STATUTORY INSTRUMENTS

2015 No. 1753

HOUSING

The Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2015

Made - - - -	*7th October 2015*
Laid before Parliament	*12th October 2015*
Coming into force - -	*2nd November 2015*

The Secretary of State makes the following Order in exercise of the powers conferred by section 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 2015 and comes into force on 2nd November 2015.

Amendments to 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 Schedule 3B (broad rental market area determinations and local housing allowance determinations)(**3**)—

(a) omit paragraph 2(2) and (9);

(b) for paragraph 2(3) substitute—

"(3) For all broad rental market areas the local housing allowance for a category of dwelling is—

(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(**4**)); or

(**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**) Schedule 3B was inserted by S.I. 2007/2871 and amended by S.I. 2013/2978 and 2014/3126. There are other amendments that are not relevant to this Order.
(**4**) Article 7A was inserted by S.I. 2000/1 and amended by S.I. 2003/2398 and 2007/2871.

(b) the rent at the 30th percentile determined in accordance with sub-paragraphs (4) to (8), where that rent is lower than the allowance referred to in paragraph (a).”; and

(c) omit paragraph 6.

Amendments to 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 Schedule 3B (broad rental market area determinations and local housing allowance determinations)(**6**)—

(a) omit paragraph 2(2) and (9);

(b) for paragraph 2(3) substitute—

“(3) For all broad rental market areas the local housing allowance for a category of dwelling is—

(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(**7**)); or

(b) the rent at the 30th percentile determined in accordance with sub-paragraphs (4) to (8), where that rent is lower than the allowance referred to in paragraph (a).”; and

(c) omit paragraph 6.

Amendments to 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 4 (local housing allowance determinations)(**9**)—

(a) paragraph (1) is omitted and paragraphs (2) and (2A) are re-numbered as paragraphs (1) and (2) respectively;

(b) in paragraph (1) (as re-numbered), for “(2A)” substitute “(2)” and in paragraph (2) (as re-numbered), for “(2)” substitute “(1)”;

(c) for paragraphs (3) and (4) substitute—

“(3) Any local housing allowance determination made in accordance with paragraph (1) is to take effect—

(a) in the case of a person with an existing UC entitlement—

(i) on the relevant Monday where that is the first day of an assessment period for the person in question; or

(ii) where the relevant Monday is not the first day of an assessment period for that person, on the first day of the next assessment period following that; or

(b) in any other case, on the relevant Monday.

(**5**) S.I. 1997/1995.
(**6**) Schedule 3B was inserted by S.I. 2007/2871 and amended by S.I. 2013/2978 and 2014/3126. There are other amendments that are not relevant to this Order.
(**7**) Article 7A was inserted by S.I. 2000/3 and amended by S.I. 2003/2398 and 2007/2871.
(**8**) S.I. 2013/382.
(**9**) Article 4 was amended by S.I. 2013/1544 and 2978 and 2014/3126.