

2002 No. 3154 (N.I. 8)

NORTHERN IRELAND

**The Housing Support Services (Northern Ireland)
Order 2002**

Made - - - - - 17th December 2002

*Coming into operation on a day to be appointed
under Article 1(2)*

ARRANGEMENT OF ORDERS

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At the Court at Buckingham Palace, the 17th day of December 2002

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Housing Support Services (Northern Ireland) Order 2002.

(2) This Order shall come into operation on such day as the Department may by order appoint.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order —

“the Department” means the Department for Social Development;

“the Executive” means the Northern Ireland Housing Executive;

“housing support services” has the meaning given in Article 3;

“prescribed” means prescribed by regulations made, subject to negative resolution, by the Department;

“statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954.

Provision of housing support services

3.—(1) The functions of the Executive shall include securing the provision of housing support services.

(2) The Executive may do such things as it considers appropriate for or in connection with securing the provision of housing support services and may, in particular –

- (a) incur expenditure,
- (b) give financial assistance to any person,
- (c) enter into arrangements or agreements with any person,
- (d) co-operate with, or facilitate or co-ordinate the activities of any person,
- (e) exercise on behalf of any person any functions of that person; and
- (f) provide staff, goods, services or accommodation to any person.

(3) In this Order “housing support services” includes any service which provides support, assistance, advice or counselling to an individual with particular needs with a view to enabling him to occupy, or to continue to occupy, as his only or main residence, housing accommodation in Northern Ireland other than excepted accommodation.

(4) In paragraph (3) –

“housing accommodation” has the meaning given in Article 2(2) of the Housing (Northern Ireland) Order 1981 (N.I. 3); and

“excepted accommodation” means accommodation, or accommodation of a type, prescribed as such.

Grants for housing support services

4.—(1) The Executive may pay grants to eligible persons towards expenditure incurred by them in providing, or contributing to the provision of, prescribed housing support services.

(2) A person is an eligible person for the purposes of this Article if, and only if, he is a person of such description as may be prescribed.

(3) The Executive shall determine the amount of any grants under this Article and the manner of their payment.

(4) Grants under this Article may be paid on such terms and conditions as may be prescribed.

(5) Without prejudice to the generality of paragraph (4), those terms and conditions may include provision as to the circumstances in which the whole or any part of a grant must be repaid to the Executive.

Consultation

5. Before making any regulations under Article 3 or 4, the Department shall consult –

- (a) the Executive;
- (b) such recipients, or representatives of recipients, of housing support services as appear to the Department to be appropriate; and
- (c) such providers, or representatives of providers, of housing support services as appear to the Department to be appropriate.

Disclosure of information

6.—(1) Paragraph (2) applies to information which is held by, or by a person providing services to, the Department and which relates to income support or income-based jobseeker's allowance.

(2) Information to which this paragraph applies may be supplied to –

- (a) the Executive, or
- (b) a person authorised to exercise any function of the Executive relating to any grant that is or will be paid under Article 4,

for purposes connected with the application of that grant towards expenditure falling within paragraph (1) of that Article.

(3) Information which is supplied to the Executive or another person under paragraph (2) may be supplied by the Executive or person to a person who provides qualifying housing support services for purposes connected with the provision of those services.

(4) For the purposes of this Article a person is to be regarded as providing qualifying housing support services if –

- (a) he provides housing support services, and
- (b) the Executive contributes or will contribute to the expenditure incurred by him in providing those services, through any grant which is or will be paid under Article 4.

Unauthorised disclosure of information

7.—(1) The persons to whom this Article applies are –

- (a) any person (“the recipient”) to whom information is supplied by virtue of Article 6,
- (b) any person who is or has been a director, member of the committee of management, manager, secretary or other similar officer of the recipient, and
- (c) any person who is or has been employed by the recipient.

(2) A person to whom this Article applies is guilty of an offence if he discloses without lawful authority any information which is supplied by virtue of Article 6 and which relates to a particular person.

(3) It is not an offence under this Article –

- (a) to disclose information in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it, or
- (b) to disclose information which has previously been disclosed to the public with lawful authority.

(4) It is a defence for a person charged with an offence under this Article to prove that at the time of the alleged offence –

- (a) he believed that he was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise, or
- (b) he believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.

(5) A person guilty of an offence under this Article is to be liable–

- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both, or
- (b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.

(6) For the purposes of this Article a disclosure is to be regarded as made with lawful authority if, and only if, it is made –

- (a) in accordance with Article 6(3) or any other statutory provision,
- (b) in accordance with an order of a court,
- (c) for the purpose of instituting, or otherwise for the purposes of, any proceedings before a court or tribunal, or

(d) with the consent of the appropriate person (as defined in section 117(10) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)).

Housing benefits

8.—(1) Section 129 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) (housing benefit) is amended as follows.

(2) At the end of subsection (2) there is inserted –

“This subsection is subject to subsection (2A).

(2A) Except to the extent that regulations otherwise provide, payments in respect of services which provide support, assistance, advice or counselling to individuals with particular needs are not “payments in respect of a dwelling” for the purposes of subsection (1).”.

A. K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order confers on the Northern Ireland Housing Executive the function of securing the provision of housing support services to individuals with particular needs, and empowers the Executive to pay grants to eligible persons towards expenditure incurred by them in providing certain housing support services. The Order amends section 129 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 to exclude payments in respect of such services when determining entitlement to housing benefit.

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