1988 No. 662

HOUSING, ENGLAND AND WALES
HOUSING, SCOTLAND

The Housing Benefit (Supply of Information) Regulations 1988

Made - - - - *30th March 1988*

Coming into Operation *1st April 1988*

Whereas a draft of this instrument was laid before Parliament in accordance with section 83(3) of the Social Security Act 1986 and approved by resolution of each House of Parliament:–

Now, therefore, the Secretary of State for Social Services in exercise of the powers conferred on him by sections 31(1) and (2) and 84(1) of the Social Security Act 1986**(a)** and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of authorities concerned**(b)**, by this instrument, which is made before the end of a period of 12 months from the commencement of the enactments under which it is made, hereby makes the following Regulations–

Citation, commencement and interpretation

1.—(1) These Regulations, which may be cited as the Housing Benefit (Supply of Information) Regulations 1988, shall come into force on 1st April 1988.

(2) In these Regulations, unless the context otherwise requires–

"the Act" means the Social Security Act 1986;

►"appropriate DWP office" means an office of the Department for Work and Pensions which is normally open to the public for the receipt of claims for income support or a jobseeker's allowance;◄

Defn. of "appropriate DWP office" substituted by para. 20(2) of the Sch. to S.I. 2002/1397 as from 27.6.02.

"authority" means any of the authorities to which section 28(3) of the Act refers;

"benefit" means any benefit under the benefit Acts**(c)** and any social fund payments such as are mentioned in section 32(2) of the Act;

►"the benefit Acts" means the Social Security Contributions and Benefits Act 1992**(d)** and the Jobseekers Act 1995**(e)**;◄

Defn. of "benefit Acts" inserted by reg. 51(3) of S.I. 1996/1510 as from 7.10.96.

►"claimant" means a person by whom or in respect of whom a claim for housing benefit has been made;◄

Defn. of "claimant" substituted in reg. 1(2) by reg. 2(2) of S.I. 1994/1925 as from 1.9.94.

►"couple" means–

(a) a man and woman who are married to each other and are members of the same household;

(b) a man and woman who are not married to each other but are living together as husband and wife;

Defn. of "couple" inserted by para. 17(a) of Sch. 3 to S.I. 2005/2877 as from 5.12.05.

(a) 1986 c. 50; section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words "prescribed" and "regulations".

(b) *See* section 61(7) of the Social Security Act 1986 (c. 50).

(c) *See* the definition of "the benefit Acts" in section 84(1) of the Social Security Act 1986.

(d) 1992 c. 4.

(e) 1995 c. 18.

(c) two people of the same sex who are civil partners of each other and are members of the same household; or

(d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;◀

Defn. of "family" inserted in reg. 1(2) by reg. 2(2) of S.I. 1994/1925 as from 1.9.94.

▶"family" has the meaning assigned to it in section 137(1) of the Social Security Contributions and Benefits Act 1992**(a)**;◀

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations 1987**(b)**;

Defn. of "an income-based jobseeker's allowance" inserted by reg. 51(4) of S.I. 1996/1510 as from 7.10.96.

▶"an income-based jobseeker's allowance" has the same meaning in these Regulations as it has in the Jobseekers Act 1995**(c)** by virtue of section 1(4) of that Act;◀

"the Income Support Regulations" means the Income Support (General) Regulations 1987**((d)**;

"partner" means–

Words subsituted in defn. of "partner" by para. 17(b) of Sch. 3 to to S.I. 2005/2877 as from 5.12.05.

(a) where a claimant is a member of ▶a couple◀, the other member of that couple; or

(b) where a claimant is polygamously married to two or more members of his household, any such member.

Information to be supplied by the Secretary of State to an authority

2.—(1) For the purposes of section 31(1) of the Act (information which may be supplied by the Secretary of State where required by authorities in connection with the exercise of their functions relating to housing benefit), the information prescribed by this regulation is–

(a) Words inserted in para. 2(1)(a), (b), (c), (d) to (f), (g) and (i) by reg. 52(2)(a) to (c) respectively, of S.I. 1996/1510 as from 7.10.96.
Initials in reg. 2(1)(a) substituted by virtue of art. 3(4) of S.I. 1988/1843 as from 28.11.88.

