

**2016 No. 56**

**HOUSING; RATES; SOCIAL SECURITY**

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

*Made* - - - - - *22nd February 2016*  
*Laid before Parliament* *29th February 2016*  
*Coming into operation* - *4th April 2016*

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### INFORMATION-SHARING IN RELATION TO SOCIAL SECURITY BENEFITS UNDER ARTICLE 121(2) OF THE 2015 ORDER

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The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by Articles 5 and 120(2) and (7), 121(1), (2), (3) and (7), 122(8), 123(2) and 135(3)(a) and (b) of the Welfare Reform (Northern Ireland) Order 2015(a).

These powers are exercisable by the Secretary of State by virtue of Article 4(1)(a) of the Welfare Reform (Northern Ireland) Order 2015.

## PART 1 GENERAL

### **Citation and commencement**

1. These Regulations may be cited as the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations (Northern Ireland) 2016 and come into operation on 4th April 2016.

### **Interpretation**

2. In these Regulations—

“the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015;

“the benefit cap” means the benefit cap (if any) which is provided for in regulations under Article 101 of the 2015 Order;

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b);

“disabled person’s badge” means a badge issued under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(c) (badges for display on motor vehicles used by disabled persons);

“discretionary support provision” means financial or other assistance given by the Department or a person authorised to exercise any of its functions or providing a service to it, to or in respect of individuals for the purpose of—

- (a) meeting, or helping to meet, an immediate short term need arising out of an extreme, exceptional or crisis situation which presents a significant risk to the health, safety or well being of an individual; or

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(a) S.I. 2015/2006 (N.I. 1) Article 5 is an interpretation provision and is cited for the meaning of “prescribed” and “regulations”

(b) 1992 c. 7

(c) 1978 c. 53; section 14 was amended by paragraph 21(b) of Schedule 7 to the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)), Article 55 of, and paragraph 3 of Schedule 8 and Schedule 9 to, the Road Traffic Regulation (Northern Ireland) Order 1997 (S.I. 1997/276 (N.I. 2)) and Article 32 of the Traffic Management (Northern Ireland) Order 2005 (S.I. 2005/1964 (N.I. 14)); *see also* Article 6(d) of S.R. 1999 No. 481

(b) enabling individuals to establish or maintain a settled home, where those individuals have been or, without the assistance, might otherwise be—

(i) in prison, hospital, a residential care establishment or other institution; or

(ii) homeless or otherwise living an unsettled way of life;

“the Healthy Start scheme” means the scheme established by Parts II to VI of the Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006(a);

“housing benefit” means housing benefit under section 129 of the Contributions and Benefits (Northern Ireland) Act 1992;

“housing benefit claimant” means a person who has made a claim for or is in receipt of housing benefit;

“the Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006(b);

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

“housing support services” has the meaning given in Article 3 of the Housing Support Services (Northern Ireland) Order 2002(d);

“landlord” includes a person to whom rent allowance is payable under regulation 92 of the Housing Benefit Regulations(e) or regulation 73 of the Housing Benefit (State Pension Credit) Regulations(f) (circumstances in which payment is to be made to a landlord or the Department of Finance and Personnel), as the case may require;

“Northern Ireland Concessionary Fares Scheme” means a scheme operating under Article 5 of the Transport (Northern Ireland) Order 1977(g);

“offence relating to a reduction in rates” means—

(a) any criminal offence in connection with the making of an application for a reduction under a rate relief scheme;

(b) any criminal offence in connection with the award of a reduction under a rate relief scheme;

(c) any criminal offence committed for the purpose of facilitating the commission (whether or not by the same person) of an offence of a kind referred to in paragraph (a) or (b); or

(d) any attempt or conspiracy to commit an offence of a kind referred to in paragraph (a) or (b);

“rate relief scheme” means a scheme under Article 30A of the Rates (Northern Ireland) Order 1977(h);

“registered housing association” 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;

“regulations relating to under-occupation” means regulations (if any) that have been made under section 129A of the Contributions and Benefits Act(i) which restrict, by reference to the number of bedrooms in relation to the number of people occupying the dwelling as their

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(a) S.R. 2006 No. 478

(b) S.R. 2006 No. 405; relevant amending Regulations are S.R. 2008 Nos. 101 and 378 and S.R. 2016 No. 55.

