STATUTORY RULES OF NORTHERN IRELAND

1997 No. 453

HOUSING

The Housing Benefit (Information from Landlords and Agents) Regulations (Northern Ireland) 1997

Made - - - -	*10th October 1997*
Coming into operation	*3rd November 1997*

The Department of Health and Social Services for Northern Ireland, in exercise of powers conferred on it by sections 107, 119A and 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and of all other powers enabling it in that behalf, by this statutory rule which contains only regulations made by virtue of, or consequential upon, Article 10 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997(**2**) and is made before the end of the period of six months beginning with the coming into operation of that Article, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Information from Landlords and Agents) Regulations (Northern Ireland) 1997 and shall come into operation on 3rd November 1997.

(2) In these Regulations—

"the Act" means the Social Security Administration (Northern Ireland) Act 1992;

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**3**);

"the notice" means the notice prescribed in regulation 3(1)(*b*);

"relevant information" means such information as is prescribed in regulation 4;

"the requirer" means a person within regulation 2, who requires information pursuant to that regulation;

"the section" means section 119A of the Act and references to a subsection are to a subsection of the section;

(**1**) 1992 c. 8; section 119A was inserted by Article 10 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11))

(**2**) S.I. 1997/1182 (N.I. 11); *see* section 150(5)(*b*) of the Social Security Administration (Northern Ireland) Act 1992

(**3**) S.R. 1987 No. 461; relevant amending regulations are S.R. 1994 No. 335, S.R. 1996 Nos. 181, 334 and 448 and S.R. 1997 Nos. 22 and 452

"the supplier" means an appropriate person who is required, pursuant to regulations 2 and 3, to supply relevant information and any person who is not so required is not, for the purposes of supplying information pursuant to the section and these Regulations, an appropriate person,and other expressions used both in these Regulations and in the Housing Benefit Regulations shall have the same meanings in these Regulations as they have in the Housing Benefit Regulations.

(3) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to a Measure of the Assembly.

Requiring information

2. Pursuant to the section, where a claim is made to the Executive, on which a rent allowance may be awarded, then, in the circumstances prescribed in regulation 3, the Executive, or any person authorised to exercise any function of the Executive relating to housing benefit, may require an appropriate person to supply to the Executive or person relevant information, in the manner prescribed in regulation 5.

Circumstances for requiring information

3.—(1) A person is required to supply information in the following circumstances—

(a) he is an appropriate person in relation to any dwelling in respect of which—

(i) housing benefit is being paid to an appropriate person pursuant to regulation 93 or 94 of the Housing Benefit Regulations (circumstances in which payment is to be or may be made to a landlord or the Department of the Environment)(**5**), or

(ii) a request has been made by an appropriate person or by the claimant for housing benefit to be so paid, and

(b) the requirer serves upon that appropriate person, whether by post or otherwise, a written notice stating that the requirer—

(i) suspects that there is or may be an impropriety in relation to a claim in respect of any dwelling wherever situate in relation to which he is an appropriate person, or

(ii) is already investigating an allegation of impropriety in relation to that person.

(2) Information required to be supplied under paragraph (1) shall be supplied to the requirer at the address specified in the notice.

Relevant information

4.—(1) The information the supplier is to supply to the requirer is that prescribed in paragraphs (2) and (3) (referred to in these Regulations as "the relevant information").

(2) For a supplier who falls within paragraph (4) or sub-section (2)(*b*) ("the landlord"), the information is—

(a) where the landlord is an individual—

(i) his appropriate details;

(ii) the relevant particulars of any residential property in which he has an interest, and

(iii) the appropriate details of any body corporate, in which he is a major shareholder or of which he is a director and which has an interest in residential property;

(**4**) 1954 c. 33 (N.I.)

(**5**) Regulation 93 was amended by S.R. 1996 Nos. 334 and 448 and S.R. 1997 Nos. 22 and 452 and regulation 94 was amended by S.R. 1994 No. 335, S.R. 1996 Nos. 181 and 448 and S.R. 1997 Nos. 22 and 452

(b) where the landlord is a trustee, except a trustee of a charity, in addition to any information that he is required to supply in accordance with sub-paragraph (*a*) or (*c*), as the case may be, the relevant particulars of any residential property held by the trust of which he is a trustee and the name and address of any beneficiary under the trust or the objects of that trust, as the case may be;

(c) where the landlord is a body corporate or otherwise not an individual, other than a charity —

(i) its appropriate details;

(ii) the relevant particulars of any residential property in which it has an interest;

(iii) the names and addresses of any directors of it;

(iv) the appropriate details of any person—

(aa) who owns 20 per cent. or more of it, or

(bb) of whom it owns 20 per cent. or more, and

(v) the names and addresses of its major shareholders;

(d) where the landlord is a charity the appropriate details relating to the landlord.

(3) For a supplier who falls within subsection (2)(*c*) or paragraph (5) ("the agent"), the information is—

(a) the name and address of any person ("his principal")—

(i) to whom the agent has agreed to make payments in consequence of being entitled to receive relevant payments, or

(ii) for whom the agent is acting on behalf of or in connection with any aspect of the management of a dwelling,

as the case may be;

(b) the relevant particulars of any residential property in respect of which the agent—

(i) has agreed to make payments in consequence of being entitled to receive relevant payments, or

(ii) is acting on behalf of his principal in connection with any aspect of its management;

(c) where the agent is an individual—

(i) the relevant particulars of any residential property in which he has an interest;

(ii) the appropriate details of any body corporate or any person otherwise not an individual, in which he is a major shareholder or of which he is a director and which has any interest in residential property, or

(d) where the agent is a body corporate or other than an individual—

(i) the relevant particulars of any residential property in which it has an interest;

(ii) the names and addresses of any directors of or major shareholders in the agent, and

(iii) the appropriate details of any person—

(aa) who owns 20 per cent. or more of the agent, or

(bb) of whom the agent owns 20 per cent. or more.

(4) A supplier falls within this paragraph (landlord receiving rent), if he falls within subsection (2)(*a*), but does not fall within paragraph (5).

(5) A supplier falls within this paragraph (agents receiving the rent), if he falls within subsection (2)(*a*) and has agreed to make payments, in consequence of being entitled to receive relevant payments, to a person falling within subsection (2)(*b*).