



Welfare Reform Act 2007

2007 CHAPTER 5

PART 2

HOUSING BENEFIT AND COUNCIL TAX BENEFIT

31 Loss of housing benefit following eviction for anti-social behaviour, etc.

- (1) After section 130A of the Contributions and Benefits Act (inserted by section 30) insert—

“130B Loss of housing benefit following eviction on certain grounds

- (1) If the following conditions are satisfied, then housing benefit is payable in the case of a person (“the former occupier”) subject to subsection (4)—
- (a) a court makes a relevant order for possession of a dwelling occupied by him as his home;
 - (b) in consequence of the order he ceases to occupy the dwelling;
 - (c) either of the conditions in subsections (2) and (3) is satisfied; and
 - (d) the conditions for entitlement to housing benefit are or become satisfied with respect to him.
- (2) The condition in this subsection is that the former occupier fails, without good cause, to comply with a warning notice served on him by a relevant local authority in England and Wales after he has ceased to occupy the dwelling.
- (3) The condition in this subsection is that—
- (a) the former occupier was, after he ceased to occupy the dwelling, required by a relevant local authority in Scotland to take specified action with the aim mentioned in subsection (10),
 - (b) the former occupier was warned by the relevant local authority that if he failed to comply with the requirement the amount of housing benefit payable to him would be affected,

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- (c) the former occupier fails, without good cause, to comply with the requirement, and
 - (d) the relevant local authority recommends that housing benefit be payable to the former occupier subject to subsection (4).
- (4) During the restriction period or such part of it as may be prescribed, one or both of the following applies—
 - (a) the rate of the benefit is reduced in such a manner as may be prescribed;
 - (b) the benefit is payable only if the circumstances are such as may be prescribed.
- (5) The restriction period begins with the earliest date on which the conditions set out in subsections (1) to (3) are satisfied.
- (6) That period stops running if the relevant local authority considers that the restriction set out in subsection (4) should no longer apply (whether because the former occupier is taking action to improve his behaviour or for any other reason), but starts running again if—
 - (a) in England and Wales, the former occupier fails to comply with a further warning notice served on him;
 - (b) in Scotland, the condition in subsection (7) is satisfied.
- (7) The condition is that—
 - (a) the former occupier fails to comply with a further requirement such as is mentioned in paragraph (a) of subsection (3), having been warned as mentioned in paragraph (b) of that subsection, and
 - (b) the relevant local authority recommends that the restriction period starts running again.
- (8) The restriction period shall not include any period which falls more than five years after the date on which the order for possession was made.
- (9) A former occupier may not be subject to more than one restriction period in respect of one order for possession.
- (10) A relevant local authority is—
 - (a) in England and Wales, a local authority within the meaning of section 1 of the Local Government Act 2000, or
 - (b) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994,
 which provides or may provide services to a former occupier with the aim of ending, or preventing repetition of, the conduct which may lead or has led to the making of a relevant order for possession.
- (11) A warning notice is a notice in the prescribed form—
 - (a) requiring the former occupier to take specified action with the aim mentioned in subsection (10),
 - (b) specifying the time when, or within which, that action must be taken, and
 - (c) warning the former occupier that if he fails to take the action the amount of housing benefit payable to him would be affected.

130C Relevant orders for possession

- (1) In section 130B a relevant order for possession is, in England and Wales—
 - (a) an order made under section 84 of the Housing Act 1985 (secure tenancies) on Ground 2 set out in Schedule 2 to that Act;
 - (b) an order made under section 7 of the Housing Act 1988 (assured tenancies) on Ground 14 set out in Schedule 2 to that Act;
 - (c) an order made under section 98 of the Rent Act 1977 (protected or statutory tenancies) in the circumstances specified in Case 2 in Schedule 15 to that Act.
- (2) In that section a relevant order for possession is, in Scotland—
 - (a) an order made under section 16(2) of the Housing (Scotland) Act 2001 (secure tenancies) on one of the grounds set out in paragraphs 2 and 7 in Part 1 of Schedule 2 to that Act;
 - (b) an order made in accordance with section 18 of the Housing (Scotland) Act 1988 (assured tenancies) on Ground 15 in Part 2 of Schedule 5 to that Act;
 - (c) an order made in accordance with section 11 of the Rent (Scotland) Act 1984 (protected or statutory tenancies) in the circumstances specified in Case 2 in Part 1 of Schedule 2 to that Act.
- (3) For the purposes of subsections (1) and (2) it does not matter whether the order is made on the grounds or in the circumstances there mentioned alone or together with other grounds or circumstances.
- (4) Subsections (5) and (6) apply if the court—
 - (a) stays (in Scotland, sists) or suspends the execution of a relevant order for possession, or postpones the date of possession under it, and
 - (b) imposes a condition (or conditions) on that stay, sist, suspension or postponement.
- (5) If a condition relates to the behaviour of a person or persons occupying the dwelling, section 130B(4) applies only if the order takes effect as a result of a breach of that condition.
- (6) Section 130B(4) does not apply if the condition (or, if there is more than one, each of them) relates only to matters other than the behaviour of a person or persons occupying the dwelling.

