

2007 No. 2911**SOCIAL SECURITY****The Social Security (Claims and Information)
Regulations 2007**

<i>Made</i> - - - -	<i>8th October 2007</i>
<i>Laid before Parliament</i>	<i>10th October 2007</i>
<i>Coming into force</i> -	<i>31st October 2007</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 5(1)(a), 7A(1), (2) and (6)(d), 7B(2) and (5), 189(1) and (4) to (6) and 191 of the Social Security Administration Act 1992(a).

In accordance with section 176(1)(a) of that Act, as regards provisions in the Regulations relating to housing benefit and council tax benefit, he has consulted organisations appearing to him to be representative of the authorities concerned.

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Claims and Information) Regulations 2007 and shall come into force on 31st October 2007.

(2) In regulations 4 and 5 “the Administration Act” means the Social Security Administration 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(ee) employment and support 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;

¹Reg. 1(3)(ee) inserted by reg. 8 of S.I. 2010/840 as from 28.6.10.

(a) 1992 c. 5; section 7A was inserted by the Welfare Reform and Pensions Act 1999 (c. 30), section 71, and was amended by the Welfare Reform Act 2007 (c. 5), section 41 which also inserted section 7B; section 191 is cited because of the meaning it gives to “prescribe”, which was amended by paragraph 10 of Schedule 5 to the Welfare Reform Act 2007.

(b) See sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992.

Regs. 1-3

“the Secretary of State” includes persons providing services to the Secretary of State;

“local authority”(a) includes persons providing services to a local authority and persons authorised to exercise any function of a local authority relating to housing benefit or council tax benefit.

Use of social security information: local authorities

2.—(1) This regulation applies where social security information(b) held by a local authority was supplied by the Secretary of State to the local authority and this information—

- (a) was used by the Secretary of State 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, council tax benefit or housing benefit.

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

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

- (a) the information is supplied more than twelve months after it was used by the Secretary of State in connection with a claim for, or an award of, a specified benefit; or
- (b) the information is supplied within twelve months of its use by the Secretary of State but the local authority has reasonable grounds for believing the information has changed in the period between its use by the Secretary of State and its supply to the local authority; or
- (c) the date on which the information was used by the Secretary of State cannot be determined.

Use of social security information: Secretary of State

3.—(1) This regulation applies where social security information held by the Secretary of State was supplied by a local authority to the Secretary of State and this information—

- (a) was used by the local authority in connection with a person’s claim for, or award of, council tax benefit or housing benefit; and
- (b) is relevant to that person’s claim for, or award of, a specified benefit.

(2) The Secretary of State 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 twelve months after it was used by a local authority in connection with a claim for, or an award of, council tax benefit or housing benefit; or
- (b) the information is supplied within twelve months of its use by the local authority but the Secretary of State has reasonable grounds for believing the information has changed in the period between its use by the local authority and its supply to the Secretary of State; or
- (c) the date on which the information was used by the local authority cannot be determined.

(a) See sections 7B(6) and 7A(6) of the Social Security Administration Act 1992 for the definition of “local authority”.

(b) “Social security information” is defined by section 7B(4) of the Social Security Administration Act 1992.

Social security information verified by local authorities

4.—(1) This regulation applies where social security information is verified by a local authority by virtue of regulations made under section 7A(2)(e) of the Administration Act and forwarded by that local authority to the Secretary of State.

(2) The Secretary of State 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 Secretary of State has reasonable grounds for believing the social security information received from the local authority is inaccurate; or
- (b) the Secretary of State receives the information more than four weeks after it was verified by the local authority.

Specified benefits for the purpose of section 7B(3) of the Administration Act

5. The benefits specified for the purpose of section 7B(3) of the Administration Act are—

- (a) a “specified benefit” within the meaning given in regulation 1(3);
- (b) housing benefit; and
- (c) council tax benefit.

[Regulation 6 amends regulations 4, 4D, 6 and 32 of S.I.1987/1968.]

[Regulation 7 amends regulations 83, 108, 109 to 111 of S.I.2006/213.]

[Regulation 8 amends regulations 64, 89 to 92 of S.I.2006/214.]

[Regulation 9 amends regulations 69, 91 to 94 of S.I.2006/215.]

[Regulation 10 amends regulations 53, 76 to 79 of S.I.2006/216.]

Signed by authority of the Secretary of State for Work and Pensions.

James Plaskitt
Parliamentary Under Secretary of State,
Department for Work and Pensions

8th October 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about the persons or bodies to whom claims for benefit may be made and as to the use and verification of social security information by those persons or bodies.

Regulation 2 provides that where a local authority that administers council tax benefit and housing benefit (“local authority”) receives social security information from the Secretary of State that has been used by the Secretary of State in connection with a person’s claim for, or award of, certain benefits, then the local authority must accept this information as correct and use it in connection with that person’s claim for, or award of, council tax benefit or housing benefit without carrying out further checks as to its accuracy. This obligation will not arise where certain exceptions apply.

Regulation 3 makes similar provision in respect of information received by the Secretary of State from a local authority which was used by the local authority in connection with a person’s claim for, or award of, council tax benefit or housing benefit.

Regulation 4 provides that, where a local authority verifies social security information and forwards this to the Secretary of State, then the Secretary of State must, subject to certain exceptions, without further checking this information, use it in connection with a person’s claim for or award of a specified benefit.

Regulation 5 specifies benefits for the purpose of section 7B(3) of the Social Security Administration Act 1992.

Regulation 6 amends the Social Security (Claims and Payments) Regulations 1987 to enable county councils in England to arrange to receive claims and connected information for specified benefits administered by the Secretary of State. It enables county councils and other local authorities who receive or obtain information connected with such claims to verify the information before forwarding it to the Secretary of State. It also enables them to receive and verify information relating to awards of specified benefits.

Regulation 7 amends the Housing Benefit Regulations 2006 to enable county councils in England to arrange to receive housing benefit claims and connected information. It enables the Secretary of State and county councils in England, who receive or obtain information connected with housing benefit claims, to verify the information before forwarding it to the relevant local authority. It also allows county councils to receive and verify information relating to housing benefit awards.

Regulations 8 to 10 amend the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, the Council Tax Benefit Regulations 2006 and the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 to make equivalent provision to that made by regulation 7.

A full regulatory impact assessment has not been produced for this Instrument as it has no effect on the costs of business, charities or the voluntary sector.