
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rent Officers (Housing Benefit Functions) Order 1997 and the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 which confer functions on rent officers in connection with housing benefit and rent allowance subsidy. The amendments will come into force on the dates specified in relation to the areas of specified local authorities which will subsequently become pathfinder authorities.

Article 2 amends the Rent Officers (Housing Benefit Functions) Order 1997.

Article 2(2) inserts definitions, including those for three new types of determinations.

Article 2(3) amends the definition of “relevant time”.

Article 2(4) removes the requirement to make indicative rent level determinations for pathfinder authorities.

Article 2(5) inserts articles 4B to 4E. Article 4B requires rent officers to determine and give notice of broad rental market areas and local housing allowance determinations. Article 4C provides for rent officers to make and give notice of board and attendance determinations and for an application for such a determination to be treated as an application under regulation 12A(1) of the Housing Benefit (General) Regulations 1987 in certain circumstances. Article 4D makes provision in relation to board and attendance redeterminations and article 4E makes provision in relation to substitute board and attendance determinations and substitute board and attendance redeterminations.

Article 2(6) amends article 5 to provide for a rent officer to seek further information in relation to board and attendance redeterminations.

Article 2(7) amends article 6 to provide that the rent officer shall not make a board and attendance determination or redetermination if the application is withdrawn and must notify the local authority where he is aware that such an application does not give rise to a duty to make a determination.

Article 2(8) renumbers the existing provision in article 7A and makes provision for the rent officer to notify the pathfinder authority of certain errors in relation to board and attendance determinations and redeterminations, broad rental market area and local housing allowance determinations and to give notice of amended broad rental market area and local housing allowance determinations.

Article 2(9) makes minor drafting amendments to paragraph 5 of Schedule 1.

Article 2(10) inserts Schedule 3A, Part I of which makes provision in relation to local housing allowance determinations, broad rental market areas and Part II of which lists the local authorities that will become pathfinder authorities and the dates on which this will occur.

Article 3 makes equivalent amendments in the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997.