(c) S.R. 2006 No. 406; relevant amending Regulations are S.R. 2008 No. 102.

(d) S.I. 2002/3154 (N.I. 8)

(e) Regulation 92 was amended by regulation 2(11) of S.R. 2008 No. 101 and regulation 3(15) of S.R. 2008 No. 378

(f) Regulation 73 was amended by regulation 2(11) of S.R. 2008 No. 102

(g) S.I. 1977/599 (N.I. 10)

(h) S.I. 1977/2157 (N.I. 28); Article 30A was inserted by Article 14 of the Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18)) and amended by Article 134 of the Welfare Reform (Northern Ireland) Order 2015

(i) Section 129A was inserted by section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)) and is amended by Article 75(2) and (3) of the Welfare Reform (Northern Ireland) Order 2015

home, the amount of housing benefit available to housing benefit claimants whose landlord is a registered housing association or the Housing Executive;

“rent” is to be construed in accordance with 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;

“residential care” means the provision of accommodation together with personal care in a residential care home as defined in Article 10 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(a) or the provision of accommodation together with nursing in a nursing home as defined in Article 11 of that Order;

“universal credit” means universal credit under Part 2 of the 2015 Order.

## PART 2

### INFORMATION-SHARING IN RELATION TO PROVISION OF OVERNIGHT CARE ETC. UNDER ARTICLE 120 OF THE 2015 ORDER

#### Prescribed information

3.—(1) The information prescribed under Article 120(2)(c) of the 2015 Order (information-sharing in relation to provision of overnight care etc.) is—

- (a) whether a recipient is meeting in full the cost of the provision to them of residential care and if so the date this commenced and the period over which the cost is intended to be met;
- (b) whether the relevant body is funding or has funded in full or in part the cost of the provision to a recipient of residential care and if so—
  - (i) the date from which the funding commenced and the period covered or intended to be covered by it;
  - (ii) the date when the funding stopped or is intended to stop;
  - (iii) the enactment under which the funding is being or was provided;
  - (iv) whether there exists any agreement enabling the relevant body to recover the cost of the funding on the sale of the recipient’s home and if so, whether that recovery has commenced or when it is intended to commence, and
  - (v) whether the relevant body has entered into a deferred payment agreement with the recipient with a charge on land and if so the date this commenced and the period the agreement is intended to cover.

(2) In this regulation “deferred payment agreement” means an agreement whereby the recipient grants the relevant body a charge in the relevant body’s favour in respect of any land in which the recipient has a beneficial interest (whether legal or equitable) for the purpose of securing payment to the relevant body of residential care provision.

#### Prescribed benefits

4. The benefits prescribed under Article 120(7)(c) of the 2015 Order are—

- (a) attendance allowance under section 64 of the Contributions and Benefits Act(b);

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(a) S.I. 2003/431 (N.I. 9)

(b) Section 64 was amended by Article 63(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

- (b) disability living allowance under section 71 of the Contributions and Benefits Act<sup>(a)</sup>;
- (c) income-based jobseeker's allowance within the meaning given in Article 3(4) of the Jobseekers (Northern Ireland) Order 1995<sup>(b)</sup>;
- (d) income-related employment and support allowance payable in accordance with section 1(2)(b) of the Welfare Reform Act (Northern Ireland) 2007<sup>(c)</sup>;
- (e) income support under section 123 of the Contributions and Benefits Act<sup>(d)</sup>; and
- (f) state pension credit under section 1 of the State Pension Credit Act (Northern Ireland) 2002<sup>(e)</sup>.

## 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<sup>(f)</sup>; 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;

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(a) Section 71 was amended by Article 64(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999

(b) S.I. 1995/2705 (N.I. 15). Article 3(4) was amended by paragraph 3(4)(a) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999.

(c) 2007 c. 2 (N.I.)

(d) Section 123 was amended by paragraph 13(2) to (5) of Schedule 2 and Schedule 3 to the Jobseekers (Northern Ireland) Order 1995, paragraph 26 of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999, paragraph 2 of Schedules 2 and 3 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)), paragraph 96 of Schedule 24 to the Civil Partnership Act 2004 (c. 33), paragraph 3(9) and (10) of Schedule 3 and Schedule 8 to the Welfare Reform Act (Northern Ireland) 2007 and section 3(1) of the Welfare Reform Act (Northern Ireland) 2010 (c. 13 (N.I.))

