
STATUTORY INSTRUMENTS

1997 No. 1182

**The Social Security Administration
(Fraud) (Northern Ireland) Order 1997**

Supply and use of information

The Housing Executive

3. After section 116B of the Administration Act insert—

“The Housing Executive

Supply of information to the Housing Executive.

116C.—(1) This section applies to information relating to social security which is held—

- (a) by the Department or the Secretary of State; or
- (b) by a person providing services to the Department or the Secretary of State in connection with the provision of those services.

(2) Information to which this section applies may be supplied to—

- (a) the Housing Executive; or
- (b) a person authorised to exercise any function of the Housing Executive relating to housing benefit,

for use in the administration of housing benefit.

(3) But where information to which this section applies has been supplied to the Department, the Secretary of State or the person providing services under section 116 or 116B above it may only be supplied under subsection (2) above—

- (a) for use in the prevention, detection, investigation or prosecution of offences relating to housing benefit; or
- (b) for use in checking the accuracy of information relating to housing benefit and (where appropriate) amending or supplementing such information.

(4) The Department or the Secretary of State—

- (a) may impose conditions on the use of information supplied under subsection (2) above; and
- (b) may charge a reasonable fee in respect of the cost of supplying information under that subsection.

(5) Where information is supplied to the Housing Executive or other person under subsection (2) above, the Executive or other person shall have regard to it in the exercise of any function relating to housing benefit.

(6) Information supplied under subsection (2) above shall not be supplied by the recipient to any other person or body unless—

- (a) it is supplied—
 - (i) by the Housing Executive to a person authorised to exercise any function of the Executive relating to housing benefit; or
 - (ii) by a person authorised to exercise any function of the Housing Executive relating to housing benefit to the Executive;
- (b) it is supplied for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the Jobseekers (Northern Ireland) Order 1995 or this Act or to any enactment applying in Great Britain corresponding to any of them; or
- (c) it is supplied under section 116D below.

(7) This section does not limit the circumstances in which information may be supplied apart from this section (in particular by reason of section 116(4) or 116B(4) above).

Supply of information by the Housing Executive.

116D.—(1) The Department or the Secretary of State may require—

- (a) the Housing Executive; or
- (b) a person authorised to exercise any function of the Housing Executive relating to housing benefit,

to supply benefit administration information held by the Executive or other person to, or to a person providing services to, the Department or the Secretary of State for use for any purpose relating to social security.

(2) The Department or the Secretary of State may require—

- (a) the Housing Executive; or
- (b) a person authorised to exercise any function of the Housing Executive relating to housing benefit,

to supply benefit policy information held by the Executive or other person to, or to a person providing services to, the Department or the Secretary of State.

(3) Information shall be supplied under subsection (1) or (2) above in such manner and form, and in accordance with such requirements, as may be prescribed.

(4) In subsection (1) above “benefit administration information”, in relation to the Housing Executive or other person, means any information which is relevant to the exercise of any function relating to housing benefit by the Executive or other person.

(5) In subsection (2) above “benefit policy information” means any information which may be relevant to the Department or the Secretary of State—

- (a) in preparing estimates of likely future expenditure on housing benefit; or
- (b) in developing policy relating to housing benefit.”.

Unauthorised disclosure by officials

4.—(1) In Schedule 4 to the Administration Act (persons who may commit an offence under section 117 of that Act), after the entry headed “Other public departments and offices” insert—

“The Housing Executive etc.

A member, officer or employee of the Housing Executive.

A person authorised to exercise any function of the Housing Executive relating to housing benefit or any employee of such a person.

A person authorised under section 128A(1) of this Act to consider and report to the Department on the administration of housing benefit.”.

(2) In section 117 of that Act (offence of unauthorised disclosure by certain persons of information relating to particular persons), in subsection (8) (persons employed in audit of expenditure)—

(a) after paragraph (g) insert—

“(ga) a Northern Ireland local government auditor;

(gb) a member of the Audit Commission for Local Authorities and the National Health Service in England and Wales and any auditor appointed by that Commission;

(gc) a member of the Accounts Commission for Scotland and any auditor within the meaning of Part VII of the Local Government (Scotland) Act 1973;”.

(b) after paragraph (h) insert—

“(ha) a member of the Local Commission for England;

(hb) a member of the Local Commission for Wales;

(hc) the Commissioner for Local Administration in Scotland; and”.

(c) in paragraph (i), for “referred to in paragraph (b), (c), (e) or (h) above” substitute “or Commissions referred to in paragraphs (b), (c), (e) and (gb) to (hc) above and any person assisting an auditor referred to in paragraph (ga), (gb) or (gc) above”.