(a) the date on which a claim for income support ▶or a jobseeker's allowance◀ by a claimant was received by the appropriate ▶DSS◀ office;

(b) that a claimant's claim for income support ▶or a jobseeker's allowance◀ has been disallowed;

See note (a) above. Reg. 2(1)(c) substituted by reg. 18(a) of S.I. 1992/432 as from 30.3.92.

▶(c) where a claimant's claim for income support ▶or a jobseeker's allowance◀ has been disallowed, the reason for the disallowance;◀

(d) where an award of income support ▸or an income-based jobseeker's allowance◂ has been made, the first day of entitlement to that benefit;

See note (a) above. Words added to reg. 2(1)(e) by reg. 18(b) of S.I. 1992/432 as from 30.3.92.

(e) the date on which a claimant's entitlement to income support ▶or an income-based jobseeker's allowance◀ ended or is to end ▸and the date on which the payment of income support ▶or an income-based jobseeker's allowance◀ ceased or is to cease;◂

See note (a) above. Sub-paras. (g) to (k) substituted for sub-para. (g) of reg. 2(1) by reg. 18(c) of S.I. 1992/432 as from 30.3.92.

(f) where a claimant's entitlement to income support ▸or an income-based jobseeker's allowance◂ ends, the reason for it ending;

See note (a) above. Words in reg. 2(1)(i) substituted by para. 20(3) of the Sch. to S.I. 2002/1397 as from 27.6.02.

▶(g) the name, date of birth and address of any claimant who is in receipt of income support ▶or is a person on an income-based jobseeker's allowance◀ and of any partner of his;

(h) the national insurance number in respect of any claimant who is in receipt of income support ▸or is a person on an income-based jobseeker's allowance◂ and of any partner of his;

(i) where a claimant or any partner of his is in receipt of income support ▸or is a person on an income-based jobseeker's allowance◂ and becomes liable for the first time to make payments in respect of the dwelling which he occupies as his home, the date on which a claim for housing benefit by the claimant or his partner is received by the ▶appropriate DWP office◀;

(a) 1992 c. 4.
(b) S.I. 1987/1971
(c) 1995 c. 18.
(d) S.I. 1987/1967.

(j) where–

(i) a claimant in receipt of income support ►or is a person on an income-based jobseeker's allowance◄ or any partner of his reports to an ►appropriate DWP office◄ that another person is residing or has ceased to reside with the claimant, and

(ii) that person is a non-dependent for the purposes of regulation 3 of the Housing Benefit Regulations (definition of non-dependant)**(a)**,

the name and date of birth of that person;

Words inserted in para. 2(1)(j) by reg. 52(2)(a) to (c) respectively, of S.I. 1996/1510 as from 7.10.96.

(k) ►any information not referred to in ►any of the foregoing or following sub-paragraphs of this paragraph◄◄required for the purpose of–

(i) the ►detection, investigation, calculation, recovery and prevention◄ of overpayments of housing benefit,

(ii) ►the detection, investigation◄ and prevention of offences relating to housing benefit,

(iii) any proceedings for an offence under the benefit Acts relating to housing benefit◄;

Words in reg. 2(1)(j)(i) substituted by para. 20(3) of the Sch. to S.I. 2002/1397 as from 27.6.02.

Words in reg. 2(1)(k) substituted by reg. 14(2)(a) of S.I. 1994/2137 as from 3.10.94.

Words substituted in reg. 2(1)(k) by reg. 10(2)(a) of S.I. 1995/626 as from 13.4.95.

Words in reg. 2(1)(k)(i) substituted by reg. 2(3) of S.I. 1994/1925 as from 1.9.94.

►(l) that payment of income support ►or an income-based jobseeker's allowance◄ to a claimant has been withheld in whole or in part;

(m) where payment of income support ►or an income-based jobseeker's allowance◄ to a claimant has been withheld in whole or in part–

(i) the date from which it was withheld;

(ii) the reason why it was withheld;

(iii) whether payment of any withheld payment has been or is to be made◄;

Sub-paras. (1) and (m) added to reg. 2(1) by reg. 14(2)(b) of S.I. 1994/2137 as from 3.10.94. See note (a) above.

