

2008 No. 2112

**SOCIAL SECURITY, ENGLAND
AND WALES**

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

<i>Made</i> - - - -	<i>5th August 2008</i>
<i>Laid before Parliament</i>	<i>8th August 2008</i>
<i>Coming into force</i> -	<i>1st September 2008</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by section 42(2), (8) and (9) of the Welfare Reform Act 2007(a).

The Secretary of State has consulted with such organisations which appear to the Secretary of State to be representative of the authorities concerned with these Regulations in so far as they relate to housing benefit(b).

Citation and commencement

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

Interpretation

2. In these Regulations—

“the 2007 Act” means the Welfare Reform Act 2007;

“benefit or welfare services information” means information falling within section 42(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 any of paragraphs 4 to 11 of Schedule 2 to the Housing Benefit Regulations (excluded tenancies) or paragraphs 4 to 11 of Schedule 2 to the Housing Benefit (State Pension Credit) Regulations (excluded tenancies), as the case may require;

“exempt accommodation” has the meaning given by sub-paragraph 4(10) of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006(c) (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 2006(d);

(a) 2007 c. 5.

(b) See section 176(1) of the Social Security Administration Act 1992 (c. 5).

(c) S.I. 2006/217. Paragraph 4 was substituted by S.I. 2007/2870.

(d) S.I. 2006/213.

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

“landlord” includes a person to whom rent is payable by the person entitled to a rent allowance for the purposes of regulation 95 of the Housing Benefit Regulations (circumstances in which payment is to be made to a landlord) or regulation 76 of the Housing Benefit (State Pension Credit) Regulations (circumstances in which payment is to be made to a landlord), as the case may require;

“registered social landlord” has the same meaning as in Part 1 of the Housing Act 1996^(b);

“relevant person” means a person falling within any of paragraphs (c) to (h) of section 42(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 42(2) of the 2007 Act

3. Regulations 4, 5 and 6 prescribe meanings of “prescribed purpose” in section 42(2) of the 2007 Act (information relating to certain benefits) 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 42(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 social landlord [▶] or a private registered provider of social housing [◀],
 - (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.

¹Words inserted in reg. 4(2)(d)(i) by art. 71 of S.I. 2010/671 as from 1.4.10.

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.I. 2006/214.
(b) 1996 c. 52.

- (a) regulation 13C(5) of the Housing Benefit Regulations(a) (when a maximum rent (LHA) is to be determined);
- (b) regulation 96(3) and (3A)(b)(i) or (ii) of the Housing Benefit Regulations(b) (circumstances in which payment may be made to a landlord), if a relevant authority is considering making direct payments in accordance with regulation 96(3A)(b)(i) or (ii);
- (c) regulation 13C(5) of the Housing Benefit (State Pension Credit) Regulations(c) (when a maximum rent (LHA) is to be determined);
- (d) regulation 77(3) and (3A)(b)(i) or (ii) of the Housing Benefit (State Pension Credit) Regulations(d) (circumstances in which payment may be made to a landlord), if a relevant authority is considering making direct payments in accordance with regulation 77(3A)(b)(i) or (ii).

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.

Signed by authority of the Secretary of State for Work and Pensions.

5th August 2008

Stephen C. Timms
Minister of State,
Department for Work and Pensions

(a) Regulation 13C was inserted by S.I. 2007/2868.

(b) In regulation 96, paragraph (3) was amended and paragraph (3A) was inserted by S.I. 2007/2868.

(c) Regulation 13C was inserted by S.I. 2007/2869.

(d) In regulation 77, paragraph (3) was amended and paragraph (3A) was inserted by S.I. 2007/2869.

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.