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STATUTORY INSTRUMENTS

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**2013 No. 41**

**SOCIAL SECURITY**

**The Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013**

<i>Made</i>	- - - -	<i>14th January 2013</i>
<i>Laid before Parliament</i>		<i>17th January 2013</i>
<i>Coming into force</i>	- -	<i>11th February 2013</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 131(1) and (3) and 133(1) of the Welfare Reform Act 2012<sup>(1)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013 and come into force on 11th February 2013.

**Amendment of the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012**

2.—(1) The Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012<sup>(2)</sup> are amended as follows.

(2) In regulation 2 (interpretation) after the definition of “the Contributions and Benefits Act” insert—

““council tax reduction scheme”—

- (a) in England and Wales, has the meaning given in section 13A(9) of the Local Government Finance Act 1992<sup>(3)</sup> and (in England) includes a default scheme within the meaning of paragraph 4 of Schedule 1A to that Act; and
- (b) in Scotland, means a means-tested reduction to an individual’s council tax liability in accordance with the Council Tax Reduction (Scotland) Regulations 2012<sup>(4)</sup> or the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012<sup>(5)</sup>.”

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(1) 2012 c.5. Section 133(1) is an interpretation provision and is cited for the meaning of the word “prescribed”.

(2) S.I. 2012/1483.

(3) 1992 c.14. Section 13A was substituted by section 10 of, and Schedule 1A was inserted by Schedule 4 to, the Local Government Finance Act 2012 (c.17)

(4) S.S.I. 2012/303.

(5) S.S.I. 2012/319.

- (3) In the heading to Part 3 omit “etc.”.
- (4) In regulations 5(1) (supply of relevant information by the Secretary of State) and 6(1) (holding purposes), after “2012 Act” insert “in relation to welfare services”.
- (5) After regulation 11 (excepted matters) add—

## “PART 4

### INFORMATION-SHARING IN RELATION TO COUNCIL TAX UNDER SECTIONS 131 TO 133 OF THE 2012 ACT

#### **Supply of relevant information by the Secretary of State**

**12.** The purposes prescribed under section 131(1) of the 2012 Act in relation to council tax (purposes for which the Secretary of State or a person providing services to the Secretary of State may supply relevant information to a qualifying person) are—

- (a) making a council tax reduction scheme;
- (b) determining a person’s entitlement or continued entitlement to a reduction under a council tax reduction scheme.

#### **Holding purposes**

**13.** The purposes prescribed under section 131(3) of the 2012 Act in relation to council tax as purposes for which relevant information must be held by a qualifying person in order for them to use or supply it as set out in that subsection, are—

- (a) making a council tax reduction scheme;
- (b) determining a person’s entitlement or continued entitlement to a reduction under a council tax reduction scheme.

#### **Using purposes**

**14.—(1)** This regulation applies to relevant information held by a qualifying person for any purpose listed in regulation 12.

- (2) The purposes set out in paragraph (3) are prescribed—
  - (a) under section 131(3)(a) of the 2012 Act as a purpose for which the information may be used by that qualifying person; and
  - (b) subject to regulation 16, under section 131(3)(b) of the 2012 Act as a purpose for use in relation to which the information may be supplied by that qualifying person to another qualifying person.
- (3) The purposes are any purposes connected with—
  - (a) making a council tax reduction scheme;
  - (b) determining a person’s entitlement or continued entitlement to a reduction under a council tax reduction scheme.

#### **Excepted matters**

**15.—(1)** Subject to paragraph (2), regulation 14 does not permit relevant information held by a Welsh body or a Scottish body to be supplied by that body to another qualifying person for use in relation to that purpose.

(2) Paragraph (1) does not apply if the information was supplied by, or is derived from, information supplied to another person by the Secretary of State (or a person providing services to the Secretary of State) or a person engaged in the administration of housing benefit.”

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

14th January 2013

*Freud*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012 (“the principal Regulations”) to add a new Part 4 which prescribes additional purposes to allow for the sharing of relevant information for prescribed purposes relating to council tax.

Regulation 2(2) inserts a definition of “council tax reduction scheme” into regulation 2 of the principal Regulations. In England and Wales, this is a scheme for the reduction of council tax liability made under sections 13A(2) or (4) of the Local Government Finance Act 1992 (c.14) (including default schemes in England established under Schedule 1A) and in Scotland is a scheme established in accordance with certain regulations made under section 80 of that Act.

Regulation 2(5) adds Part 4 to the principal Regulations. New regulation 12 prescribes the purposes for which the Secretary of State (or a person providing services to the Secretary of State) may supply relevant information to a qualifying person. “Relevant information” is defined in section 131(12) of the Welfare Reform Act 2012 (“the Act”) as information relating to social security benefits or welfare services. “Qualifying person” is defined in section 131(11) of that Act and includes a local authority or a person authorised to exercise any function of such an authority relating to council tax, or providing services relating to council tax. The prescribed purposes are making council tax reduction schemes and determining a person’s entitlement (or continued entitlement) to a council tax reduction under such a scheme.

New regulations 13 and 14 prescribe the same purposes as purposes for which a qualifying person must hold relevant council tax information in order to use that information or supply it to another qualifying person.

New regulation 14 is subject to exceptions in new regulation 15 relating to relevant council tax information held by Welsh and Scottish bodies as defined in section 131 of the Act.

Regulation 2(3) and (4) make consequential amendments to Part 3 of the principal Regulations.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.