►(n) that a determination has been made that a claimant or any partner of his–

(i) is, or is to be treated as, capable or incapable of work in accordance with the provisions of, and regulations made under, Part XIIA of the Contributions and Benefits Act 1992**(b)** (incapacity for work),

(ii) falls to be disqualified for any period in accordance with regulations made under section 171E of that Act,

(iii) is terminally ill within the meaning of section 30B(4) of the Contributions and Benefits Act;

Sub-paras. (n) to (r) added to reg. 2(1) by reg. 10(2)(b)of S.I. 1995/626 as from 13.4.95

(o) the period for which a claimant or any partner of his falls to be disqualified, or is treated as capable of work, in accordance with regulations made under section 171E of the Contributions and Benefits Act;

(p) the number of days, or such period, as may be required, in respect of which a determination is made for the purposes of sub-paragraph (n)(i) or (iii);

(q) the rate at which a claimant or any partner of his is receiving incapacity benefit;

(r) any further information required for the purposes of determining–

(i) the treatment of a claimant's child care charges under regulation 21A of the Housing Benefit Regulations**(c)** (treatment of child care charges),

(ii) the treatment of a full-time student in respect of a dwelling under regulation 48A of the Housing Benefit Regulations**(d)** (full-time students to be treated as not liable to make payments in respect of a dwelling),

(iii) the calculation of a student's eligible rent under regulation 51 of the Housing Benefit Regulations**(e)** (eligible rent), or

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(a) S.I. 1987/1971; amended by S.I. 1990/546 and 1775.

(b) 1992 c. 4. Part XIIA was inserted by the Social Security (Incapacity for Work) Act 1994 (c. 18), sections 5 and 6.

(c) Regulation 21A was inserted by S.I. 1994/1924.

(d) Regulation 48A was inserted by S.I. 1990/1549 and further amended by S.I. 1990/1657, 1991/235 and 1992/432.

(e) Regulation 51 was amended by S.I. 1991/235, 287 and 1993/1540.

(iv) a person's applicable amount under paragraph 11 of Schedule 2 to the Housing Benefit Regulations**(a)** (disability premium),

where that person is incapable, or treated as incapable, of work in accordance with the provisions of, and regulations made under, Part XIIIA of the Contributions and Benefits Act◄;

Sub-para. (s) added to reg. 2(1) by reg. 7(2) of S.I. 1996/194 as from 1.4.96.

►(s) any information needed for, incidental to or consequential upon the Secretary of State's certification to an authority pursuant to paragraph 2 of Schedule 5A to the Housing Benefit Regulations (extended payments of housing benefit).◄

Sub-paras. (t) and (u) added to reg. 2(1) by reg. 52(2)(d) of S.I. 1996/1510 as from 7.10.96.

►(t) in the case of a claimant entitled to an income-based jobseeker's allowance, details of any days falling immediately before that entitlement to which paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days) applies;◄

►(u) in the case of a claimant on whom a sanction is imposed under section 19 of the Jobseekers Act 1995, details of any period covered by the sanction in which an income-based jobseeker's allowance would be payable to him but for the sanction.◄

Words inserted in reg. 2(2) by reg. 52(3) of S.I. 1996/1510 as from 7.10.96.

(2) Where the Secretary of State is aware of a claim for housing benefit in a case where an amount of income support ►or an income-based jobseeker's allowance◄ payable to the claimant or his partner is being paid direct to the claimant's landlord, the Secretary of State may inform the authority concerned with the claim that such payments are being made and when such payments cease.

Reg. 2(3)(a) and (b) added by reg. 52(4) of S.I. 1996/1510 as from 7.10.96.

