
STATUTORY INSTRUMENTS

2007 No. 2868

The Housing Benefit (Local Housing Allowance and Information Sharing) Amendment Regulations 2007

Amendment of the Housing Benefit Regulations 2006 relating to information sharing

3.—(1) In regulation 14 (requirement to refer to rent officers)—

- (a) omit paragraphs (2), (3) and (9);
- (b) after paragraph (4) insert—

“(4A) The provision of information to the rent officer in accordance with regulation 114A(6) shall be treated as an application to the rent officer under paragraph (1).”.

(2) After regulation 113 (interpretation) insert—

“Information to be provided to rent officers

114A.—(1) This paragraph applies to every claim for or award of housing benefit in the form of a rent allowance where the eligible rent has been, or is to be determined, in accordance with—

- (a) regulation 12(3)(a) (rent) or 12C (eligible rent and maximum rent), as the case may require;
- (b) regulation 12A (eligible rent and the maximum rent (LHA)) or any of regulations 12E to 12K (transitional protection for pathfinder cases), as the case may require; or
- (c) regulations 12 (rent) and 13 (maximum rent) as set out in paragraph 5 of Schedule 3 to the Consequential Provisions Regulations.

(2) No earlier than the first, and no later than the fifth, working day of every month a relevant authority shall provide the following information to the rent officer in relation to every claim for or award of housing benefit to which paragraph (1) applied in the preceding month—

- (a) the address, including any room or unit number, house or flat number or name, and the postcode of the dwelling to which the claim or award relates;
- (b) where the claim or award relates to mooring charges for a houseboat, or payments in respect of the site on which a caravan or mobile home stands, the mooring or plot number and the address of the mooring or site, including the postcode;
- (c) the date on which the tenancy began;
- (d) the amount of rent and the rental period, whether calendar monthly, four weekly, weekly or some other period;
- (e) where the claimant has the use of two or more bedrooms, the number of bedrooms and rooms suitable for living in that there are in the dwelling, and in this subparagraph “bedroom” does not include a bedroom which the claimant shares with any person other than a member of his household, a non-dependant of his, or a person who pays rent to him or his partner;

- (f) whether the tenant (together with his partner where he has one) has exclusive use of only one bedroom, and if so, whether they have exclusive use of a kitchen, bathroom, toilet and a room suitable for living in;
 - (g) whether the tenant has exclusive use of only one bedroom, and if so, which, if any, of the following the tenancy provides for him to share—
 - (i) a kitchen;
 - (ii) a bathroom;
 - (iii) a toilet; or
 - (iv) a room suitable for living in;
 - (h) the date on which entitlement to housing benefit began; and
 - (i) where applicable, the date on which entitlement to housing benefit ended.
- (3) Where the relevant authority is required to apply to the rent officer for a board and attendance determination by virtue of regulation 13D(10) (determination of a maximum rent (LHA)), it shall provide the following information in the application to the Rent Officer—
- (a) the address, including any room or unit number, house or flat number or name and the postcode of the dwelling to which the claim or award relates;
 - (b) the date on which the tenancy began;
 - (c) the length of the tenancy;
 - (d) the total amount of those payments referred to in regulation 12(1) (rent) which the claimant is liable to make in respect of the dwelling which he occupies as his home;
 - (e) whether those payments include any charges for water, sewerage or allied environmental services or charges in respect of meals or fuel which are ineligible for housing benefit; and
 - (f) where those payments include any charges that are ineligible for housing benefit by reason of paragraph 1(a)(iv) and (c) to (f) of Schedule 1 (ineligible service charges), that such charges are included, and the value of those charges as determined by that authority pursuant to regulation 12B(2) and that Schedule.
- (4) Where the relevant authority has identified charges to which paragraph (3)(f) applies, it shall—
- (a) deduct those charges from the total amount of those payments which, in accordance with paragraph (3)(d), it has stated that the claimant is liable to make in respect of the dwelling which he occupies as his home; and
 - (b) notify that total so reduced to the rent officer in its application.
- (5) Where a relevant authority has received notification from the rent officer that a substantial part of the rent is attributable to board and attendance, it shall provide the information referred to in paragraphs (7) and (8), except for such information as it has already provided in accordance with paragraphs (3) and (4).
- (6) Where the relevant authority is required to apply to the rent officer for a determination by virtue of regulation 14(1) (requirement to refer to rent officers), it shall provide the information referred to in paragraphs (7) to (9) in the application to the rent officer.
- (7) In relation to the dwelling to which the claim or award relates, the relevant authority shall provide the following information—
- (a) the address, including any room or unit number, house or flat number or name and the postcode of the dwelling;

