2007 CHAPTER 2

PART 2

HOUSING BENEFIT

Loss of housing benefit following eviction for anti-social behaviour, etc.

31.—(1) After section 129A of the Contributions and Benefits Act (inserted by section 30) insert—

"**129B Loss of housing benefit following eviction on certain grounds**

(1) If the following conditions are satisfied, then housing benefit is payable in the case of a person ("the former occupier") subject to subsection (3) below—

(a) a court makes a relevant order for possession of a dwelling occupied by him as his home;

(b) in consequence of the order he ceases to occupy the dwelling;

(c) the condition in subsection (2) below is satisfied; and

(d) the conditions for entitlement to housing benefit are or become satisfied with respect to him.

(2) The condition in this subsection is that the former occupier fails, without good cause, to comply with a warning notice served on him by the Executive after he has ceased to occupy the dwelling.

(3) During the restriction period or such part of it as may be prescribed, one or both of the following applies—

(a) the rate of the benefit is reduced in such a manner as may be prescribed;

(b) the benefit is payable only if the circumstances are such as may be prescribed.

(4) The restriction period begins with the earliest date on which the conditions set out in subsections (1) and (2) above are satisfied.

(5) That period stops running if the Executive considers that the restriction set out in subsection (3) above should no longer apply (whether because the former occupier is taking action to improve his behaviour or for any other reason), but starts running again if the former occupier fails to comply with a further warning notice served on him.

(6) The restriction period shall not include any period which falls more than five years after the date on which the order for possession was made.

(7) A former occupier may not be subject to more than one restriction period in respect of one order for possession.

(8) A warning notice is a notice in the prescribed form—

(a) requiring the former occupier to take specified action with the aim of ending, or preventing repetition of, the conduct which may lead or has led to the making of a relevant order for possession,

(b) specifying the time when, or within which, that action must be taken, and

(c) warning the former occupier that if he fails to take the action the amount of housing benefit payable to him would be affected.

129C Relevant orders for possession

(1) In section 129B above a relevant order for possession is—

(a) an order made under Article 29 of the Housing (Northern Ireland) Order 1983 (secure tenancies) on ground 2 set out in Schedule 3 to that Order;

(b) an order made under Article 13 of the Rent (Northern Ireland) Order 1978 (protected or statutory tenancies) in the circumstances specified in Case 2 in Schedule 4 to that Order.

(2) For the purposes of subsection (1) above it does not matter whether the order is made on the grounds or in the circumstances there mentioned alone or together with other grounds or circumstances.

(3) Subsections (4) and (5) below apply if the court—

(a) stays or suspends the execution of a relevant order for possession, or postpones the date of possession under it, and

(b) imposes a condition (or conditions) on that stay, suspension or postponement.

(4) If a condition relates to the behaviour of a person or persons occupying the dwelling, section 129B(3) above applies only if the order takes effect as a result of a breach of that condition.

(5) Section 129B(3) above does not apply if the condition (or, if there is more than one, each of them) relates only to matters other than the behaviour of a person or persons occupying the dwelling.

129D Loss of housing benefit: supplementary

(1) Regulations may provide that, where housing benefit has been paid subject to the restriction set out in section 129B(3) above, in prescribed circumstances—

(a) the former occupier must be paid some or all of the amount of the benefit which, by virtue of that subsection, has not been payable to him, and

(b) such other adjustments must be made as are prescribed.

(2) The Department may by order vary the definition of relevant order for possession by—

(a) adding to or removing from it orders of a specified description;

(b) specifying circumstances in which it includes orders of a specified description.

(3) Regulations may prescribe—

(a) matters which are, or are not, to be taken into account in determining whether a person has, or does not have, good cause for failing to take action specified in a warning notice;

(b) circumstances in which a person is, or is not, to be regarded as having, or not having, such good cause.

(4) Expressions used in this section and in section 129B above have the meaning given in that section.

129E Couples

(1) This section applies where at any time the conditions for entitlement to housing benefit are satisfied with respect to a person who is a member of a couple.

(2) Where paragraphs (a) and (b) of section 129B(1) above are satisfied in relation to both members of the couple (whether or not in respect of the same dwelling), then for the purposes of subsection (2) of that section, the failure by one member of the couple to comply with a warning notice must be treated also as a failure by his partner to comply with it.

(3) Where paragraph (a) of section 129B(1) above is not satisfied in relation to one member of the couple, then subsection (3) of that section does not apply to his partner (even if paragraphs (a), (b) and (c) of section 129B(1) above are satisfied in relation to the partner).

(4) References to a person's partner are to the other member of the couple concerned.

129F Information provision

(1) The Department may by regulations require—

(a) a court which makes a relevant order for possession, or

(b) any other person or description of person who the Department thinks is or may be aware of the making of such an order,

to notify the Department of the making of the order and to provide it with such details of matters in connection with the order as may be prescribed.

(2) The Department may provide—

(a) information obtained under subsection (1) above, or

(b) information which is relevant to the exercise by the Department of any function relating to housing benefit,

to the Executive, or a person authorised to exercise any function of the Executive relating to services to a former occupier with the aim mentioned in section 129B(8)(a) above, for use in the provision of such services.

(3) The Department may by regulations require—

(a) the Executive, or

(b) a person authorised to exercise any function of the Executive relating to services mentioned in subsection (2) above,

to supply relevant information held by the Executive or other person to, or to a person providing services to, the Department for use for any purpose relating to the administration of housing benefit.

(4) The Department may by regulations require—

(a) the Executive,

(b) a person authorised to exercise any function of the Executive relating to housing benefit, or

(c) a person authorised to exercise any function of the Executive relating to services mentioned in subsection (2) above,

to provide relevant information, held by the Executive or person, to the Executive or person mentioned in paragraph (b) above for use for any purpose relating to the administration of housing benefit.

(5) The Department may by regulations require—

(a) the Executive,

(b) a person authorised to exercise any function of the Executive relating to housing benefit, or

(c) a person authorised to exercise any function of the Executive relating to services mentioned in subsection (2) above,

to provide relevant information, held by the Executive or person, to the Executive or person mentioned in paragraph (c) above for use in the provision of those services.

(6) Relevant information is, if the information is held by the Executive or a person authorised to exercise any function of the Executive—

(a) information which is relevant to the exercise of any function relating to housing benefit by the Executive or person;

(b) information which is relevant to the exercise of any function relating to the provision of services mentioned in subsection (2) above.

(7) Information must be supplied under subsection (1), (3), (4) or (5) above in such circumstances, in such manner and form, and in accordance with such requirements, as may be prescribed.

(8) "Relevant order for possession" has the same meaning as in section 129B above.".

(2) In section 172(2) of that Act (Assembly control)—

(a) in paragraph (a), after "104(3)" insert ", 129B(3)";

(b) in paragraph (c), after "35A(7)," insert "129D(2),".

(3) The preceding provisions of this section have no effect after 31st December 2010.

(4) The Department may by order make such provision as it thinks necessary or expedient in consequence of the operation of subsection (3) for the purpose of securing that, with effect from 1st January 2011, housing benefit to which a person who is a former occupier (within the meaning of section 129B of the Contributions and Benefits Act) is entitled is not subject to any restriction as mentioned in subsection (3) of that section.