroom, exclusive use)
Luton	paragraph 1(1)(b) (one bedroom, exclusive use)
Luton	paragraph 1(1)(c) (two bedrooms)
Luton	paragraph 1(1)(d) (three bedrooms)
Luton	paragraph 1(1)(e) (four bedrooms)
Milton Keynes	paragraph 1(1)(d) (three bedrooms)
Milton Keynes	paragraph 1(1)(e) (four bedrooms)
Neath Port Talbot	paragraph 1(1)(a) (one bedroom, shared accommodation)
North West Kent	paragraph 1(1)(e) (four bedrooms)
North West London	paragraph 1(1)(b) (one bedroom, exclusive use)
Outer East London	paragraph 1(1)(a) (one bedroom, shared accommodation)
Outer East London	paragraph 1(1)(e) (four bedrooms)
Outer South London	paragraph 1(1)(b) (one bedroom, exclusive use)
Outer South London	paragraph 1(1)(c) (two bedrooms)
Outer South West London	paragraph 1(1)(a) (one bedroom, shared accommodation)
Outer West London	paragraph 1(1)(c) (two bedrooms)
Pembrokeshire	paragraph 1(1)(a) (one bedroom, shared accommodation)
Solihull	paragraph 1(1)(a) (one bedroom, shared accommodation)
South West Essex	paragraph 1(1)(a) (one bedroom, shared accommodation)
South West Herts	paragraph 1(1)(d) (three bedrooms)
Southend	paragraph 1(1)(a) (one bedroom, shared accommodation)
Southern Greater Manchester	paragraph 1(1)(a) (one bedroom, shared accommodation)
Stevenage & North Herts	paragraph 1(1)(b) (one bedroom, exclusive use)
Stevenage & North Herts	paragraph 1(1)(d) (three bedrooms)
Stevenage & North Herts	paragraph 1(1)(e) (four bedrooms)
Sunderland	paragraph 1(1)(a) (one bedroom, shared accommodation)
Swindon	paragraph 1(1)(a) (one bedroom, shared accommodation)
Swindon	paragraph 1(1)(b) (one bedroom, exclusive use)
Vale of Glamorgan	paragraph 1(1)(a) (one bedroom, shared accommodation)

Walton	accommodation) paragraph 1(1)(a) (one bedroom, shared accommodation)
Warwickshire South	paragraph 1(1)(a) (one bedroom, shared accommodation)”

(4) In Schedule 2 (housing payment determination)—

- (a) in paragraph 3(a)(ii), for the words beginning with “or” to the end substitute “(but see paragraph 4)”;
- (b) in paragraph 4, for the words beginning with “or” to the end substitute “or one local authority area adjoining an adjoining local authority area or, if the rent officer considers it necessary, more than one such area”.

Signed by authority of the Secretary of State for Work and Pensions

Caroline Nokes
Parliamentary Under Secretary of State,
Department for Work and Pensions

6th December 2016

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rent Officers (Housing Benefit Functions) Order 1997 (S.I. 1997/1984), the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 (S.I. 1997/1995) and the Rent Officers (Universal Credit Functions) Order 2013 (S.I. 2013/382) (“the Orders”) to make changes to the manner in which a local housing allowance is determined.

Articles 2, 3 and 4 amend the Orders to provide that, for dwellings in specified categories in specified broad rental market areas, the local housing allowance is as currently determined but with an uplift of 3%. These articles further provide that for these dwellings, there is a maximum local housing allowance.

Further, article 4 amends S.I. 2013/382 to provide that, when making a housing payment determination in respect of accommodation, a rent officer may have regard to certain local authority areas other than those adjoining the local authority area in which that accommodation is situated.

An impact assessment has not been provided for this instrument as it has no impact on business or civil society organisations.

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