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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 56**

**The Social Security (Information-sharing in relation to Welfare Services etc.) Regulations (Northern Ireland) 2016**

**PART 3**

**INFORMATION-SHARING IN RELATION TO WELFARE SERVICES UNDER ARTICLES 121 TO 123 OF THE 2015 ORDER**

**Supply of relevant information by the Department**

**5.—(1)** The purposes prescribed under Article 121(1) of the 2015 Order (information-sharing in relation to welfare services etc.) in relation to welfare services are—

- (a) determining a person's eligibility or continued eligibility for—
  - (i) a disabled person's badge or to avail themselves of concessionary travel under the Northern Ireland Concessionary Fares scheme;
  - (ii) assistance under the Healthy Start scheme; or
  - (iii) assistance under discretionary support provision;
  - (iv) free school meals provided in accordance with arrangements approved by the Department of Education under Articles 58 and 59 of the Education and Libraries (Northern Ireland) Order 1986(1); or
  - (v) clothing provided under a scheme approved by that Department under Article 60 of that Order.
- (b) determining whether to make to any person any grant or payment listed in paragraph (2) and if so the amount of any such grant or payment;
- (c) determining whether a person applying for or receiving a welfare service listed in paragraph (3) is liable to contribute towards the cost of that service and if so the amount of that contribution; and
- (d) identifying, and providing appropriate types of advice, support and assistance to, persons in receipt of a relevant social security benefit who are or may be affected by—
  - (i) the benefit cap;
  - (ii) regulations relating to under-occupation.

(2) The grants or payments referred to in paragraph (1)(b) are—

- (i) a grant towards the repair of dwellings under Article 74 of the Housing (Northern Ireland) Order 1992(2);

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(1) [S.I. 1986/594 \(N.I. 3\)](#)

(2) [S.I. 1992/1725 \(N.I. 15\)](#); Article 74 was amended by Article 142(1) of the Housing (Northern Ireland) Order 2003 [S.I. 2003/412 \(N.I. 2\)](#), articles 1(3), 29, and 75 of and Schedule 5 to the Private Tenancies (Northern Ireland) Order 2006 [S.I. 2006/1459 \(N.I. 10\)](#) and paragraph 12(1) of Schedule 3 to the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23 (N.I.))

- (ii) a Home Repair Assistance Grant under Chapter IV (Home Repair Assistance) of the Housing (Northern Ireland) Order 2003(3);
- (iii) a grant or scheme which requires a determination under the Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004(4);
- (iv) a domestic energy efficiency improvement grant under the Domestic Energy Efficiency Grants Regulations (Northern Ireland) 2009(5);
- (v) a discretionary housing payment.

(3) The welfare services referred to in paragraph (1)(c) are—

- (a) housing support services;
- (b) the provision of domiciliary care;
- (c) the provision of residential care.

(4) In this regulation—

“discretionary housing payment” means a payment under the Discretionary Financial Assistance Regulations (Northern Ireland) 2001(6)

“domiciliary care” means care or assistance of any description provided to an adult person by reason of their age, health or any disability, whether provided continuously or not and whether or not provided at a place where they live, but excludes care or assistance provided to a person in residential care.

### **Holding purposes**

6.—(1) The purposes prescribed under Article 121(3) of the 2015 Order in relation to welfare services, as purposes for which relevant information must be held by a qualifying person in order for them to use or supply it as set out in that paragraph, are any of the following—

- (a) determining a person’s eligibility or continued eligibility for—
  - (i) a disabled person’s badge or to avail themselves of concessionary travel under the Northern Ireland Concessionary Fares scheme;
  - (ii) assistance under the Healthy Start scheme;
  - (iii) housing support services;
  - (iv) assistance under discretionary support provision;
  - (v) free school meals provided in accordance with arrangements approved by the Department of Education under Articles 58 and 59 of the Education and Libraries (Northern Ireland) Order 1986; or
  - (vi) clothing provided under a scheme approved by that Department under Article 60 of that Order.
- (b) determining whether to make to any person any grant or payment listed in regulation 5(2) and if so the amount of any such grant or payment;

(3) [S.I. 2003/412 \(N.I. 2\)](#); Chapter IV was amended by Article 17(1) of the Caravans Act (Northern Ireland) 2011 ([2011 c. 12](#))

(4) [S.R. 2004 No. 8](#); relevant amending Rules are Article 19 of the Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order (Northern Ireland) 2005 ([S.R. 2005 No. 520](#)), paragraph 12 of Schedule 2 to the Housing Benefit (Consequential Provisions) Regulations (Northern Ireland) 2006 ([S.R. 2006 No. 407](#)), the Housing Renewal Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 2006 ([S.R. 2006 No. 452](#)), Article 6 of the Independent Living Fund (2006) Order (Northern Ireland) 2007 ([S.R. 2007 No. 382](#)) and regulation 5 of the Housing Benefit (Local Housing Allowance) (Miscellaneous and Consequential Amendments) Regulations (Northern Ireland) 2008 ([S.R. 2008 No. 103](#))

(5) [S.R. 2009 No. 195](#).

