

1988 No. 662

**HOUSING, ENGLAND AND WALES
HOUSING, SCOTLAND**

**The Housing Benefit (Supply of Information) Regulations
1988**

Made - - - - - *30th March 1988*

Coming into force - - - - - *1st April 1988*

Whereas a draft of this instrument was laid before Parliament in accordance with section 83(3) of the Social Security Act 1986 and approved by resolution of each House of Parliament:-

Now, therefore, the Secretary of State for Social Services in exercise of the powers conferred on him by sections 31(1) and (2) and 84(1) of the Social Security Act 1986(a) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of authorities concerned(b), by this instrument, which is made before the end of a period of 12 months from the commencement of the enactments under which it is made, hereby makes the following Regulations-

Citation, commencement and interpretation

1.—(1) These Regulations, which may be cited as the Housing Benefit (Supply of Information) Regulations 1988, shall come into force on 1st April 1988.

(2) In these Regulations, unless the context otherwise requires-

“the Act” means the Social Security Act 1986;

“appropriate DHSS office” means an office of the Department of Health and Social Security which is normally open to the public for the receipt of claims for income support and includes an office for the Department of Employment which is normally open to the public for the receipt of claims for unemployment benefit;

“authority” means any of the authorities to which section 28(3) of the Act refers;

“benefit” means any benefit under the benefit Acts(c) and any social fund payments such as are mentioned in section 32(2) of the Act;

“claimant” means a person claiming housing benefit;

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(d);

(a) 1986 c.50; section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”.

(b) See section 61(7) of the Social Security Act 1986 (c.50).

(c) See the definition of “the benefit Acts” in section 84(1) of the Social Security Act 1986.

(d) S.I. 1987/1971.

“the Income Support Regulations” means the Income Support (General) Regulations 1987(a);

“partner” means—

- (a) where a claimant is a member of a married or unmarried couple, the other member of that couple; or
- (b) where a claimant is polygamously married to two or more members of his household, any such member.

Information to be supplied by the Secretary of State to an authority

2.—(1) For the purposes of section 31(1) of the Act (information which may be supplied by the Secretary of State where required by authorities in connection with the exercise of their functions relating to housing benefit), the information prescribed by this regulation is—

- (a) the date on which a claim for income support by a claimant was received by the appropriate DHSS office;
- (b) that a claimant’s claim for income support has been disallowed;
- (c) where a claimant’s claim for income support has been disallowed on account of his capital exceeding the amount prescribed in regulation 45 of the Income Support Regulations (capital limit), the reason for the disallowance;
- (d) where an award of income support has been made, the first day of entitlement to that benefit;
- (e) the date on which a claimant’s entitlement to income support ended or is to end;
- (f) where a claimant’s entitlement to income support ends, the reason for it ending;
- (g) any further information required for the purpose of—
 - (i) the calculation and recovery of overpayments of housing benefit,
 - (ii) the investigation and prevention of offences relating to housing benefit,
 - (iii) any proceedings for an offence under the benefit Acts relating to housing benefit.

(2) Where the Secretary of State is aware of a claim for housing benefit in a case where an amount of income support payable to the claimant or his partner is being paid direct to the claimant’s landlord, the Secretary of State may inform the authority concerned with the claim that such payments are being made and when such payments cease.

Information to be supplied by an authority to the Secretary of State

3. For the purposes of section 31(2) of the Act (information which shall be supplied by an authority where required by the Secretary of State in connection with any of his functions under the benefit Acts), the information prescribed by this regulation is—

- (a) that a claim for housing benefit has been disallowed;
- (b) the date on which a person’s entitlement to housing benefit ended or is to end;
- (c) any further information required for the purpose of—
 - (i) the calculation and recovery of overpayments of benefits paid under the benefit Acts,
 - (ii) the investigation and prevention of offences relating to benefits under the benefit Acts,
 - (iii) any proceedings for offences relating to benefits under the benefit Acts.

Signed by authority of the Secretary of State for Social Services.

30th March 1988

Michael Portillo
Parliamentary Under-Secretary of State,
Department of Health and Social Security

(a) S.I. 1987/1967.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the information which the Secretary of State may supply to rating authorities, housing authorities or local authorities, which he has obtained by reason of the exercise of any of his functions under the benefit Acts relating to social security benefits, industrial injuries benefits and child benefit and which is required by those authorities in connection with their functions relating to housing benefit. They also prescribe the information obtained by authorities in exercise of their housing benefit functions, which is to be supplied to the Secretary of State, where required in connection with his functions under the benefit Acts.

The Regulations are made before the expiry of 12 months from the commencement of provisions under which they are made. They are accordingly exempt by section 61(5) of the Social Security Act 1986, from reference to the Social Security Advisory Committee and have not been so referred.