STATUTORY INSTRUMENTS

2016 No. 1179

HOUSING

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

Made - - - -	*6th December 2016*
Laid before Parliament	*12th December 2016*
Coming into force - -	*23rd January 2017*

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(**1**).

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(**2**) is amended as follows.

(2) In article 4B, after paragraph (1A) (broad rental market area determinations)(**3**), 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)(**4**)—

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

(i) before sub-paragraph (3) insert—

(**1**) 1996 c.52. Section 122(1) was amended by paragraph 36 of Schedule 2 to the Welfare Reform Act 2012 (c.5).
(**2**) S.I. 1997/1984.
(**3**) 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.
(**4**) 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.

"(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) 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—

1. Category of dwelling as defined in the following paragraphs of this Schedule	*2. Maximum local housing allowance for that category of dwelling*
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—

1. Broad rental market area	*2. Category of dwelling as defined in the following paragraphs of this Schedule*
Aylesbury	paragraph 1(1)(b) (one bedroom, exclusive use)
Aylesbury	paragraph 1(1)(c) (two bedrooms)

1. Broad rental market area	*2. Category of dwelling as defined in the following paragraphs of this Schedule*
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)
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)

1. Broad rental market area	*2. Category of dwelling as defined in the following paragraphs of this Schedule*
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(**5**) is amended as follows.

(2) In article 4B, after paragraph (1A) (broad rental market area determinations)(**6**), 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)(**7**)—

(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(**8**) 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)(**9**)—

(a) in paragraph 2—

(**5**) S.I. 1997/1995.
(**6**) 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.
(**7**) 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.
(**8**) S.I. 2013/382.
(**9**) Schedule 1 was amended by S.I. 2013/2978, 2014/3126 and 2015/1573.