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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 203**

**The Rate Relief (Qualifying Age)  
Regulations (Northern Ireland) 2007**

**PART 13**

**Supply of Information**

**Supply of information**

**34.** Where information or evidence relating to a rate relief claim has been received at an office of a relevant authority that is not the appropriate office that authority shall forward the information or evidence received to the appropriate office.

**Sharing of information**

**35.** Where information is given and evidence is gathered in relation to a claim for housing benefit that information or evidence may be used in relation to a claim for rate relief but only where the claimant has given permission, in writing, for such information or evidence to be shared.

**Supply of government information for fraud prevention and verification**

**36.—(1)** This regulation applies to information which is held by, or by a person providing services to, a Minister of the Crown or a Northern Ireland department or other government department and which relates to any matter relating to rate relief.

(2) Information to which this regulation applies may be supplied to, or to a person providing services to, the Department—

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

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

- (a) it could be supplied to that person or body under paragraph (2);
- (b) it is supplied for the purposes of any civil or criminal proceedings relating to rate relief in the principal Order; or
- (c) it is supplied to the Executive.

(4) But where information supplied under paragraph (2) has been used (in accordance with sub-paragraph (b) of that paragraph) in amending or supplementing other information, it is lawful for it to be—

- (a) supplied to any person or body to whom that other information could be supplied; or

(b) used for any purpose for which that other information could be used.

(5) This regulation does not limit the circumstances in which information may be supplied apart from this regulation.

### **Supply of information to the Executive**

**37.**—(1) This regulation applies to information relating to rate relief which is held—

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

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

- (a) the Executive; or
- (b) a person authorised to exercise any function of the Executive relating to rate relief,

for use in the administration of rate relief.

(3) But where information to which this regulation applies has been supplied to the Department or the person providing services under regulation 36 it may only be supplied under paragraph (2)—

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

(4) The Department—

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

(5) Where information is supplied to the Executive or other person under paragraph (2), the Executive or other person shall have regard to it in the exercise of any function relating to rate relief.

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

- (a) it is supplied—
  - (i) by the Executive to a person authorised to exercise any function of the Executive relating to rate relief; or
  - (ii) by a person authorised to exercise any function of the Executive relating to rate relief to the Executive;
- (b) it is supplied for the purposes of any civil or criminal proceedings relating to rate relief in the principal Order; or
- (c) it is supplied under regulation 38.

(7) This regulation does not limit the circumstances in which information may be supplied apart from it (in particular by reason of regulation 36(4)).

(8) In this regulation and in regulations 38 and 39—

- (a) any reference to a person authorised to exercise any function of the Executive relating to housing benefit shall include a reference to a person providing services to the Executive which relate to that benefit; and
- (b) any reference to the exercise of any function relating to such a benefit shall include a reference to the provision of any services so relating.

### **Supply of information by the Executive**

**38.**—(1) The Department may require—

- (a) the Executive; or
- (b) a person authorised to exercise any function of the Executive relating to rate relief,

to supply rate relief administration information held by the Executive or other person to, or to a person providing services to, the Department for use for any purpose relating to rate relief.

(2) The Department may require—

- (a) the Executive; or
- (b) a person authorised to exercise any function of the Executive relating to rate relief,

to supply rate relief policy information held by the Executive or other person to, or to a person providing services to, the Department.

(3) Information shall be supplied under paragraph (1) or (2) in such manner and form, and in accordance with such requirements, as may be specified in directions given by the Department.

(4) In paragraph (1) “rate relief administration information”, in relation to the Executive or other person, means any information which is relevant to the exercise of any function relating to rate relief by the Executive or other person.

(5) In paragraph (2) “rate relief policy information” means any information which may be relevant to the Department—

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

### **Unauthorised disclosure of information relating to particular persons**

**39.**—(1) A person who is or has been employed in rate relief administration or adjudication is guilty of an offence if he discloses without lawful authority any information which he acquired in the course of his employment and which relates to a particular person.

(2) A person who is or has been employed in the audit of expenditure or the investigation of complaints is guilty of an offence if he discloses without lawful authority any information—

- (a) which he acquired in the course of his employment;
- (b) which is, or is derived from, information acquired or held by or for the purposes of any of the government departments or other bodies or persons referred to in paragraphs (10) and (11); and
- (c) which relates to a particular person.

(3) It is not an offence under this regulation—

- (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 regulation 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 regulation shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both; or
  - (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 regulation, the persons who are “employed in rate relief administration or adjudication” are—
- (a) any person specified in paragraphs (10) and (11);
  - (b) any other person who carries out the administrative work of any of the government departments or other bodies or persons referred to in paragraphs (10) and (11); and
  - (c) any person who provides, or is employed in the provision of, services to any of those departments, persons or bodies;

and “employment”, in relation to any such person, shall be construed accordingly.