►(3) For the purposes of this regulation, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day—

(a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid in accordance with section 19 of the Jobseekers Act 1995 (circumstances in which a jobseeker's allowance is not payable); or

(b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him or would be payable to him but for section 19 of that Act.◄

Information to be supplied by an authority to the Secretary of State

Former reg. 3 redesignated as reg. 3(1) by reg. 2(4)(a) of S.I. 1994/1925 as from 1.9.94.

3.►—(1)◄ For the purposes of section 31(2) of the Act (information which shall be supplied by an authority where required by the Secretary of State in connection with any of his functions under the benefit Acts), the information prescribed by this regulation is–

(a) that a claim for housing benefit has been disallowed;

(b) the date on which a person's entitlement to housing benefit ended or is to end;

(c) any further information required for the purpose of–

Words substituted in reg. 3(1)(c)(i) and (ii), and words added at end of reg. 3(1)(c), by reg. 2(4)(b) of S.I. 194/1925 as from 1.9.94.

(i) the ►detection, investigation, calculation, recovery and prevention◄ of overpayments of benefits paid under the benefit Acts,

(ii) ►the detection, investigation◄and prevention of offences relating to benefits under the benefit Acts,

(iii) any proceedings for offences relating to benefits under the benefit Acts►,

including, in so far as it is required by the Secretary of State for any such purpose, any of the information specified in paragraph (2) ("the specified information").◄

Sub-para. (d) inserted into reg. 3(1) by reg. 10(3) of S.I. 1995/626 as from 13.4.95.

►(d) that, a claimant was entitled to housing benefit on 1st December 1993, his applicable amount included the disability premium on account of his own incapacity on 12th April 1995 and, he is aged 58 or over on 13th April 1995.◄

(a) Paragraph 12 was amended by S.I. 1988/1971, 1990/546 and 1991/2742

►(2) The specified information referred to in paragraph (1) is–

Para. (2) added to reg. 3 by reg. 2(4)(c) of S.I. 1994/1925 as from 1.9.94.

(a) the name, date of birth, national insurance number and sex of any claimant and of any member of the claimant's family;

(b) the address of any claimant and any previous address of his during the 3 years preceding the date on which such information is supplied;

(c) whether the claim of any claimant has been determined and, if so, whether housing benefit has been awarded;

(d) where the claimant is entitled to housing benefit, the manner in which it is paid to him;

(e) where a claimant has a bank account or building society account, particulars of that account;

(f) the name and address of any employer of a claimant;

(g) particulars of the income and capital of any claimant and of any member of the claimant's family,

(h) the name and address of the landlord of any claimant and of any agent acting on behalf of the landlord in respect of the management of the dwelling which the claimant occupies as his home.◄

►(3) Where it appears to an authority that–

Para. (3) added to reg. 3 by reg. 14(3) of S.I. 1994/2137 as from 3.10.94.

(a) a claimant or any partner of his is to be treated, in accordance with regulation 4 of the Housing Benefit Regulations (remunerative work), as engaged in remunerative work for the purposes of those Regulations;

(b) the claimant or any partner of his is responsible for a member of the same household who is either a child or a person referred to in the Housing Benefit Regulations as a young person;

(c) neither the claimant nor any partner of his is in receipt of disability working allowance; and

(d) a claim for family credit has not been made by or in respect of the claimant or any partner of his,

the authority shall inform the Secretary of State that it appears that a claim for family credit has not been made by or in respect of the claimant.◄

►Further information to be supplied by an authority to the Secretary of State

Reg. 4 added by reg. 14 of S.I. 1994/578 as from 4.4.94 where rent payable weekly or in weekly multiples 1.4.94 otherwise.

4.—(1) For the purposes of section 127(3) of the Social Security Administration Act 1992**(a)** (duty of an authority to supply the Secretary of State with information) an authority shall supply, in writing, to the Secretary of State by the 15th of April, 15th of July, 15th of October and 15th of January of each year, in respect of the preceding quarter, information that he may require in relation to cases where a claim has been made for housing benefit and in respect of which there has been an intervention, in the respective quarter, of an officer of that authority designated by that authority for the investigation of fraud.