(e) 2002 c. 14 (N.I.)

(f) S.I. 1986/594 (N.I. 3)

- (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(a);
  - (ii) a Home Repair Assistance Grant under Chapter IV (Home Repair Assistance) of the Housing (Northern Ireland) Order 2003(b);
  - (iii) a grant or scheme which requires a determination under the Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004(c);
  - (iv) a domestic energy efficiency improvement grant under the Domestic Energy Efficiency Grants Regulations (Northern Ireland) 2009(d);
  - (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(e)

“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

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(a) 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.))

(b) 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)

(c) 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)

(d) S.R. 2009 No. 195.

(e) S.R. 2001 No. 216

- (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;
  - (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(a) (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(b) (transitional and savings provisions);

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(a) S.I. 1988/1990 (N.I. 23)  
 (b) 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(a) (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—

- (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;

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(a) 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

- (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.

## PART 4

### INFORMATION-SHARING IN RELATION TO RATES UNDER ARTICLES 121 TO 123 OF THE 2015 ORDER

#### **Supply of relevant information by the Department**

**12.** The purposes prescribed under Article 121(1) of the 2015 Order in relation to rates (purposes for which the Department or a person providing services to the Department may supply relevant information to a qualifying person) are—

- (a) making a rate relief scheme;
- (b) determining a person’s entitlement or continued entitlement to a reduction in rates under a rate relief scheme;
- (c) preventing, detecting, securing evidence of, or prosecuting the commission of, offence relating to a reduction in rates.

#### **Holding purposes**

**13.** The purposes prescribed under Article 121(3) of the 2015 Order in relation to rates 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—

- (a) making a rate relief scheme;
- (b) determining a person’s entitlement or continued entitlement to a reduction in rates under a rate relief scheme.
- (c) preventing, detecting, securing evidence of, or prosecuting the commission of, an offence relating to a reduction in rates.

#### **Using purposes**

**14.—(1)** This regulation applies to relevant information held by a qualifying person for any purpose listed in regulation 13.

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

- (a) under Article 121(3)(a) of the 2015 Order as a purpose for which the information may be used by that qualifying person; and
- (b) under Article 121(3)(b) of the 2015 Order as a purpose 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) making a rate relief scheme;
- (b) determining a person’s entitlement or continued entitlement to a reduction in rates under a rate relief scheme.
- (c) preventing, detecting, securing evidence of, or prosecuting the commission of, an offence relating to a reduction in rates;

- (d) any proceedings in connection with a reduction in rates made under Article 30A of the Rates (Northern Ireland) Order 1977;
- (e) the purposes referred to in regulation 6(1)(a)(i) or (iii), (b) or (c).

## PART 5

### INFORMATION-SHARING IN RELATION TO SOCIAL SECURITY BENEFITS UNDER ARTICLE 121(2) OF THE 2015 ORDER

#### **Holding purposes**

**15.** The purposes prescribed under Article 121(2) of the 2015 Order (supply of information to the Department or service provider for purposes relating to relevant social security benefit) as purposes for which relevant information must be held by a qualifying person in order for them to supply it as set out in that paragraph, are any of the following—

- (a) determining whether a person occupies as their home a dwelling which falls within paragraph 4(1)(b) of Schedule 3 to the Housing Benefit (Consequential Provisions) Regulations (Northern Ireland) 2006;
- (b) determining whether a person has, or is likely to have, difficulty in managing their financial affairs.

#### **Prescribed purposes relating to a relevant social security benefit**

**16.—(1)** This regulation applies to relevant information held by a qualifying person for any purpose listed in regulation 15.

(2) The purposes prescribed under Article 121(2) of the 2015 Order as purposes for which the Department or a person providing services to the Department are purposes connected with the administration of universal credit.

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

22nd February 2016

*Priti Patel*  
Minister of State,  
Department for Work and Pensions

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations prescribe the extent of information-sharing which is permitted under Articles 120 to 123 of the Welfare Reform (Northern Ireland) Order 2015 (“the 2015 Order”).

Part 1 contains general provisions, including interpretation.