130D Loss of housing benefit: supplementary

- (1) Regulations may provide that, where housing benefit has been paid subject to the restriction set out in section 130B(4), in prescribed circumstances—
 - (a) the former occupier must be paid some or all of the amount of the benefit which, by virtue of that subsection, has not been payable to him, and
 - (b) such other adjustments must be made as are prescribed.
- (2) The Secretary of State may by order vary the definition of relevant order for possession by—
 - (a) adding to or removing from it orders of a specified description;

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- (b) specifying circumstances in which it includes orders of a specified description.
- (3) Regulations may prescribe—
 - (a) matters which are, or are not, to be taken into account in determining whether a person has, or does not have, good cause for failing to take action specified in a warning notice or failing to comply with a requirement such as is mentioned in section 130B(3)(a);
 - (b) circumstances in which a person is, or is not, to be regarded as having, or not having, such good cause.
- (4) Expressions used in this section and in section 130B have the meaning given in that section.

130E Couples

- (1) This section applies where at any time the conditions for entitlement to housing benefit are satisfied with respect to a person who is a member of a couple.
- (2) Where paragraphs (a) and (b) of section 130B(1) are satisfied in relation to both members of the couple (whether or not in respect of the same dwelling), then for the purposes of subsection (2) or (3) of that section, the failure by one member of the couple to comply with a warning notice or with a requirement such as is mentioned in section 130B(3)(a) must be treated also as a failure by his partner to comply with it.
- (3) Where paragraph (a) of section 130B(1) is not satisfied in relation to one member of the couple, then subsection (4) of that section does not apply to his partner (even if paragraphs (a), (b) and (c) of section 130B(1) are satisfied in relation to the partner).
- (4) References to a person's partner are to the other member of the couple concerned.

130F Information provision

- (1) The Secretary of State may by regulations require—
 - (a) a court which makes a relevant order for possession, or
 - (b) any other person or description of person who the Secretary of State thinks is or may be aware of the making of such an order,
 to notify him of the making of the order and to provide him with such details of matters in connection with the order as may be prescribed.
- (2) The Secretary of State may provide—
 - (a) information obtained under subsection (1), or
 - (b) information which is relevant to the exercise by him of any function relating to housing benefit,
 to a relevant local authority, or a person authorised to exercise any function of such an authority relating to services mentioned in section 130B(10), for use in the provision of such services.
- (3) The Secretary of State may by regulations require—

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- (a) a relevant local authority, or
 - (b) a person authorised to exercise any function of such an authority relating to services mentioned in section 130B(10),to supply relevant information held by the authority or other person to, or to a person providing services to, the Secretary of State for use for any purpose relating to the administration of housing benefit.
- (4) The Secretary of State may by regulations require—
 - (a) an authority administering housing benefit,
 - (b) a person authorised to exercise any function of such an authority relating to such a benefit,
 - (c) a relevant local authority, or
 - (d) a person authorised to exercise any function of such an authority relating to services mentioned in section 130B(10),to provide relevant information held by that authority or person to an authority or person mentioned in paragraph (a) or (b) for use for any purpose relating to the administration of housing benefit.
- (5) The Secretary of State may by regulations require—
 - (a) an authority administering housing benefit,
 - (b) a person authorised to exercise any function of such an authority relating to such a benefit,
 - (c) a relevant local authority, or
 - (d) a person authorised to exercise any function of such an authority relating to services mentioned in section 130B(10),to provide relevant information held by that authority or person to an authority or person mentioned in paragraph (c) or (d) for use in the provision of those services.
- (6) Relevant information is—
 - (a) if the information is held by an authority administering housing benefit or a person authorised to exercise any function of such an authority, information which is relevant to the exercise of any function relating to housing benefit by the authority or person;
 - (b) if the information is held by a relevant local authority or a person authorised to exercise any function of such an authority, information which is relevant to the exercise of any function relating to the provision of services mentioned in section 130B(10).
- (7) Information must be supplied under subsection (1), (3), (4) or (5) in such circumstances, in such manner and form, and in accordance with such requirements, as may be prescribed.
- (8) “Relevant order for possession” and “relevant local authority” have the same meaning as in section 130B.
- (9) Subsections (1) and (5) do not extend to Scotland.

130G Pilot schemes relating to loss of housing benefit

- (1) Regulations to which this section applies may be made so as to have effect for a prescribed period.

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- (2) Any regulations which, by virtue of subsection (1), have effect for a limited period are referred to in this section as a “pilot scheme”.
 - (3) A pilot scheme may provide that it applies only in relation to—
 - (a) one or more prescribed areas;
 - (b) one or more prescribed classes of person;
 - (c) persons selected by reference to prescribed criteria.
 - (4) A pilot scheme may make consequential or transitional provision.
 - (5) A pilot scheme (“the previous scheme”) may be replaced by a further pilot scheme making the same, or similar, provision (apart from the prescribed period) to that made by the previous scheme.
 - (6) A pilot scheme may be amended or revoked by regulations under this section.
 - (7) This section applies to—
 - (a) regulations made under any of sections 130B to 130F above;
 - (b) regulations made under any other enactment, so far as they relate to, or are made for purposes which relate to, loss or restriction of housing benefit in pursuance of section 130B above.
 - (8) This section does not extend to Scotland.”
- (2) In section 176(1) of that Act (parliamentary control)—
 - (a) in paragraph (a), at the appropriate place insert—

“section 130B(4);”;
 - (b) in paragraph (c), at the appropriate place insert—

“section 130D(2);”.
 - (3) The preceding provisions of this section have no effect after 31st December 2010.
 - (4) The Secretary of State may by order made by statutory instrument make such provision as he thinks necessary or expedient in consequence of the operation of subsection (3) for the purpose of securing that, with effect from 1st January 2011, housing benefit to which a person who is a former occupier (within the meaning of section 130B of the Contributions and Benefits Act) is entitled is not subject to any restriction as mentioned in subsection (4) of that section.