

SCHEDULE 1

PART IV

INDICATIVE RENT LEVELS

11.—(1) The rent officer shall determine the indicative rent level for each category described in sub-paragraph (3) in accordance with the following formula—

$$I = \frac{H + 3L}{4}$$

where—*I* is the indicative rent level;

H is the highest rent, in the rent officer's opinion,—

(a) which a landlord might reasonably be expected to obtain at the time the determination is being made for an assured tenancy of a dwelling [^{F1}in England, or an occupation contract of a dwelling in Wales,] meeting the criteria in sub-paragraph (2); and

(b) which is not an exceptionally high rent; and

L is the lowest rent, in the rent officer's opinion,—

(a) which a landlord might reasonably be expected to obtain at the time the determination is being made for an assured tenancy of a dwelling [^{F2}in England, or an occupation contract of a dwelling in Wales,] meeting the criteria in sub-paragraph (2); and

(b) which is not an exceptionally low rent.

(2) The criteria are that—

(a) the dwelling is in the area of the local authority;

(b) the dwelling is in a reasonable state of repair; and

(c) the dwelling and tenancy accord with the category to which the determination relates.

(3) The categories for the purposes of this paragraph are—

(a) a dwelling where the tenant does not have use of more than one room where a substantial part of the rent under the tenancy is fairly attributable to board and attendance;

(b) a dwelling where the tenant does not have use of more than one room, the tenancy provides for him to share a kitchen or toilet and paragraph (a) does not apply;

(c) a dwelling where the tenant does not have use of more than one room and where paragraphs (a) and (b) do not apply;

(d) a dwelling where the tenant does not have use of more than two rooms and where none of paragraphs (a) to (c) applies;

(e) a dwelling where the tenant does not have use of more than three rooms and where none of paragraphs (a) to (d) applies;

(f) a dwelling where the tenant does not have use of more than four rooms and where none of paragraphs (a) to (e) applies;

Changes to legislation: There are currently no known outstanding effects for the The Rent Officers (Housing Benefit Functions) Order 1997, Paragraph 11. (See end of Document for details)

- (g) a dwelling where the tenant does not have use of more than five rooms and where none of paragraphs (a) to (f) applies; and
 - (h) a dwelling where the tenant does not have use of more than six rooms and where none of paragraphs (a) to (g) applies.
- (4) When ascertaining H and L under sub-paragraph (1), the rent officer:
- (a) shall assume that no one who would have been entitled to housing benefit had sought or is seeking the tenancy; and
 - (b) shall exclude the amount of any rent which, in the rent officer’s opinion, is fairly attributable to the provision of services which are ineligible to be met by housing benefit;
F3 ...
 - F3(c)
- (5) In this paragraph—
- “room” means a bedroom or room suitable for living in and in paragraphs (a), (b) and (c) of sub-paragraph (3) does not include a room which the tenant shares with any person other than—
- (a) a member of his household;
 - (b) a non-dependant of the tenant (within the meaning of F4[F5 regulation 3 of the Housing Benefit Regulations or, as the case may be, regulation 3 of the Housing Benefit (State Pension Credit) Regulations]); or
 - (c) a person who pays rent to the tenant; and
- “services” has the meaning given by paragraph 4(5).

Textual Amendments	
F1	Words in Sch. 1 para. 11(1) inserted (W.) (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907) , reg. 1(2), Sch. 1 para. 17(b)(xvii)(aa)
F2	Words in Sch. 1 para. 11(1) inserted (W.) (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907) , reg. 1(2), Sch. 1 para. 17(b)(xvii)(bb)
F3	Sch. 1 para. 11(4)(c) and word omitted (1.4.2003 for specified purposes, 7.4.2003 for specified purposes) by virtue of Rent Officers (Housing Benefit Functions) Amendment Order 2003 (S.I. 2003/478) , arts. 1(1), 2(4)
F4	Words in Sch. 1 para. 11(5)(b) substituted (7.4.2008) by Rent Officers (Housing Benefit Functions) Amendment Order 2007 (S.I. 2007/2871) , arts. 1(4), 10(7)(b) (with art. 2)
F5	Words in Sch. 1 para. 11(5)(b) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217) , reg. 1(1), Sch. 2 para. 11(10)(c) (with regs. 2, 3, Sch. 3, 4)

Changes to legislation:

There are currently no known outstanding effects for the The Rent Officers (Housing Benefit Functions) Order 1997, Paragraph 11.