

**2007 No. 1768**

**ELECTRONIC COMMUNICATIONS**

**BROADCASTING**

**The Digital Switchover (Disclosure of Information) Act 2007  
(Prescription of Information) Order 2007**

<i>Made</i> - - - -	<i>20th June 2007</i>
<i>Laid before Parliament</i>	<i>21st June 2007</i>
<i>Coming into force</i> - -	<i>13th July 2007</i>

The Secretary of State makes the following order, in exercise of the powers conferred by section 2 of the Digital Switchover (Disclosure of Information) Act 2007(a):

**Citation, commencement and interpretation**

1. This Order may be cited as the Digital Switchover (Disclosure of Information) Act 2007 (Prescription of Information) Order 2007 and shall come into force on 13th July 2007.

2. In this Order, “the Act” means the Digital Switchover (Disclosure of Information) Act 2007.

**Prescription of information: “social security information” and “war pensions information”**

3.—(1) Information of a description given in paragraph (3) is prescribed(b), in relation to the Secretary of State, as—

- (a) “social security information” for the purposes of section 1(1) of the Act (which permits disclosure of social security information by the Secretary of State and the Northern Ireland department to certain bodies in connection with switchover help functions); and
- (b) “war pensions information” for the purposes of section 1(2) of the Act (which permits disclosure of war pensions information by the Secretary of State to certain bodies in connection with switchover help functions).

(2) Information of a description given in paragraph (3) is prescribed, in relation to the Northern Ireland department, as “social security information” for the purposes of section 1(1) of the Act.

(3) The information referred to in paragraphs (1) and (2) is—

- (a) in relation to a qualifying individual—
  - (i) his name and any alias;
  - (ii) his date of birth;
  - (iii) his address;

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(a) 2007 c.8.

(b) Section 2(5) of the Act defines “prescribed” as prescribed by order made by the Secretary of State.

- (iv) his national insurance number;
  - (v) whether he lives in a care home or an independent hospital;
  - (vi) the name, any alias and address of a person appointed to act on his behalf; and
  - (vii) whether the individual is entitled to receive assistance free of charge under the Digital Switchover Help Scheme;
- (b) where a qualifying individual—
- (i) is entitled to receive assistance free of charge under the Digital Switchover Help Scheme,
  - (ii) is a member of a couple, and
  - (iii) his partner in that couple is also a qualifying individual, the national insurance number of that partner; and
- (c) in a case where an individual who was a qualifying individual has died, that fact and the date on which he died.
- (4) In this article—
- “care home”—
- (a) in relation to England and Wales has the meaning given to it by section 3 of the Care Standards Act 2000(a);
  - (b) in relation to Scotland means any establishment providing a care home service, as that expression is defined by section 2(3) of the Regulation of Care (Scotland) Act 2001(b); and
  - (c) in relation to Northern Ireland means any residential or care home as those terms are defined by Article 10 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(c);
- “couple” means—
- (a) a man and woman who are married to each other and normally live at the same address;
  - (b) a man and woman who are not married to each other but normally live together at the same address as husband and wife;
  - (c) two people of the same sex who are civil partners of each other and normally live at the same address; or
  - (d) two people of the same sex who are not civil partners of each other but normally live together at the same address as if they were civil partners;
- “Digital Switchover Help Scheme” means the agreement made on 30th April 2007(d) between the Secretary of State and the BBC in pursuance of the BBC Charter and Agreement;
- “independent hospital”—
- (a) in relation to England and Wales, has the meaning given to it by section 2 of the Care Standards Act 2000(a);
  - (b) in relation to Scotland, means an independent healthcare service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001(b); and
  - (c) in relation to Northern Ireland, means an independent hospital as defined in article 2(2) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(c);
- “partner” means a member of a couple; and
- “qualifying individual” means an individual who is entitled to a benefit listed in clause 8(1)(b)(i) of the Digital Switchover Help Scheme, or who is aged 73 years or over, or both.

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(a) 2000 c.14.  
 (b) 2001 asp 8.  
 (c) SI 2003/431 (N.I.9).  
 (d) Cm 7118.

#### **Prescription of information: “visual impairment information”**

4.—(1) Information of a description given in paragraph (2) is prescribed in relation to a local authority and a Health and Social Services Board, as “visual impairment information” for the purposes of section 1(3) of the Act (which permits disclosure of visual impairment information by a local authority or a Health and Social Services Board to certain bodies in connection with switchover help functions).

(2) The information referred to in paragraph (1) is, in relation to an individual who is registered as blind or partially sighted—

- (a) his name and any alias;
- (b) his date of birth;
- (c) his address;
- (d) the name, any alias and address of a person appointed to act on his behalf;
- (e) his preferred method for receiving communications from the local authority or, as the case may be, the Health and Social Services Board; and
- (f) in a case where the individual has died, that fact and the date on which he died.

(3) For the purposes of this article a person is registered as blind or partially sighted if he—

- (a) is registered as blind or partially sighted in a register maintained by or on behalf of a local authority in England or Wales under section 29 of the National Assistance Act 1948 (welfare services)(a);
- (b) has been certified as blind or partially sighted in Scotland and in consequence is registered as blind or partially sighted in a register maintained by or on behalf of a local authority in Scotland; or
- (c) has been certified as blind in Northern Ireland and in consequence is registered as blind in a register maintained by or on behalf of a Health and Social Services Board in Northern Ireland.

20th June 2007

*Shaun Woodward*  
Minister for Creative Industries and Tourism  
Department for Culture, Media and Sport

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(a) 1948 c.29. Section 29 was repealed in relation to Scotland by the Social Work (Scotland) Act 1968, Sch. 9, Part 1. It was amended by the Mental Health (Scotland) Act 1960, ss. 113(1) and 114 and Sch. 4; the Social Work (Scotland) Act 1968, Sch. 9, Part 1; the Local Government Act 1972, Sch. 23, para. 2; the Children Act 1989, Sch. 13, para. 11(2) and Sch. 14, para. 1; and the National Health Service (Consequential Provisions) Act 2006, Sch. 1, paras. 5 and 8. It was repealed in part by the Local Government Act 1972, Sch. 23 para. 2, and Sch 30 and by the Health and Social Services and Social Security Adjudications Act 1983, Sch. 10, Part 1. The functions of the Minister of Health were transferred to the Secretary of State for Health by virtue of SI 1968/1699, and SI 1988/1843. Functions under this section, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by SI 1999/672, art. 2, Sch. 1.

## EXPLANATORY NOTE

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

This Order, made under the Digital Switchover (Disclosure of Information) Act 2007 (c. 8) (“the Act”) prescribes the descriptions of information that the Secretary of State, the Northern Ireland department and a local authority or, in Northern Ireland, a Health and Social Services Board may supply pursuant to the Act for the purposes of help to be provided to individuals under the Digital Switchover Help Scheme (as defined in article 3(4)). The Digital Switchover Help Scheme (Cm 7118) can be obtained from The Stationery Office (TSO) or the following website: [www.digitaltelevision.gov.uk](http://www.digitaltelevision.gov.uk).

£3.00

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E0901 6/2007 170901T 19585

