STATUTORY RULES OF NORTHERN IRELAND

2007 No. 467

SOCIAL SECURITY; HOUSING; RATES

The Social Security (Claims and Information) Regulations (Northern Ireland) 2007

Made - - - -	*12th November 2007*
Coming into operation	*10th December 2007*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 5(1)(a), 5A(1), (2) and (6)(c), 5B(2) and (5) and 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and now vested in it(**2**).

The Social Security Advisory Committee has agreed that proposals in respect of regulations 7 and 8 should not be referred to it(**3**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Claims and Information) Regulations (Northern Ireland) 2007 and shall come into operation on 10th December 2007.

(2) In regulations 4 and 5 "the Administration Act" means the Social Security Administration (Northern Ireland) Act 1992.

(3) In regulations 2 to 4—

"specified benefit" means one or more of the following benefits—

(a) attendance allowance;

(b) bereavement allowance;

(c) bereavement payment;

(d) carer's allowance;

(e) disability living allowance;

(**1**) 1992 c. 8; section 5A was inserted by Article 68 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and amended by paragraph 29 of Schedule 3 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)), paragraph 8 of Schedule 1 to the Social Security Act (Northern Ireland) 2002 (c. 10 (N.I.)) and section 38(2) of the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)); section 5B was inserted by section 38(1) of the Welfare Reform Act (Northern Ireland) 2007 and in section 165 subsection (1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and subsection (6) was amended by Schedule 7 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

(**2**) *See* Article 8(b) of S.R. 1999 No. 481

(**3**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

(f) incapacity benefit;

(g) income support;

(h) jobseeker's allowance;

(i) retirement pension;

(j) state pension credit;

(k) widowed parent's allowance;

(l) winter fuel payment;

"administering authority" means an authority administering housing benefit and includes persons providing services to an administering authority and persons authorised to exercise any function of an administering authority relating to housing benefit;

"the Department" includes persons providing services to the Department.

Use of social security information: administering authorities

2.—(1) This regulation applies where social security information(**4**) held by an administering authority was supplied by the Department to the administering authority and this information—

(a) was used by the Department in connection with a person's claim for, or award of, a specified benefit; and

(b) is relevant to that person's claim for, or award of, housing benefit.

(2) The administering authority must, for the purposes of the person's claim for, or award of, housing benefit, use that information without verifying its accuracy.

(3) Paragraph (2) does not apply where—

(a) the information is supplied more than 12 months after it was used by the Department in connection with a claim for, or an award of, a specified benefit;

(b) the information is supplied within 12 months of its use by the Department but the administering authority has reasonable grounds for believing the information has changed in the period between its use by the Department and its supply to the administering authority; or

(c) the date on which the information was used by the Department cannot be determined.

Use of social security information: Department

3.—(1) This regulation applies where social security information held by the Department was supplied by an administering authority to the Department and this information—

(a) was used by the administering authority in connection with a person's claim for, or award of, housing benefit; and

(b) is relevant to that person's claim for, or award of, a specified benefit.

(2) The Department must, for the purposes of the person's claim for, or award of, a specified benefit, use that information without verifying its accuracy.

(3) Paragraph (2) does not apply where—

(a) the information is supplied more than 12 months after it was used by an administering authority in connection with a claim for, or an award of, housing benefit;

(**4**) "Social security information" is defined by section 5B(4) of the Social Security Administration (Northern Ireland) Act 1992

(b) the information is supplied within 12 months of its use by the administering authority but the Department has reasonable grounds for believing the information has changed in the period between its use by the administering authority and its supply to the Department; or

(c) the date on which the information was used by the administering authority cannot be determined.

Social security information verified by administering authorities

4.—(1) This regulation applies where social security information is verified by an administering authority by virtue of regulations made under section 5A(2)(e) of the Administration Act and forwarded by that administering authority to the Department.

(2) The Department must, for the purposes of a person's claim for, or award of, a specified benefit, use this information without verifying its accuracy.

(3) Paragraph (2) does not apply where—

(a) the Department has reasonable grounds for believing the social security information received from the administering authority is inaccurate; or

(b) the Department receives the information more than 4 weeks after it was verified by the administering authority.

Specified benefits for the purpose of section 5B(3) of the Administration Act

5. The benefits specified for the purpose of section 5B(3) of the Administration Act are—

(a) a "specified benefit" within the meaning given in regulation 1(3); and

(b) housing benefit.