- (7) For the purposes of this regulation, the persons who are “employed in the audit of expenditure or the investigation of complaints” are—
- (a) the Comptroller and Auditor General for Northern Ireland;
  - (b) the Northern Ireland Parliamentary Commissioner for Administration;
  - (c) the Northern Ireland Commissioner for Complaints;
  - (d) any member of the staff of the Northern Ireland Audit Office;
  - (e) any other person who carries out the administrative work of that Office, or who provides, or is employed in the provision of, services to it; and
  - (f) any officer of any of the Commissioners or Commissions referred to in paragraphs (b) and (c);

and “employment”, in relation to any such person, shall be construed accordingly.

- (8) For the purposes of this regulation a disclosure is to be regarded as made with lawful authority if, and only if, it is made—
- (a) in accordance with his official duty—
    - (i) by a civil servant; or
    - (ii) by a person employed in the audit of expenditure or the investigation of complaints, who does not fall within paragraph (7)(e);
  - (b) by any other person either—
    - (i) for the purposes of the function in the exercise of which he holds the information and without contravening any restriction duly imposed by the person responsible; or
    - (ii) to, or in accordance with an authorisation duly given by, the person responsible;
  - (c) in accordance with any statutory provision or order of a court;
  - (d) for the purpose of instituting, or otherwise for the purposes of, any proceedings before a court or before any tribunal or other body or person referred to in paragraphs (10) and (11); or
  - (e) with the consent of the appropriate person;

and in this subsection “the person responsible” means the Department, the Lord Chancellor or any person authorised by the Department or the Lord Chancellor for the purposes of this paragraph.

- (9) For the purposes of paragraph (8)(e), “the appropriate person” means the person to whom the information in question relates, except that if the affairs of that person are being dealt with—

- (a) under a power of attorney;
- (b) by a controller appointed under Article 101 of the Mental Health (Northern Ireland) Order 1986<sup>(1)</sup> or by a receiver appointed under section 99 of the Mental Health Act 1983<sup>(2)</sup>;
- (c) by a Scottish mental health custodian, that is to say a guardian or other person entitled to act on behalf of the person under the Adults with Incapacity (Scotland) Act 2000<sup>(3)</sup>; or
- (d) by a mental health appointee, that is to say—
  - (i) a person directed or authorised as mentioned in sub-paragraph (a) of rule 38(1) of Order 109 of the Rules of the Supreme Court (Northern Ireland) 1980<sup>(4)</sup> or sub-paragraph (a) of rule 41(1) of the Court of Protection Rules 1984<sup>(5)</sup>; or
  - (ii) a controller ad interim appointed under sub-paragraph (b) of the said rule 38(1) or any receiver ad interim appointed under sub-paragraph (b) of the said rule 41(1),

the appropriate person is the attorney, controller, receiver or appointee, as the case may be, or, in a case falling within paragraph (a) above, the person to whom the information relates.

(10) In this regulation the specified persons are—

- (a) a civil servant in—
  - (i) the Department;
  - (ii) the Department for Social Development,but only to the extent that the appropriate Department carries out functions relating to rate relief.
- (b) a civil servant in the Northern Ireland Court Service but only to the extent that the functions carried out relate to functions of the Chief Social Security Commissioner, appointed under section 50(1)(a) of the Administration Act, or any other Social Security Commissioner, appointed under section 50(1)(b) of that Act, and then only in so far as relating to rate relief.
- (c) the following persons—
  - (i) a member, officer or employee of the Executive;
  - (ii) a person authorised to exercise any function of the Executive relating to rate relief or any employee of such a person;
  - (iii) a person authorised under regulation 56 to consider and report to the Department on the administration of rate relief.
- (d) the clerk to, or other officer or member of the staff of, an appeal tribunal constituted under Chapter I of Part II of the 1998 Order, and whose remit has been extended to hear appeals against decisions relating to rate relief.

(11) In paragraph (10)—

- (a) any reference to a person authorised to exercise any function of the Executive relating to rate relief shall include a reference to a person providing services to the Executive which relate to that rate relief; and
- (b) any reference to the exercise of any function relating to such rate relief shall include a reference to the provision of any services so relating.

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(1) S.I. 1986/595 (N.I.)  
(2) 1983 c. 20  
(3) 2000 asp 4  
(4) S.R. 1980 No. 346  
(5) S.I. 1984/2035