- (b) where the claim or award relates to mooring charges for a houseboat, or payments in respect of the site on which a caravan or mobile home stands, the mooring or plot number and the address of the mooring or site, including the postcode;
 - (c) whether the dwelling is—
 - (i) a detached house;
 - (ii) a semi-detached house;
 - (iii) a terraced house;
 - (iv) a maisonette;
 - (v) a detached bungalow;
 - (vi) a semi-detached bungalow;
 - (vii) a flat in a house;
 - (viii) a flat in a block;
 - (ix) a flat over a shop;
 - (x) a bedsit or rooms or a studio flat;
 - (xi) a hostel;
 - (xii) a caravan, mobile home or houseboat;
 - (xiii) board and lodgings;
 - (xiv) a hotel;
 - (xv) a care home;
 - (xvi) an independent hospital; or
 - (xvii) some other description of dwelling, and if so what;
 - (d) whether the dwelling has central heating, a garden, a garage or a parking space;
 - (e) how many rooms suitable for living in there are—
 - (i) in the dwelling;
 - (ii) in the dwelling which the claimant shares with any person other than a member of his household, a non-dependant of his, or a person who pays rent to him or his partner;
 - (f) how many bedsitting rooms there are in the categories (e)(i) and (ii);
 - (g) how many bedrooms there are in the categories (e)(i) and (ii);
 - (h) how many bathrooms or toilets there are in the categories (e)(i) and (ii); and
 - (i) such other information as the rent officer may reasonably require to make a determination.
- (8) In relation to the tenancy to which the claim or award relates, the relevant authority shall provide the following information—
- (a) the information referred to in paragraphs (3)(d) to (f) and (4);
 - (b) if the tenancy is furnished, and if so, to what extent;
 - (c) the rental period, whether calendar monthly, four weekly, weekly or some other period;
 - (d) the length of the tenancy;
 - (e) when the tenancy began and, if appropriate, when it ended;
 - (h) the landlord's or letting agent's name;

- (i) the landlord's or letting agent's business address;
- (j) whether the landlord is a housing association or registered social landlord; and
- (k) such other information as the rent officer may reasonably require to make a determination.

(9) In relation to the claimant and the other occupiers of the dwelling to which the claim or award relates, the relevant authority shall provide the following information—

- (a) such information regarding the relationship of the claimant to the occupiers and the occupiers to each other, as is necessary for the rent officer to make the determination;
- (b) the age and sex of each occupier under 18;
- (c) whether the claimant is or may be a young individual; and
- (d) any other information that is relevant to the rent officer in making the determination, including visits to the dwelling.

(10) Where a rent officer serves a notice under article 5 (insufficient information) of the Rent Officers Order the relevant authority shall supply the further information required under this regulation, or confirm whether information already supplied is correct and, if it is not, supply the correct information.

(11) Where the relevant authority refers a case to the rent officer in accordance with regulation 14 as in force before the coming into force of regulation 8 of the Housing Benefit (Local Housing Allowance and Information Sharing) Amendment Regulations 2007⁽¹⁾, it shall notify the rent officer that the referral is made in accordance with regulation 14 as in force before the coming into force of regulation 8 of those Regulations.

(12) In this regulation—

“tenancy” includes—

- (a) in Scotland, any other right of occupancy; and
 - (b) in any other case, a licence to occupy premises,
- and reference to a tenant, landlord or any other expression appropriate to a tenancy shall be construed accordingly;

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽²⁾ in the jurisdiction in which the area of the relevant authority is situated.”.

(3) Omit regulation 114 (evidence and information required by rent officers).

(1) S.I. 2007/ 2868.

(2) 1971 c.80.