

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 42(2) of the Welfare Reform Act 2007 (c.5) provides that certain persons (“relevant persons”) who hold information for a prescribed purpose may use that information for another prescribed purpose. Section 42(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 4 sets out the prescribed purposes for which information relevant to section 42(2) are 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, considering the probability that a claimant will pay his rent, or considering 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 2006 (S.I. 2006/213) and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214) (collectively “the Housing Benefit Regulations”).

Regulation 5 sets out the prescribed purposes for which information may be used for the purposes of section 42(2). These purposes are purposes relating to housing benefit and the application of provisions in the Housing Benefit Regulations. In particular, these provisions relate to whether certain authorities which apply provisions relating to local housing allowance should pay housing benefit to a claimant or to a claimant's landlord. They also relate 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 or another relevant person holds information relevant for a prescribed purpose within the meaning of regulation 4.

A full impact assessment has not been published for this instrument as it has no impact on the private or voluntary sectors.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Use of Information for Housing Benefit and Welfare Services Purposes) Regulations 2008.