



2007 CHAPTER 2

PART 2

HOUSING BENEFIT

Directions by Department

36.—(1) Section 128D of the Administration Act (power to give directions) is amended in accordance with subsections (2) to (6).

(2) In subsection (2) for “invite” substitute “require”.

(3) After subsection (2) insert—

“(2A) A requirement under subsection (2) above may specify—

- (a) any information or description of information to be provided;
- (b) the form and manner in which the information is to be provided.

(2B) The Housing Executive must respond to a requirement under subsection (2) above before the end of such period (not less than one month after the day on which the requirement is made) as the Department specifies in the requirement.

(2C) The Department may extend the period specified under subsection (2B) above.”

(4) For subsection (3) substitute—

“(3) After considering—

- (a) the report,
- (b) any proposals made by the Housing Executive in response to it, and
- (c) any other information the Department thinks is relevant,

the Department may give directions to the Housing Executive under subsection (3A) or (3B) below or both.

(3A) Directions under this subsection are directions as to—

- (a) standards which the Housing Executive is to attain in the prevention and detection of fraud relating to housing benefit or otherwise in the administration of that benefit;
- (b) the time within which the standards are to be attained.

(3B) Directions under this subsection are directions to take such action as the Department thinks necessary or expedient for the purpose of improving the Housing Executive's exercise of its functions—

- (a) in relation to the prevention and detection of fraud relating to housing benefit;
- (b) otherwise in relation to the administration of that benefit.

(3C) A direction under subsection (3B) above may specify the time within which anything is to be done.”.

(5) In subsection (4), for “subsection (3)” substitute “subsection (3A)”.

(6) After subsection (4) add—

“(5) If the Department proposes to give a direction under this section it must give the Housing Executive an opportunity to make representations about the proposed direction.

(6) The Department may specify a period within which representations mentioned in subsection (5) above must be made.

(7) The Department may extend a period specified under subsection (6) above.

(8) Subsections (5) to (7) above do not apply if the Department thinks that it is necessary for a direction to be given as a matter of urgency.

(9) If the Department acts under subsection (8) above it must give in writing to the Housing Executive its reasons for doing so.”.

(7) After section 128D of that Act insert—

“128DA Directions: variations and revocation

(1) The Department may at any time in accordance with this section vary or revoke a direction under section 128D above.

(2) A direction may be varied or revoked only if the Department thinks it is necessary to do so—

- (a) in consequence of representations made by the Housing Executive,
- (b) to rectify an omission or error, or
- (c) in consequence of a material change in circumstances.

- (3) The Department must not vary a direction unless it first—
 - (a) sends a copy of the proposed variation to the Housing Executive,
 - (b) gives the Housing Executive its reasons for making the variation, and
 - (c) gives the Housing Executive an opportunity to make representations about the proposed variation.
- (4) The Department may specify a period of not less than one month within which representations mentioned in subsection (3)(c) above must be made.
- (5) The Department may extend a period specified under subsection (4) above.”.