
STATUTORY INSTRUMENTS

2013 No. 2827

HOUSING

**The Rent Officers (Housing Benefit
Functions) Amendment (No. 2) Order 2013**

Made - - - - - *31st October 2013*
Laid before Parliament *7th November 2013*
Coming into force - - - *4th December 2013*

The Secretary of State for Work and Pensions 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 Functions) Amendment (No. 2) Order 2013 and comes into force on 4th December 2013.

Amendment 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 2 (size criteria)⁽³⁾—

(a) in paragraph 1—

(i) after paragraph (b) insert—

“(ba) a child who cannot share a bedroom;”;

(ii) after paragraph (e) add—

“but the claimant is only entitled to a bedroom in respect of a child who cannot share a bedroom if there is a bedroom in the dwelling occupied as the home that is additional to those to which the claimant would be entitled if the child were able to share a bedroom.”;

(b) for paragraph 3 substitute—

(1) 1996 c.52. There are amendments to section 122 not relevant to this Order.

(2) S.I.1997/1984.

(3) Paragraph 1A of Schedule 2 was inserted by S.I. 2010/2836 and amended by S.I. 2013/666. Paragraph 1B was inserted and paragraph 3 added by S.I. 2013/666.

“3. In this Schedule “child who cannot share a bedroom” and “qualifying parent or carer” have the meaning given by regulation 2(1) of the Housing Benefit Regulations.”.

Amendment to the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997

3.—(1) The Rent Officers (Housing Benefit Functions) (Scotland) Order 1997⁽⁴⁾ is amended as follows.

(2) In Schedule 2 (size criteria)⁽⁵⁾—

(a) in paragraph 1—

(i) after paragraph (b) insert—

“(ba) a child who cannot share a bedroom.”;

(ii) after paragraph (e) add—

“but the claimant is only entitled to a bedroom in respect of a child who cannot share a bedroom if there is a bedroom in the dwelling occupied as the home that is additional to those to which the claimant would be entitled if the child were able to share a bedroom.”;

(b) for paragraph 3 substitute—

“3. In this Schedule “child who cannot share a bedroom” and “qualifying parent or carer” have the meaning given by regulation 2(1) of the Housing Benefit Regulations.”.

Signed by authority of the Secretary of State for Work and Pensions

31st October 2013

Freud
Parliamentary Under Secretary of State
Department for Work and Pensions

(4) [S.I. 1997/1995](#).

(5) Paragraph 1A of Schedule 2 was inserted by [S.I. 2010/2836](#) and amended by [S.I. 2013/666](#). Paragraph 1B was inserted and paragraph 3 added by [S.I. 2013/666](#).

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.

Schedule 2 to each of the Orders requires the rent officer to apply size criteria when making determinations in accordance with Schedule 1. Schedule 2 requires the rent officer to allow an additional bedroom where the local authority making an application for a determination states that the tenant or the tenant's partner is a person requiring overnight care or where the tenant or the tenant's partner is a qualifying parent or carer within the meaning of the Housing Benefit Regulations 2006 (S.I. 2006/213).

The amendments allow an additional bedroom for a child who would normally be expected to share a room under the size criteria in paragraph 1 of Schedule 2 to the Orders but is unable to share because of his or her disability. In order to qualify for the extra room the property must already have an extra room in it, the child must be eligible for the higher or middle rate care component of Disability Living Allowance and the relevant local authority must be satisfied that the child is, because of their disability, not reasonably able to share a bedroom with another child. Where more than one child in a household satisfies the criteria each will be entitled to their own room.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.