
STATUTORY INSTRUMENTS

2008 No. 2112

The Social Security (Use of Information for Housing Benefit and Welfare Services Purposes) Regulations 2008

Citation and commencement

1. These Regulations may be cited as the Social Security (Use of Information for Housing Benefit and Welfare Services Purposes) Regulations 2008 and shall come into force on 1st September 2008.

Interpretation

2. In these Regulations—

“the 2007 Act” means the Welfare Reform Act 2007;

“benefit or welfare services information” means information falling within section 42(3) of the 2007 Act (information relating to certain benefits);

“claimant” means a person claiming housing benefit;

“excluded tenancy” means a type of tenancy falling within any of paragraphs 4 to 11 of Schedule 2 to the Housing Benefit Regulations (excluded tenancies) or paragraphs 4 to 11 of Schedule 2 to the Housing Benefit (State Pension Credit) Regulations (excluded tenancies), as the case may require;

“exempt accommodation” has the meaning given by sub-paragraph 4(10) of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006^{M1} (transitional and savings provisions);

“hostel” has the same meaning as it has in the Housing Benefit Regulations or the Housing Benefit (State Pension Credit) Regulations, as the case may require;

“the Housing Benefit Regulations” means the Housing Benefit Regulations 2006^{M2};

“the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006^{M3};

“landlord” includes a person to whom rent is payable by the person entitled to a rent allowance for the purposes of regulation 95 of the Housing Benefit Regulations (circumstances in which payment is to be made to a landlord) or regulation 76 of the Housing Benefit (State Pension Credit) Regulations (circumstances in which payment is to be made to a landlord), as the case may require;

“registered social landlord” has the same meaning as in Part 1 of the Housing Act 1996^{M4};

“relevant person” means a person falling within any of paragraphs (c) to (h) of section 42(4) of the 2007 Act;

“rent” has the same meaning as it has in the Housing Benefit Regulations or the Housing Benefit (State Pension Credit) Regulations, as the case may require.

Marginal Citations

- M1** S.I. 2006/217. Paragraph 4 was substituted by S.I. 2007/2870.
M2 S.I. 2006/213.
M3 S.I. 2006/214.
M4 1996 c.52.

Prescribed purposes in section 42(2) of the 2007 Act

3. Regulations 4, 5 and 6 prescribe meanings of “prescribed purpose” in section 42(2) of the 2007 Act (information relating to certain benefits) for the purposes set out in those regulations.

Holding purposes relating to welfare services

4.—(1) This regulation prescribes the purposes for which a relevant person holds benefit or welfare services information (“holding purposes”).

(2) The holding purposes are purposes relating to welfare services which may indicate—

- (a) whether a claimant is likely to have difficulty in managing his financial affairs;
- (b) the probability that a claimant will pay his rent;
- (c) whether a landlord—
 - (i) was or is to provide qualifying welfare services within the meaning of section 42(6) of the 2007 Act, but
 - (ii) has not provided those services or is unlikely to provide those services;
- (d) whether—
 - (i) a claimant's landlord is a registered social landlord^{F1} or a private registered provider of social housing],
 - (ii) a claimant occupies as his home a dwelling which is exempt accommodation,
 - (iii) a claimant's tenancy is an excluded tenancy,
 - (iv) a claimant occupies a houseboat, caravan or mobile home as his home, or
 - (v) a claimant resides in a hostel.

F1 Words in reg. 4(2)(d)(i) inserted (1.4.2010) by *Housing and Regeneration Act 2008 (Consequential Provisions) (No.2) Order 2010* (S.I. 2010/671), art. 1(2), **Sch. 1 para. 71** (with Sch. 2); S.I. 2010/862, art. 2

Using purposes relating to housing benefit

5.—(1) This regulation prescribes meanings of “prescribed purpose” for which benefit or welfare services information may be used (“using purposes”) by—

- (a) the relevant person in relation to whom regulation 4 applies; or
- (b) another relevant person to whom the benefit or welfare services information has been provided.

(2) The using purposes are purposes relating to housing benefit connected with applying any of the following regulations—

- (a) regulation 13C(5) of the Housing Benefit Regulations ^{M5} (when a maximum rent (LHA) is to be determined);

- (b) regulation 96(3) and (3A)(b)(i) or (ii) of the Housing Benefit Regulations ^{M6} (circumstances in which payment may be made to a landlord), if a relevant authority is considering making direct payments in accordance with regulation 96(3A)(b)(i) or (ii);
- (c) regulation 13C(5) of the Housing Benefit (State Pension Credit) Regulations ^{M7} (when a maximum rent (LHA) is to be determined);
- (d) regulation 77(3) and (3A)(b)(i) or (ii) of the Housing Benefit (State Pension Credit) Regulations ^{M8} (circumstances in which payment may be made to a landlord), if a relevant authority is considering making direct payments in accordance with regulation 77(3A)(b)(i) or (ii).

Marginal Citations

M5 Regulation 13C was inserted by S.I. 2007/2868.

M6 In regulation 96, paragraph (3) was amended and paragraph (3A) was inserted by S.I. 2007/2868.

M7 Regulation 13C was inserted by S.I. 2007/2869.

M8 In regulation 77, paragraph (3) was amended and paragraph (3A) was inserted by S.I. 2007/2869.

Identifying purposes

6.—(1) This regulation prescribes meanings of “prescribed purpose” for the purposes of determining whether a relevant person holds benefit or welfare services information related to any holding purpose prescribed by regulation 4 (“identifying purposes”).

(2) The identifying purposes are any purposes relating to housing benefit connected with identifying a claimant.

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

Department for Work and Pensions
5th August 2008

Stephen C. Timms
Minister of State,

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Use of Information for Housing Benefit and Welfare Services Purposes) Regulations 2008.