(6) [S.R. 2001 No. 216](#)

- (c) determining whether a person applying for or receiving a welfare service listed in regulation 5(3) is liable to contribute towards the cost of that service and if so the amount of that contribution;
  - (d) discharging any functions under Part II of the Housing (Northern Ireland) Order 1988(7) (housing the homeless);
  - (e) determining whether a person is in receipt of housing benefit;
  - (f) determining the size of a dwelling occupied by a person in receipt of a relevant social security benefit and the number of persons occupying that dwelling as their home;
  - (g) identifying persons in receipt of a relevant social security benefit who are or may be affected by regulations relating to under-occupation, and providing appropriate types of advice, support and assistance to such persons;
  - (h) identifying persons in receipt of a relevant social security benefit who are or may be affected by the benefit cap, and providing appropriate types of advice, support and assistance to such persons;
  - (i) determining the amount of housing benefit payable to a housing benefit claimant by reference to the local housing allowance;
  - (j) determining whether a person in receipt of a relevant social security benefit is likely to have difficulty in managing their financial affairs;
  - (k) determining the probability that a housing benefit claimant will pay their rent;
  - (l) determining whether the landlord of a housing benefit claimant—
    - (i) was to provide qualifying welfare services to that housing benefit claimant but has not done so, or
    - (ii) is to provide qualifying welfare services to that housing benefit claimant but is unlikely to do so;
  - (m) determining whether—
    - (i) the landlord of a housing benefit claimant is a registered housing association;
    - (ii) a housing benefit claimant occupies as their home a dwelling which is exempt accommodation;
    - (iii) the tenancy of a housing benefit claimant is an excluded tenancy;
    - (iv) a housing benefit claimant occupies as their home a houseboat, caravan or mobile home, or
    - (v) a housing benefit claimant resides in a hostel;
  - (n) identifying the amount of housing costs included in an award of universal credit by reference to the local housing allowance.
- (2) In this regulation—
- (a) “excluded tenancy” means a tenancy of a type falling within paragraph 4 or 5 of Schedule 3 to the Housing Benefit Regulations or paragraph 4 or 5 of Schedule 3 to the Housing Benefit (State Pension Credit) Regulations, as the case may require;
  - (b) “exempt accommodation” has the meaning given in paragraph 4(9) of Schedule 3 to the Housing Benefit (Consequential Provisions) Regulations (Northern Ireland) 2006(8) (transitional and savings provisions);

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(7) S.I. 1988/1990 (N.I. 23)

(8) S.R. 2006 No. 407

- (c) “hostel” has the meaning given in regulation 2(1) of the Housing Benefit Regulations or regulation 2(1) of the Housing Benefit (State Pension Credit) Regulations, as the case may require;
- (d) “local housing allowance” means an allowance determined in accordance with paragraph 2 of the Schedule to the Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008<sup>(9)</sup> (broad rental market area determinations and local housing allowance determinations).

### **Using purposes connected with welfare services and housing benefit**

7.—(1) This regulation applies to relevant information held by a qualifying person for any purpose listed in regulation 6 except the purpose listed in regulation 6(1)(a)(ii) or (iv).

- (2) The purposes set out in paragraph (3) are prescribed—
  - (a) under Article 121(3)(a) of the 2015 Order as purposes for which the information may be used by that qualifying person; and
  - (b) under Article 121(3)(b) of the 2015 Order as purposes for use in relation to which the information may be supplied by that qualifying person to another qualifying person.
- (3) The purposes are any purposes connected with—
  - (a) the purposes referred to in regulation 6(1)(a)(i), (iii), (v) or (vi), (b), (c), (d), (g) or (h);
  - (b) applying any of the following regulations—
    - (i) regulation 14C(5) of the Housing Benefit Regulations (when a maximum rent (LHA) is to be determined);
    - (ii) 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);
    - (iii) regulation 14C(5) of the Housing Benefit (State Pension Credit) Regulations (when a maximum rent (LHA) is to be determined);
    - (iv) 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);
  - (c) determining whether the qualifying person who uses the information or to whom it is supplied holds other relevant information about a person in receipt of a relevant social security benefit for any purpose prescribed in regulation 6.

