

2000 No. 1

HOUSING, ENGLAND AND WALES

**The Rent Officers (Housing Benefit Functions)
(Amendment) Order 2000**

Made - - - - - *6th January 2000*
Laid before Parliament *11th January 2000*
Coming into force - - *3rd April 2000*

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred upon him by section 122(1), (2) and (6) of the Housing Act 1996(a), and of all other powers enabling him in that behalf, hereby makes the following Order—

Citation, commencement and extent

1.—(1) This Order may be cited as the Rent Officers (Housing Benefit Functions) (Amendment) Order 2000 and shall come into force on 3rd April 2000.

(2) This Order extends to England and Wales only.

[Articles 2 to 15 amend articles 2, 3(1), 4, 5, 7, and Schedules 1 and 3 of S.I. 1999/1984.]

Application

16. The amendments made by articles 7, 10(b) and (c) and 11 to 14 do not have effect in a case where—

- (a) an application for a determination or redetermination is made before 3rd April 2000; or
- (b) an application for a redetermination is made on or after 3rd April 2000 in respect of a tenancy and the application for the original determination in respect of that tenancy was made before 3rd April 2000.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions.

Nick Raynsford
Minister of State,

6th January 2000 Department of the Environment, Transport and the Regions

(a) 1996 c. 52.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rent Officers (Housing Benefit Functions) Order 1997 (“the 1997 Order”) which confers functions on rent officers, in connection with housing benefit and rent allowance subsidy, and requires them to make determinations and redeterminations in respect of tenancies and licences of dwellings.

New definition of “relevant period”, in relation to determinations and redeterminations, is inserted in article 2 of the 1997 Order (*article 3*).

Articles 4 and 5 make amendments to the provisions for determinations and redeterminations. Where an application for a redetermination is made, the rent officer must redetermine any effective determinations or redeterminations in respect of the tenancy.

Article 5 also makes provision for substitute determinations and substitute redeterminations where an application contained an error or the rent officer made an error. Where the rent officer becomes aware of an error he has made, he must notify the local authority as soon as practicable (*article 8*).

A new paragraph 6 of Schedule 1 to the 1997 Order requires the rent officer to determine the claim-related rent. Where the dwelling is not in a hostel, the rent officer must also determine the total amount of ineligible charges excluded from the claim-related rent because of the assumptions in paragraph 7 of Schedule 1. He must notify this and the claim-related rent to the local authority as well as any local reference rent and single room rent (*articles 11 and 13*).

When making determinations the rent officer must exclude service charges (except certain meal charges) that are ineligible for housing benefit, and certain other service charges for claimants in supported accommodation (*articles 10, 12 and 14*).

The Order makes other minor and drafting amendments.

The amendments made by *articles 7, 10(b) and (c) and 11 to 14* do not apply to an application made before 3rd April 2000 or an application for a redetermination where the application for the original determination was made before 3rd April 2000.