



# Local Government Act 2000

## 2000 CHAPTER 22

### PART V

#### MISCELLANEOUS

##### *Welfare services*

#### **93 Grants for welfare services**

- (1) The Secretary of State may, with the consent of the Treasury, pay grants to local authorities in England towards expenditure incurred by them in providing, or contributing to the provision of, such welfare services as may be determined by the Secretary of State.
- (2) The National Assembly for Wales may pay grants to local authorities in Wales towards expenditure incurred by them in providing, or contributing to the provision of, such welfare services as may be determined by the Assembly.
- (3) The amount of any grants under this section and the manner of their payment are to be such as may be determined by the Secretary of State or the Assembly (as the case may be).
- (4) Grants under this section may be paid—
  - (a) to all local authorities,
  - (b) to particular local authorities, or
  - (c) to particular descriptions of local authority (including descriptions framed by reference to authorities in particular areas).
- (5) Grants under this section may be paid on such terms and conditions as the Secretary of State or, as the case may be, the Assembly may determine; and nothing in subsection (6) affects the generality of this subsection.
- (6) Those terms and conditions may include provision as to the circumstances in which the whole or any part of a grant under this section must be repaid to the Secretary of State or the Assembly.

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- (7) A local authority must supply the Secretary of State or, as the case may be, the Assembly with such information as he or it may require for the purposes of this section.
- (8) A local authority must have regard to any guidance for the time being issued by the Secretary of State or, as the case may be, the Assembly with respect to the administration and application of grants under this section which are paid to them.
- (9) A local authority must comply with any directions for the time being given by the Secretary of State or, as the case may be, the Assembly with respect to the administration and application of grants under this section which are paid to them.
- (10) Any determination, guidance or directions under this section may make different provision in relation to different local authorities or descriptions of local authority (including descriptions framed by reference to authorities in particular areas).
- (11) Before making any determination, issuing any guidance or giving any directions under this section relating to all local authorities in England or Wales or any description of such authorities, the Secretary of State or (as the case may be) the National Assembly for Wales must consult—
  - (a) such local authorities or representatives of local authorities as appear to him or it to be appropriate,
  - (b) such recipients, or representatives of recipients, of welfare services as appear to him or it to be appropriate, and
  - (c) such providers, or representatives of providers, of welfare services as appear to him or it to be appropriate.
- (12) In this section—
  - “local authority” means—
    - (a) in relation to England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly,
    - (b) in relation to Wales, a county council or a county borough council,
  - “welfare services” includes services which provide support, assistance, advice or counselling to individuals with particular needs.

## **94 Disclosure of information**

- (1) Subsection (3) applies to information which is held by, or by a person providing services to, the Secretary of State and which relates to income support or income-based jobseeker’s allowance.
- (2) Subsection (3) also applies to information relating to housing benefit which is held by—
  - (a) an authority administering housing benefit, or
  - (b) a person authorised to exercise any function of such an authority relating to housing benefit.
- (3) Information to which this subsection applies may be supplied to—
  - (a) a local authority to which any grant is or will be paid under section 93, or
  - (b) a person authorised to exercise any function of that authority relating to that grant,

for purposes connected with the application of that grant towards expenditure falling within section 93(1) or (2) (as the case may be).

- (4) Information which is supplied to an authority or other person under subsection (3) may be supplied by the authority or person to a person who provides qualifying welfare services for purposes connected with the provision of those services.
- (5) For the purposes of this section a person is to be regarded as providing qualifying welfare services if—
  - (a) he provides welfare services,
  - (b) a local authority contribute or will contribute to the expenditure incurred by him in providing those services, and
  - (c) that contribution is or will be derived (in whole or in part) from any grant which is or will be paid to the authority under section 93.
- (6) In this section “local authority” and “welfare services” have the same meaning as in section 93.
- (7) The Secretary of State may by order make such modifications of this section as he considers necessary or expedient in consequence of any provision corresponding to section 93 which is enacted by the Scottish Parliament.

## **95 Unauthorised disclosure of information**

- (1) The persons to whom this section applies are—
  - (a) any person (“the recipient”) to whom information is supplied by virtue of section 94,
  - (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 section applies is guilty of an offence if he discloses without lawful authority any information which is supplied by virtue of section 94 and which relates to a particular person.
- (3) It is not an offence under this section—
  - (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 section 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 section is to be liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both, or

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- (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (6) For the purposes of this section a disclosure is to be regarded as made with lawful authority if, and only if, it is made—
- (a) in accordance with section 94(4) or any other enactment,
  - (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 123(10) of the Social Security Administration Act 1992).
- (7) The Secretary of State may by order make such modifications of this section as he considers necessary or expedient in consequence of any provision corresponding to section 93 which is enacted by the Scottish Parliament.

## **96 Housing benefit**

- (1) Section 130 of the Social Security Contributions and Benefits Act 1992 (housing benefit) is amended as follows.
- (2) At the end of subsection (2) there is inserted—
- “but 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).”
- (3) After subsection (4) there is inserted—
- “(4A) Regulations under subsection (2A) above may make provision with respect to particular areas, particular authorities or particular descriptions of authority.”