

**2013 No. 454**

**SOCIAL SECURITY**

**The Social Security (Information-sharing in relation to Welfare Services etc.) Amendment and Prescribed Bodies Regulations 2013**

*Made* - - - - - *27th February 2013*  
*Laid before Parliament* *5th March 2013*  
*Coming into force* - *1st April 2013*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 131(1), (2), (3), (11) and (12), 132(8) and 133(1) and (2) of the Welfare Reform Act 2012(a).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Information-sharing in relation to Welfare Services etc.) Amendment and Prescribed Bodies Regulations 2013.

(2) They come into force on 1st April 2013.

(3) In these Regulations “the 2012 Act” means the Welfare Reform Act 2012.

**Prescription of Scottish bodies and Welsh bodies**

2.—(1) The following are prescribed as Scottish bodies for the purpose of paragraph (d) of the definition of that term in section 131(12) of the 2012 Act—

- (a) the Scottish Ministers;
- (b) a person authorised to exercise any function of the Scottish Ministers relating to welfare services;
- (c) a person providing to the Scottish Ministers services relating to welfare services.

(2) The following are prescribed as Welsh bodies for the purpose of paragraph (d) of the definition of that term in section 131(12) of the 2012 Act—

- (a) the Welsh Ministers;
- (b) a person authorised to exercise any function of the Welsh Ministers relating to welfare services;
- (c) a person providing to the Welsh Ministers services relating to welfare services.

[Regulation 3 makes various amends to S.I. 2012/1483.]

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(a) 2012 c. 5. Section 133(1) is an interpretation provision and is cited for the meaning of the word “prescribed”.

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**SOCIAL SECURITY (INFORMATION-SHARING IN RELATION TO  
WELFARE SERVICES ETC.) AMENDMENT AND PRESCRIBED BODIES  
REGULATIONS 2013**

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

27th February 2013

*Freud*  
Parliamentary Under Secretary of State  
Department for Work and Pensions

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made under sections 131 to 133 of the Welfare Reform Act 2012 (c. 5) (“the 2012 Act”) which prescribe the information-sharing permitted in relation to welfare services, council tax and social security benefits.

Regulation 2 prescribes additional Scottish bodies and Welsh bodies under section 131 of the 2012 Act. Section 131(3) allows the Secretary of State to prescribe the purposes for which information may be supplied by one qualifying person (defined in section 131(11)) to another. Section 131(6) and (8) ensure that this power does not overlap with devolved competence in relation to information held by a Welsh body or Scottish body. Regulation 2 ensures that the Scottish Ministers and Welsh Ministers (and persons authorised to exercise any function of theirs, or providing services to them, relating to welfare services) are respectively Scottish bodies and Welsh bodies for these purposes.

Regulation 3 amends the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012 (S.I. 2012/1483) (“the principal Regulations”) which prescribe the extent of the information-sharing which is permitted under sections 131 to 133 of the 2012 Act.

Section 131(1) of the 2012 Act allows the Secretary of State or a service provider to supply relevant information to a qualifying person (these terms are defined in section 131(11) and (12)). Regulation 3(3) amends regulation 5 of the principal Regulations, which prescribes the purposes for which such information may be supplied.

Section 131(3) allows a qualifying person who holds relevant information for a prescribed purpose to use that information, or supply it to another qualifying person, for use in relation to a prescribed purpose. Regulation 3(4) amends regulation 6 of the principal Regulations, which prescribes the purposes for which relevant information may be held in order for it to be used or supplied in this way. Regulation 3(5) amends regulation 7 of the principal Regulations, which prescribes purposes for which local authorities may use or supply relevant information.

Regulation 3(6) amends regulation 8 of the principal Regulations, which permits the use and supply of information for purposes connected to a troubled families programme (defined in regulation 2 of the principal Regulations as amended by regulation 3(2) of these Regulations). The effect of this (along with the prescription of a new qualifying person in regulation 3(10)) is that local authorities, their service providers and persons carrying out activities pursuant to a troubled families programme can use and supply information to each other for any purposes connected with such programmes.

Regulation 3(8) amends regulation 9 of the principal Regulations to allow local authorities and social landlords to provide assistance to any person in receipt of a relevant social security benefit affected by the benefit cap or rules relating to under-occupation.

Regulation 3(9) inserts two new regulations into the principal Regulations. The first relates to the use and supply of relevant information by the Department of Health and its service providers for purposes relating to the healthy start scheme. The second (subject to an exception in relation to devolved matters inserted by regulation 3(12)) relates to the use and supply of relevant information by qualifying persons for purposes relating to local welfare provision. Definitions of “the healthy start scheme” and “local welfare provision” are inserted into the principal Regulations by regulation 3(2).

Regulation 3(10) substitutes the existing regulation 10 of the principal Regulations and prescribes qualifying persons for the purposes of troubled families programmes, the healthy start scheme and local welfare provision. It also applies to them (with the

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exception of the Secretary of State for Health, the Scottish Ministers and the Welsh Ministers) the provisions of section 132 of the 2012 Act, which make it an offence to disclose without lawful authority personal information obtained by virtue of section 131(1), (3) or (4) of that Act.

Regulation 3(13) to (15) amend the provisions of the principal Regulations relating to the sharing of information for prescribed purposes relating to council tax, principally to cover information supplied or held for purposes connected to offences relating to a council tax reduction (a definition of which is added by regulation 3(2)).

Regulation 3(16) adds a new Part 5 to the principal Regulations. The new regulation 16 prescribes purposes for which relevant information must be held by a qualifying person in order for them to supply this to the Secretary of State or persons providing services to the Secretary of State for purposes set out in the new regulation 17, relating to a relevant social security benefit (defined in section 131(12) of the 2012 Act).

Other amendments made by these Regulations are consequential, or correct minor drafting errors in the principal Regulations.

A full impact assessment has not been published for this instrument as it has no impact on the private sector or civil society organisations.