
STATUTORY INSTRUMENTS

2006 No. 214

The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

PART 13

Information

SECTION 1

Claims and information

Interpretation

89. In this Section—

“local authority” means an authority administering housing benefit;

“relevant authority” means—

- (a) the Secretary of State;
- (b) a person providing services to the Secretary of State;

“relevant information” means information or evidence relating to the administration of claims to or awards of housing benefit.

Collection of information

90.—(1) A relevant authority may obtain relevant information, from—

- (a) persons making, or who have made, claims to housing benefit; or
- (b) other persons in connection with such claims.

(2) In paragraph (1) above references to persons who have made claims to housing benefit include persons to whom awards of benefit have been made on those claims.

Recording and holding information

91. A relevant authority which obtains relevant information or to whom such information is supplied shall—

- (a) make a record of such information; and
- (b) hold that information, whether as supplied or obtained or as recorded.

Forwarding of information

92. A relevant authority which holds relevant information—

- (a) shall forward it to the person or authority for the time being administering claims to or awards of housing benefit to which the relevant information relates, being either—

- (i) a local authority;
 - (ii) a person providing services to a local authority; or
 - (iii) a person authorised to exercise any function of a local authority relating to housing benefit; and
- (b) may continue to hold a record of such information, whether as supplied or obtained or recorded, for such period as it considers appropriate.

Request for information

93. A relevant authority which holds information or evidence relating to social security matters shall forward such information or evidence as may be requested to the person or authority making that request, provided that—

- (a) the request is made by—
 - (i) a local authority;
 - (ii) a person providing services to a local authority; or
 - (iii) a person authorised to exercise any function of a local authority relating to housing benefit; and
- (b) the information or evidence requested includes relevant information;
- (c) the relevant authority is able to provide the information or evidence requested in the form in which it was originally supplied or obtained; and
- (d) provision of the information or evidence requested is considered necessary by the relevant authority to the proper performance by a local authority of its functions relating to housing benefit.

SECTION 2

Evidence and Information

Interpretation

94. In this Section—

“the notice” means the notice prescribed in regulation 99(1)(b) (circumstances for requiring information);

“relevant information” means such information as is prescribed in regulation 100 (relevant information);

“the requirer” means a person within regulation 98 (requiring information from landlords and agents), who requires information pursuant to that regulation;

“the supplier” means an appropriate person who is required, pursuant to regulations 98 and 99, to supply relevant information and any person who is not so required is not, for the purpose of supplying information pursuant to section 126A of the Administration Act(1) and these Regulations, an appropriate person.

Evidence and information required by rent officers

95. The relevant authority shall furnish as soon as is reasonably practicable such information or evidence relating to a claimant and his accommodation obtained by it in exercise of its functions

(1) Inserted by the Social Security Administration (Fraud) Act 1997 (c. 47), section 11.

relating to housing benefit as may be required by a rent officer for the purpose of a function conferred on him by an order under section 122 of the Housing Act 1996⁽²⁾.

Information to be supplied by an authority to another authority

96.—(1) For the purposes of section 128A of the Administration Act⁽³⁾ (duty of an authority to disclose information to another authority) the circumstances in which information is to be disclosed are prescribed in paragraph (2) and the information prescribed by this regulation is described in paragraph (3).

(2) The circumstances prescribed in this paragraph are, where—

- (a) there is a mover who is or was in receipt of housing benefit from local authority “A”;
- (b) either his second dwelling is within the area of another authority “B” or he is liable or treated as liable to make payments in respect of his second dwelling to housing authority B; and
- (c) either—
 - (i) a payment under regulation 72 of the Housing Benefit Regulations 2006 is claimed from authority A; or
 - (ii) such a payment is claimed from authority B, who then requests the prescribed information from authority A,

authority A shall disclose to authority B the information prescribed in paragraph (3).

(3) The information to be disclosed is—

- (a) in a case where the payment under regulation 72 of the Housing Benefit Regulations 2006 was claimed from authority A, details relevant to that claim of—
 - (i) the matters certified pursuant to regulation 72 of and paragraph 1 of Schedule 7 to the Housing Benefit Regulations 2006;
 - (ii) the matters notified pursuant to regulation 72 of and paragraph 2 of that Schedule;
 - (iii) the date it was so claimed;
- (b) in the case of a person to whom regulation 6(5) of the Income Support Regulations⁽⁴⁾ (persons not treated as engaged in remunerative work) applies—
 - (i) the date on which he was first engaged in the work referred to in sub-paragraph (a) of regulation 6(5) of those Regulations; and
 - (ii) the date on which his entitlement to income support ceased or was expected to cease; and
- (c) in any case—
 - (i) the weekly rate of housing benefit awarded to the mover by authority A;
 - (ii) if any deduction was being made from that benefit in respect of non-dependants, pursuant to regulations 50 (maximum housing benefit) and 55 (non-dependant deductions), the amount of those deductions;
 - (iii) if any deduction was being made from that benefit in respect of a recoverable overpayment pursuant to regulation 83 (method of recovery), the amount of those deductions;
 - (iv) the date on which his entitlement to housing benefit ceased;

(2) 1996 c. 52; amended by the Local Government Act 2003 (c. 26), section 127 and paragraph 6 of Schedule 7.

