

2008 No. 343

SOCIAL SECURITY; HOUSING; RATES

**The Social Security (Use of Information for Housing Benefit
and Welfare Services Purposes) Regulations (Northern Ireland)
2008**

Made - - - - *8th August 2008*

Coming into operation - *1st September 2008*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by section 39(2), (8) and (9) of the Welfare Reform Act (Northern Ireland) 2007(a).

Citation and commencement

1. These Regulations may be cited as the Social Security (Use of Information for Housing Benefit and Welfare Services Purposes) Regulations (Northern Ireland) 2008 and shall come into operation on 1st September 2008.

Interpretation

2. In these Regulations—

“the 2007 Act” means the Welfare Reform Act (Northern Ireland) 2007;

“benefit or welfare services information” means information falling within section 39(3) of the 2007 Act (information relating to certain benefits);

“claimant” means a person claiming housing benefit;

“excluded tenancy” means a type of tenancy falling within paragraph 4 or 5 of Schedule 3 to the Housing Benefit Regulations(b) or paragraph 4 or 5 of Schedule 3 to the Housing Benefit (State Pension Credit) Regulations(c), as the case may require;

“exempt accommodation” has the meaning given by paragraph 4(9) of Schedule 3 to the Housing Benefit (Consequential Provisions) Regulations (Northern Ireland) 2006(d) (transitional and savings provisions);

“hostel” has the same meaning as it has in the Housing Benefit Regulations or the Housing Benefit (State Pension Credit) Regulations, as the case may require;

“the Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006(e);

(a) 2007 c. 2 (N.I.)

(b) Paragraph 4 was amended by regulation 3(6) of S.R. 2007 No. 266

(c) Paragraph 4 was amended by regulation 4(6) of S.R. 2007 No. 266

(d) S.R. 2006 No. 407

(e) S.R. 2006 No. 405; relevant amending Regulations are S.R. 2007 No. 266 and S.R. 2008 No. 101

“the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006^(a);

“landlord” includes a person to whom rent is payable by the person entitled to a rent allowance for the purposes of regulation 92 of the Housing Benefit Regulations (circumstances in which payment is to be made to a landlord or the Department of Finance and Personnel) or regulation 73 of the Housing Benefit (State Pension Credit) Regulations (circumstances in which payment is to be made to a landlord or the Department of Finance and Personnel), as the case may require;

“registered housing association” means a housing association which is registered in a register maintained under Article 14 of the Housing (Northern Ireland) Order 1992^(b);

“relevant person” means a person falling within any of paragraphs (c) to (h) of section 39(4) of the 2007 Act;

“rent” has the same meaning as it has in the Housing Benefit Regulations or the Housing Benefit (State Pension Credit) Regulations, as the case may require.

Prescribed purposes in section 39(2) of the 2007 Act

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

Holding purposes relating to welfare services

4.—(1) This regulation prescribes the purposes for which a relevant person holds benefit or welfare services information (“holding purposes”).

(2) The holding purposes are purposes relating to welfare services which may indicate—

- (a) whether a claimant is likely to have difficulty in managing his financial affairs;
- (b) the probability that a claimant will pay his rent;
- (c) whether a landlord—
 - (i) was or is to provide qualifying welfare services within the meaning of section 39(6) of the 2007 Act, but
 - (ii) has not provided those services or is unlikely to provide those services;
- (d) whether—
 - (i) a claimant’s landlord is a registered housing association;
 - (ii) a claimant occupies as his home a dwelling which is exempt accommodation;
 - (iii) a claimant’s tenancy is an excluded tenancy;
 - (iv) a claimant occupies a houseboat, caravan or mobile home as his home, or
 - (v) a claimant resides in a hostel.

Using purposes relating to housing benefit

5.—(1) This regulation prescribes meanings of “prescribed purpose” for which benefit or welfare services information may be used (“using purposes”) by—

- (a) the relevant person in relation to whom regulation 4 applies; or
- (b) another relevant person to whom the benefit or welfare services information has been provided.

(2) The using purposes are purposes relating to housing benefit connected with applying any of the following regulations—

(a) S.R. 2006 No. 406; relevant amending Regulations are S.R. 2007 No. 266 and S.R. 2008 No. 102
(b) S.I. 1992/1725 (N.I. 15)

- (a) regulation 14C(5) of the Housing Benefit Regulations^(a) (when a maximum rent (LHA) is to be determined);
- (b) regulation 93(3) of the Housing Benefit Regulations (circumstances in which payment may be made to a landlord or the Department of Finance and Personnel), if the Executive has determined a maximum rent in accordance with regulation 14D of those Regulations and is considering making direct payments because the claimant is likely to have difficulty in relation to the management of his financial affairs or it is improbable that the claimant will pay his rent;
- (c) regulation 14C(5) of the Housing Benefit (State Pension Credit) Regulations^(b) (when a maximum rent (LHA) is to be determined);
- (d) regulation 74(3) of the Housing Benefit (State Pension Credit) Regulations (circumstances in which payment may be made to a landlord or the Department of Finance and Personnel), if the Executive has determined a maximum rent in accordance with regulation 14D of those Regulations and is considering making direct payments because the claimant is likely to have difficulty in relation to the management of his financial affairs or it is improbable that the claimant will pay his rent.

Identifying purposes

6.—(1) This regulation prescribes meanings of “prescribed purpose” for the purposes of determining whether a relevant person holds benefit or welfare services information related to any holding purpose prescribed by regulation 4 (“identifying purposes”).

(2) The identifying purposes are any purposes relating to housing benefit connected with identifying a claimant.

Sealed with the Official Seal of the Department for Social Development on 8th August 2008

(L.S.)

John O'Neill

A senior officer of the Department for Social Development

(a) Regulations 14 to 14F were substituted for regulation 14 by regulation 2(7) of S.R. 2008 No. 101
(b) Regulations 14 to 14F were substituted for regulation 14 by regulation 2(7) of S.R. 2008 No. 102

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)).

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