Amendment of the Social Security (Claims and Payments) Regulations

6.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**5**) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 4 (making a claim for benefit)—

(a) in paragraph (6A)(**6**)—

(i) for "Paragraphs (6B) and (6C) apply in relation to a person" substitute "This paragraph applies to a person", and

(ii) for sub-paragraphs (c) and (d) substitute—

"(c) who makes a claim for income support; or

(d) who has not attained the qualifying age and who makes a claim for a carer's allowance, disability living allowance or incapacity benefit.";

(b) in paragraph (6B)(b)—

(i) in head (i) for "a relevant authority" substitute "an authority";

(ii) in head (iii) for "a relevant authority" substitute "such an authority", and

(iii) for "the relevant authority" substitute "the authority"; and

(c) in paragraph (6C)—

(i) for "the relevant authority" substitute "the authority", and

(**5**) S.R. 1987 No. 465; relevant amending Regulations are S.R. 2003 Nos. 191 and 317, S.R. 2005 Nos. 46 and 299 and S.R. 2006 No. 168

(**6**) Paragraphs (6A) to (6D) were inserted by regulation 2(2)(b) of S.R. 2003 No. 317 and paragraph (6A) was amended by regulation 2(4)(a) of S.R. 2005 No. 299 and regulation 2(3) of S.R. 2006 No. 168

(ii) after sub-paragraph (c) insert—

"(cc) may verify any non-medical information or evidence supplied or obtained in accordance with sub-paragraph (b) or (c) and shall forward it to the Department as soon as reasonably practicable;".

(3) In regulation 4C(**7**)—

(a) in paragraph (4)(**8**)—

(i) in sub-paragraph (a) for "a relevant authority" substitute "an authority";

(ii) in sub-paragraph (c) for "a relevant authority" substitute "such an authority", and

(iii) for "the relevant authority" substitute "the authority"; and

(b) in paragraph (5)(**9**)—

(i) for "the relevant authority" substitute "the authority", and

(ii) after sub-paragraph (c) insert—

"(cc) may verify any non-medical information or evidence supplied or obtained in accordance with sub-paragraph (b) or (c) and shall forward it to the Department as soon as reasonably practicable;".

(4) In regulation 6(1C)(**10**) (claims for incapacity benefit) omit "who has attained the qualifying age".

(5) After regulation 32 (information to be given and changes to be notified) insert—

"**Information relating to awards of benefit**

32A.—(1) Where an authority or person to whom paragraph (2) applies has arranged with the Department for the authority or person to receive claims for a specified benefit or obtain information or evidence relating to claims for a specified benefit in accordance with regulation 4 or 4C, the authority or person may—

(a) receive information or evidence which relates to an award of that benefit and which is supplied by—

(i) the person to whom the award has been made, or

(ii) other persons in connection with the award,

and shall forward it to the Department as soon as reasonably practicable;

(b) verify any information or evidence supplied; and

(c) record the information or evidence supplied and hold it (whether as supplied or recorded) for the purpose of forwarding it to the Department.

(2) This paragraph applies to—

(a) an authority administering housing benefit;

(b) a person providing to such an authority services relating to housing benefit;

(c) a person authorised to exercise any function of such an authority relating to housing benefit.

(3) In paragraph (1) "specified benefit" means one or more of the following benefits—

(a) attendance allowance;

(**7**) Regulation 4C was inserted by regulation 4(3) of S.R. 2003 No. 191
(**8**) Paragraph (4) was substituted by regulation 2(4)(a) of S.R. 2003 No. 317
(**9**) Paragraph (5) was substituted by regulation 5(3)(c) of S.R. 2005 No. 46
(**10**) Paragraph (1C) was inserted by regulation 2(7)(a) of S.R. 2006 No. 168

(b) bereavement allowance;

(c) bereavement payment;

(d) carer's allowance;

(e) disability living allowance;

(f) incapacity benefit;

(g) income support;

(h) jobseeker's allowance;

(i) retirement pension;

(j) state pension credit;

(k) widowed parent's allowance;

(l) winter fuel payment.".

Amendment of the Housing Benefit Regulations

7.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(**11**) are amended in accordance with paragraphs (2) and (3).

(2) In Part XIV in the heading omit "from landlords and agents" and after it insert—
"SECTION 1

Claims and information

Interpretation

104A. In this Section—

"administering authority" means an authority administering housing benefit;

"the Department" means the Department, the Department for Employment and Learning or a person providing services to either Department;

"relevant information" means information or evidence relating to the administration of claims for or awards of housing benefit.

Collection of information

104B.—(1) The Department may receive or obtain relevant information from—

(a) persons making, or who have made, claims for housing benefit; or

(b) other persons in connection with such claims.

(2) In paragraph (1) references to persons who have made claims for housing benefit include persons to whom awards of benefit have been made on those claims.

Verifying information

104C. The Department may verify relevant information supplied to, or obtained by, it in accordance with regulation 104B.

(**11**) S.R. 2006 No. 405