### **Using purposes connected with under-occupation and benefit cap**

8.—(1) This regulation applies to relevant information held by a qualifying person for any purpose listed in regulation 6(1)(e) to (h).

- (2) The purposes set out in paragraph (3) are prescribed—
  - (a) under Article 121(3)(a) of the 2015 Order as purposes for which the information may be used by that qualifying person; and
  - (b) under Article 121(3)(b) of the 2015 Order as purposes for use in relation to which the information may be supplied by that qualifying person to another qualifying person.
- (3) The purposes are any purposes connected with—

<sup>(9)</sup> S.R. 2008 No. 100; paragraph 2 was amended by regulation 2(a) of S.R. 2008 No. 506, regulation 2 of S.R. 2009 No. 328, regulation 4(3)(b)(i) of S.R. 2011 No. 51 and regulation 2(4)(b) of S.R. 2012 No.157

- (a) identifying persons in receipt of a relevant social security benefit who are or may be affected by regulations relating to under-occupation, and providing appropriate types of advice, support and assistance to such persons;
- (b) identifying persons in receipt of a relevant social security benefit who are or may be affected by the benefit cap, and providing appropriate types of advice, support and assistance to such persons.

### **Using purposes connected with the Healthy Start scheme**

**9.**—(1) This regulation applies to relevant information held by the Department of Health, Social Services and Public Safety or by a person providing services to the Department of Health, Social Services and Public Safety, as a qualifying person for the purpose listed in regulation 6(1)(a)(ii).

(2) The purposes set out in paragraph (3) are prescribed—

- (a) under Article 121(3)(a) of the 2015 Order as purposes for which the information may be used by that qualifying person; and
- (b) under Article 121(3)(b) of the 2015 Order as purposes for use in relation to which the information may be supplied by that qualifying person to another qualifying person.

(3) The purposes are any purposes connected with the Healthy Start scheme.

(4) This regulation permits relevant information to be supplied to another qualifying person only where that other qualifying person is the Department of Health, Social Services and Public Safety, or a person providing services to that Department, relating to the Healthy Start scheme.

### **Using purposes connected with discretionary support provision**

**10.**—(1) This regulation applies to relevant information held by a qualifying person listed in regulation 11(1)(c) or Article 121(7)(a), (f), (g), (i) and (j) of the 2015 Order for the purpose listed in regulation 6(1)(a)(iv).

(2) The purposes set out in paragraph (3) are prescribed—

- (a) under Article 121(3)(a) of the 2015 Order as purposes for which the information may be used by a qualifying person; and
- (b) under Article 121(3)(b) of the 2015 Order as purposes for use in relation to which the information may be supplied by that qualifying person to another qualifying person.

(3) The purposes are any purposes connected with discretionary support provision.

(4) This regulation permits relevant information to be supplied to another qualifying person only where that other qualifying person is listed in regulation 11(1)(c) or Article 121(7)(a), (f), (g), (i) and (j) of the 2015 Order.

### **Qualifying persons**

**11.**—(1) The following persons are prescribed as qualifying persons under Article 121(7)(n) of the 2015 Order—

- (a) for the purposes of regulations 6(1)(e) to (h) and 8, a registered housing association;
- (b) for the purposes of regulations 5(1)(a)(ii), 6(1)(a)(ii) and 9—
  - (i) the Department of Health, Social Services and Public Safety;
  - (ii) a person providing services to the Department of Health, Social Services and Public Safety relating to the Healthy Start scheme;
- (c) for the purposes of regulations 5(1)(a)(iii), 6(1)(a)(iv) and 10—
  - (i) the Department;

- (ii) a person authorised to exercise any function of the Department relating to discretionary support provision;
- (iii) a person providing to the Department services relating to discretionary support provision.
- (d) for the purposes of regulations 5(1)(a)(iv) and (v), 6(1)(a)(v) and (vi)—
  - (i) the Department of Education;
  - (ii) a person providing services to the Department of Education relating to free school meals or clothing;
- (2) The provisions of Article 122 of the 2015 Order (unlawful disclosure of information) apply to—
  - (a) the qualifying persons listed in paragraph (1) other than the Department of Health, Social Services and Public Safety and the Department of Education; and
  - (b) any person (“A”) associated with a qualifying person listed in paragraph (1)(a), (b)(i), (c)(i) or (d)(i) by reason of A’s office or employment or otherwise.