



## 2016 CHAPTER 22

### PART 5

#### Supplementary

##### *Information*

#### **Power to obtain information from other persons**

**73.—**(1) The council may, by serving notice on a relevant person, require the person to provide to the council, in writing, any relevant information which is in the person's custody or under the person's control.

(2) "Relevant person" means any of the following—

- (a) the Department of Finance and Personnel;
- (b) the Northern Ireland Housing Executive;
- (c) a scheme administrator of a tenancy deposit scheme under regulations under Article 5A of the Private Tenancies (Northern Ireland) Order 2006;
- (d) a registrar of landlords appointed under regulations under Article 65A of that Order;
- (e) any person acting as a gangmaster in relation to work in Northern Ireland;
- (f) a utilities undertaker;
- (g) an institution of further education;
- (h) a higher education institution;
- (i) any person carrying on estate agency work or lettings agency work in the course of a business.

(3) "Relevant information" means—

- (a) information which indicates that a building or part of a building is or may be an HMO;
  - (b) the following information about any living accommodation which is or may be an HMO—
    - (i) information as to its location, condition, size or description;
    - (ii) information as to the number of its occupants;
  - (c) the name and address of the owner of any such accommodation, or of any person acting as an agent of the owner;
  - (d) the name and date of birth of any person who is, or appears to be, an occupant of any such accommodation;
  - (e) the date on which any tenancy or other arrangement to occupy any such accommodation begins or ends.
- (4) But information is “relevant information” only if—
- (a) in the case of information held by the Department of Finance and Personnel, it is held for the purpose of that Department’s functions—
    - (i) under the Rates (Northern Ireland) Order 1977 or the Rates (Capital Values, etc) (Northern Ireland) Order 2006, or
    - (ii) in relation to the administration of housing benefit;
  - (b) in the case of information held by the Northern Ireland Housing Executive, it is held for the purposes of the Executive’s functions in relation to the administration of housing benefit.
- (5) A notice under this section must—
- (a) specify a date, not less than 21 days after the date on which the notice is served, by which the information must be provided,
  - (b) specify a person to whom the information must be provided, and
  - (c) include information about the possible consequences of not complying with the notice.
- (6) Information provided by a person in response to a notice under this section may be used in criminal proceedings as evidence against the person only where subsection (7) or (8) applies.
- (7) This subsection applies where the person is being prosecuted for an offence under Article 7 or 10 of the Perjury (Northern Ireland) Order 1979 (false statutory declarations and other false unsworn statements).
- (8) This subsection applies where the person is being prosecuted for any other offence and—
- (a) in giving evidence the person makes a statement inconsistent with the information provided in response to the notice, and

- (b) evidence relating to that information is adduced, or a question about it is asked, by or on behalf of the person.
- (9) This section—
  - (a) has effect notwithstanding any restriction on the disclosure of information imposed by any statutory provision or rule of law, and
  - (b) does not limit the circumstances in which information may be used or provided apart from this section.
- (10) Schedule 6 contains definitions for the purposes of this section.
- (11) The Department may by regulations amend the definitions of “relevant person” and “relevant information”, as set out in this section and Schedule 6, in such manner as it considers appropriate.