(3) Section 128A was inserted by section 28(2) of the Jobseekers Act 1995 (c. 18).

(4) S.I. 1987/1967; the relevant amending Instrument is S.I. 2001/488.

- (v) if a payment under regulation 72 of the Housing Benefit Regulations 2006 was made to the mover, the amount and date of any such payment; and
- (vi) if no such payment was made, why none was made.

(4) In this regulation, “mover”, “the relevant day” and “second-dwelling” have the meanings assigned to them in paragraph 11 of Schedule 7 to the Housing Benefit Regulations 2006.

Supply of information: extended payments (severe disablement allowance and incapacity benefit)

97.—(1) For the purposes of section 122E(3) of the Administration Act(5) (duty of an authority to supply information to another authority) the circumstances in which information is to be supplied are prescribed in paragraph (2) and the information prescribed by this regulation is described in paragraph (3).

(2) The circumstances prescribed in this paragraph are, where—

- (a) there is a mover who is or was in receipt of housing benefit from a local authority “A”;
- (b) either his second dwelling is within the area of another local authority “B” or he is liable or treated as liable to make payments in respect of his second dwelling to housing authority B; and
- (c) either—
 - (i) the extended payment (severe disablement allowance and incapacity benefit) is claimed from authority A; or
 - (ii) the extended payment (severe disablement allowance and incapacity benefit) is claimed from authority B, who then requests the information described in paragraph (3) from authority A,

authority A shall supply to authority B that information.

(3) The information to be supplied is—

- (a) in a case where that extended payment (severe disablement allowance and incapacity benefit) was claimed from authority A, details relevant to that claim of—
 - (i) the matters set out in regulation 58 or regulation 53(1)(b)(i) to (iii), as the case may be; and
 - (ii) the matters notified pursuant to regulation 53(1)(a)(ii) or (b)(iv), as the case may be; and
 - (iii) the date it was so claimed; and
- (b) in any case—
 - (i) the weekly rate of housing benefit awarded to the mover by authority A;
 - (ii) if any deduction was being made from that benefit in respect of non-dependants, pursuant to regulations 50 and 55, the amount of those deductions;
 - (iii) if any deduction was being made from that benefit in respect of a recoverable overpayment pursuant to regulation 83, the amount of those deductions;
 - (iv) the date on which his entitlement to housing benefit ceased;
 - (v) if an extended payment (severe disablement allowance and incapacity benefit) was made to the mover, the amount and date of any such payment; and
 - (vi) if no extended payment (severe disablement allowance and incapacity benefit) was made, why none was made.

(5) Section 122E was inserted by section 3 of the Social Security Administration (Fraud) Act 1997 (c. 47).

(4) In this regulation “mover” and “second dwelling” shall have the meanings assigned to them in paragraph 10 of Schedule 7.

Requiring information from landlords and agents

98. Pursuant to section 126A of the Administration Act⁽⁶⁾, where a claim is made to an authority, on which a rent allowance may be awarded, then, in the circumstances prescribed in regulation 99 (circumstances for requiring information), that authority, or any person authorised to exercise any function of the authority relating to housing benefit, may require an appropriate person to supply to that authority or person relevant information, in the manner prescribed in regulation 101 (manner of supply of information).

Circumstances for requiring information

- 99.**—(1) A person is required to supply information in the following circumstances—
- (a) he is an appropriate person in relation to any dwelling in respect of which—
 - (i) housing benefit is being paid to an appropriate person pursuant to regulation 76 or 77 (circumstances in which payment is to be or may be made to a landlord); or
 - (ii) a request has been made by an appropriate person or by the claimant for housing benefit to be so paid; and
 - (b) the requirer serves upon that appropriate person, whether by post or otherwise, a written notice stating that the requirer—
 - (i) suspects that there is or may be an impropriety in relation to a claim in respect of any dwelling wherever situated in relation to which he is an appropriate person; or
 - (ii) is already investigating an allegation of impropriety in relation to that person.
- (2) Information required to be supplied under paragraph (1) shall be supplied to the requirer at the address specified in the notice.

