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## EXPLANATORY NOTE

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

Section 39(2) of the Welfare Reform Act (Northern Ireland) 2007 (“the 2007 Act”) provides that certain persons (“relevant persons”) who hold information for a prescribed purpose may use that information for another prescribed purpose. Section 39(2) also allows such persons to provide that information to other relevant persons for use in relation to the same or another prescribed purpose. These Regulations prescribe those purposes.

Regulation 1 provides for the citation and commencement of the Regulations and regulation 2 provides for their interpretation.

Regulation 3 provides for regulations 4, 5 and 6 to prescribe meanings of “prescribed purpose” in section 39(2) of the 2007 Act for the purposes of those regulations.

Regulation 4 sets out the prescribed purposes for which information relevant to section 39(2) may be held. These purposes are purposes relating to welfare services. In particular, these are any purposes connected with considering whether a claimant is likely to have difficulty in managing his financial affairs, the probability that a claimant will pay his rent or whether a landlord has provided or is likely to provide qualifying welfare services he has undertaken to provide. Also prescribed are purposes connected with identifying whether certain accommodation is excluded from the provisions relating to local housing allowance in the Housing Benefit Regulations (Northern Ireland) 2006 (“the Housing Benefit Regulations”) and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (“the Housing Benefit (State Pension Credit) Regulations”).

Regulation 5 sets out the prescribed purposes for which information may be used for the purposes of section 39(2). These purposes are purposes relating to housing benefit and the application of provisions in the Housing Benefit Regulations and the Housing Benefit (State Pension Credit) Regulations. Those provisions relate to whether the Northern Ireland Housing Executive, in a local housing allowance case, should pay housing benefit to a claimant or to the claimant’s landlord and as to whether certain accommodation is excluded from the provisions relating to local housing allowance.

Regulation 6 sets out further prescribed purposes relating to housing benefit. This regulation enables information held for the purposes of housing benefit to be used by a relevant person for the purpose of determining whether that person or another relevant person holds information relevant for a prescribed purpose within the meaning of regulation 4.

Section 39 of the 2007 Act, the enabling provision under which these Regulations are made, was brought into operation, for the purpose only of authorising the making of orders or regulations, on 8th August 2008 and, in so far as not already in operation, on 1st September 2008 by virtue of the Welfare Reform (2007 Act) (Commencement No. 6 and Transitional and Savings Provisions) Order (Northern Ireland) 2008 (S.R. 2008 No. 339 (C. 18)).