Part 2 contains provisions made under powers contained in Article 120 of the 2015 Order (information-sharing in relation to provision of overnight care etc.). Article 120 applies where a relevant body holds certain information, including information as to the provision of overnight care services to an individual, the date when such provision begins or ends or any other information relating to the service provided and how it is funded which may be prescribed in regulations. Regulation 3 prescribes certain categories of information relating to the funding of such overnight care services for these purposes. Article 120 also enables the relevant body to supply such information to certain persons including the Department for Social Development, the Department of Finance and Personnel and the Housing Executive (and certain persons providing services or exercising functions on their behalf), for purposes relating to the payment of a “relevant benefit”. This is defined in Article 120(7) to include universal credit, housing benefit or any prescribed benefit. Regulation 4 prescribes certain other benefits.

Part 3 contains provisions made under powers contained in Articles 121 to 123 of the 2015 Order (information-sharing in relation to welfare services etc.) relating to welfare services:

Article 121(1) allows the Department (or a person providing services to the Department) to supply relevant information relating to certain social security benefits or welfare services (defined in Article 121(7)) to a “qualifying person”. Regulation 5 prescribes the purposes for which such information may be supplied;

Article 121(3) allows a qualifying person who holds information of this kind for a prescribed purpose relating to welfare services, housing benefit or rates to use that information, or supply it to another qualifying person for use in relation to a prescribed purpose. Regulation 6 prescribes the purposes for which relevant information must be held by a qualifying person in order for them to use or supply it for purposes prescribed in regulations 7 and 8. Regulation 7 prescribes purposes for which a qualifying person may use or supply relevant information, including discharging homelessness functions and the application of certain housing benefit provisions. Regulation 8 concerns the use and supply of information by a qualifying person for purposes connected to regulations relating to the under-occupation of a dwelling or the benefit cap.

Where information is held by the Department of Health, Social Services and Public Safety or by a person providing services to them for the purpose of determining eligibility for assistance under the Healthy Start Scheme, Regulation 9 allows for that information to be used by them or shared between them, but only for purposes connected with the Healthy Start Scheme and where any such service provider is providing services to that Department relating to the Healthy Start Scheme.

Where relevant information is held for the purpose of determining eligibility for assistance under discretionary support provision, Regulation 10 allows for such information held by certain qualifying persons (including the Housing Executive, the Department for Social Development and any person providing services to them or exercising functions for them relating to discretionary support provision) to be used by and shared between them for purposes connected with discretionary support provision.

Article 121(7) defines “qualifying person”. Regulation 11 prescribes that, in addition, certain other persons are also to be treated as qualifying persons for certain purposes. This includes a registered housing association, which is to be treated as a qualifying person for the limited purpose of identifying and assisting housing benefit claimants who are or may be affected by regulations relating to the under-occupation of a dwelling or the benefit cap. It also includes the Department of Social Development, which is to be treated as a qualifying person for the purpose of determining eligibility for assistance under discretionary support provision, as is any person

providing services to the Department or exercising functions for the Department relating to discretionary support provision. With some limited exceptions, regulation 11 also applies the unlawful disclosure of information provisions of Article 122 to those listed as qualifying persons in paragraph 11(1).

Part 4 contains provisions made under powers contained in Articles 121 to 123 of the 2015 Order (information-sharing in relation to welfare services etc.) relating to rates. Regulations 12 to 14 prescribe the purposes for which relevant information relating to rates and rate relief schemes may be held by, used by or supplied to qualifying persons.

Part 5 contains provisions made under powers contained in Article 121(2) of the 2015 Order (information-sharing in relation to welfare services etc.). Regulation 15 prescribes purposes relating to welfare services for which relevant information must be held by a qualifying person in order for it to be supplied to the Department or another person providing services for them. Regulation 16 prescribes purposes relating to a relevant social security benefit (as defined in Article 121(8) of the 2015 Order) for which such information may be supplied.

An impact assessment has not been produced for this instrument as no negative impact on the private or voluntary sector is foreseen.

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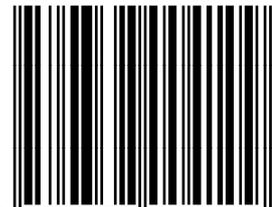


£6.00

NI2016022440 03/2016 19585

<http://www.legislation.gov.uk/id/nisr/2016/56>

ISBN 978-0-33-800410-9



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