Relevant information

- 100.**—(1) The information the supplier is to supply to the requirer is that prescribed in paragraphs (2) and (3) (referred to in this Part as “the relevant information”).
- (2) For a supplier who falls within paragraph (4) or section 126A(2)(b) of the Administration Act (“the landlord”), the information is—
- (a) where the landlord is a natural person—
 - (i) his appropriate details;
 - (ii) the relevant particulars of any residential property in which he has an interest; and
 - (iii) the appropriate details of any body corporate, in which he is a major shareholder or of which he is a director and which has an interest in residential property;
 - (b) where the landlord is a trustee, except a trustee of a charity, in addition to any information that he is required to supply in accordance with sub-paragraph (a) or (c), as the case may be, the relevant particulars of any residential property held by the trust of which he is a trustee and the name and address of any beneficiary under the trust or the objects of that trust, as the case may be;
 - (c) where the landlord is a body corporate or otherwise not a natural person, other than a charity—

(6) Section 126A was inserted by section 11 of the Social Security Administration (Fraud) Act 1997 (c. 47).

- (i) its appropriate details;
 - (ii) the relevant particulars of any residential property in which it has an interest;
 - (iii) the names and addresses of any directors of it;
 - (iv) the appropriate details of any person—
 - (aa) who owns 20 per cent. or more of it; or
 - (bb) of whom it owns 20 per cent. or more; and
 - (v) the names and addresses of its major shareholders;
 - (d) where the landlord is a charity or is a recognised body the appropriate details relating to the landlord and particulars of the landlord’s registration as a charity.
- (3) For a supplier who falls within section 126A(2)(c) of the Administration Act or paragraph (5) (“the agent”), the information is—
- (a) the name and address of any person (“his principal”)—
 - (i) to whom the agent has agreed to make payments in consequence of being entitled to receive relevant payments; or
 - (ii) for whom the agent is acting on behalf of or in connection with any aspect of the management of a dwelling,
 as the case may be;
 - (b) the relevant particulars of any residential property in respect of which the agent—
 - (i) has agreed to make payments in consequence of being entitled to receive relevant payments; or
 - (ii) is acting on behalf of his principal in connection with any aspect of its management;
 - (c) where the agent is a natural person—
 - (i) the relevant particulars of any residential property in which he has an interest;
 - (ii) the appropriate details of any body corporate or any person not a natural person, in which he is a major shareholder or of which he is a director and which has any interest in residential property; or
 - (d) where the agent is a body corporate or other than a natural person—
 - (i) the relevant particulars of any residential property in which it has an interest;
 - (ii) the names and addresses of any directors of or major shareholders in the agent; and
 - (iii) the appropriate details of any person—
 - (aa) who owns 20 per cent. or more of the agent; or
 - (bb) of whom the agent owns 20 per cent. or more.
- (4) A supplier falls within this paragraph (landlord receiving rent), if he falls within section 126A(2)(a) of the Administration Act, but does not fall within paragraph (5).
- (5) A supplier falls within this paragraph (agent receiving the rent), if he falls within subsection (2)(a) of section 126A of the Administration Act and has agreed to make payments, in consequence of being entitled to receive relevant payments, to a person falling within subsection (2) (b) of that section.
- (6) For the purposes of this regulation—
- “appropriate details” means the name of the person and (in the case of a company) its registered office and, in any case, the full postal address, including post code, of the principal place of business of that person and the telephone and facsimile number (if any) of that place;

“charity” means a charity which is registered under section 3 of the Charities Act 1993(7) and is not an exempt charity within the meaning of that Act;

“major shareholder” means, where a body corporate is a company limited by shares, any person holding one tenth or more of the issued shares in that company and, in any other case, all the owners of that body;

“recognised body” has the same meaning as in section 1(7) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990(8);

“relevant particulars” means the full postal address, including post code, and number of current lettings of or within that residential property and, if that property includes two or more dwellings, that address and the number of such lettings for each such dwelling;

“residential property” includes any premises, situated within the United Kingdom—

- (i) used or which has, within the last six months, been used; or
- (ii) which may be used or is adapted for use,

as residential accommodation,

and other expressions used in this regulation and also in the Companies Act 1985(9) shall have the same meaning in this regulation as they have in that Act.

Manner of supply of information

101.—(1) Subject to paragraph (2), the relevant information shall be supplied—

- (a) in typewritten or printed form; or
- (b) with the written agreement of the inquirer, in electronic or handwritten form,

within a period of 4 weeks commencing on the date on which the notice was sent or given.

(2) Where—

- (a) within a period of 4 weeks commencing on the date on which the notice was sent or given, the supplier requests that the time for the supply of the relevant information be extended; and
- (b) the requirer provides written agreement to that request,

the time for the supply of the relevant information shall be extended to a period of 8 weeks commencing on the date on which the notice was sent or given.

Criminal offence

102. Any failure by the supplier to supply relevant information to the requirer as, when and how required under regulations 98 to 101 shall be an offence under section 113 of the Administration Act(10) and there may be recovered from the supplier, on summary conviction for this offence, penalties not exceeding—

- (a) for any one offence, level 3 on the standard scale; or
- (b) for an offence of continuing any such failure after conviction, £40 for each day on which it is so continued.

(7) 1993 c. 10.

(8) 1990 c. 40.

(9) 1985 c. 6.

(10) Section 113 was substituted by the Social Security Act 1998 (c. 14).