(2) In this regulation "quarter" means the period of 3 months beginning on 1st April, 1st July, 1st October or 1st January, as the case may be.◄

►Information to be supplied by an authority to another authority

Reg. 5 added by reg. 7(3) of S.I. 1996/194 as from 1.4.96.

5.—(1) For the purposes of section 128A**(b)** of the Social Security Administration Act 1992 (duty of an authority to disclose information to another authority) the circumstances in which information is to be disclosed are prescribed in paragraph (2) and the information prescribed by this regulation is described in paragraph (3).

(2) The circumstances prescribed in this paragraph are, where–

(a) there is a mover who is or was in receipt of housing benefit from a local authority "A";

(b) either his second dwelling is within the area of another local authority "B" or he is liable or treated as liable to make payments in respect of his second dwelling to housing authority B; and

(a) 1992 c. 5.

(b) Section 128A was inserted by section 28(2) of the Jobseekers Act 1995 (c. 18).

(c) either–

(i) the extended payment is claimed from authority A; or

(ii) the extended payment is claimed from authority B, who then requests the prescribed information from authority A,

authority A shall disclose to authority B the information prescribed in paragraph (3).

(3) The information to be disclosed is–

Words substituted in para. (3)(a) of reg. 5 by 6(2)(a)(i) of S.I. 1999/2556 as from 4.10.99.
Words substituted in reg. 5 (3)(a)(i) & (ii) by reg. 29(a)(i) & (ii) of S.I. 2004/14 as from 5.4.04.
Words deleted in reg. 5(3)(a)(iii) by S.I. 1999/2556 as from 4.10.99.
Para. (3)(aa) of reg. 5 omitted by reg. 29(a)(v) of S.I. 2004/14 as from 25.10.04
(a) Sub-para. (ab) inserted and para. (5) of reg. 5 deleted by reg. 7 of S.I. 2001/537 as from 9.4.01.

(a) in a case where that extended payment was claimed from authority A, details ►relevant to that claim◄ of–

(i) the matters certified pursuant to regulation 62A of and ►paragraph 2 ◄ of Schedule 5A to the Housing Benefit Regulations;

(ii) ► the matters notified pursuant to regulation 62A and paragraph 3◄of that Schedule; and

(iii) the date it was so claimed; ►◄

(aa) ►◄

►(ab) in the case of a person to whom regulation 6(5) of the Income Support (General) Regulations 1987**(a)** (persons not treated as engaged in remunerative work) applies–

(i) the date on which he was first engaged in the work referred to in sub-paragraph (a) of regulation 6(5) of those Regulations; and

(ii) the date on which his entitlement to income support ceased or was expected to cease; and◄

(b) in any case–

(i) the weekly rate of housing benefit awarded to the mover by authority A;

(ii) if any deduction was being made from that benefit in respect of non-dependants, pursuant to regulations 61(1) and 63 of the Housing Benefit Regulations, the amount of those deductions;

(iii) if any deduction was being made from that benefit in respect of a recoverable overpayment pursuant to regulation 102 of the Housing Benefit Regulations, the amount of those deductions;

Sub-para. (b)(iv) of reg. 5(3) substituted by reg. 29(a) of S.I. 2004/14 as from 5.4.04.

(iv) ►the date on which his entitlement to housing benefit ceased◄;

(v) if an extended payment was made to the mover, the amount and date of any such payment; and

(vi) if no extended payment was made, why none was made.

Words in reg. 5(4) omitted by reg. 29(b) of S.I. 2004/14 as from 5.4.04
See note (a) above.

(4) In this regulation "extended payment" has the meaning assigned to it in regulation 2(1) of the Housing Benefit Regulations and "mover", ►◄ "the relevant day" and "second dwelling" have the meanings assigned to them in paragraph 12 of Schedule 5A to those Regulations.◄

►◄

Reg. 6 inserted by reg. 3 of S.I. 2004/574 as from 5.4.04.

►Supply of information: extended payments (severe disablement allowance or incapacity benefit)

6.–(1) For the purposes of section 122E(3) of the Social Security Administration Act 1992 (duty of an authority to supply information to another authority) the circumstances in which information is to be supplied are prescribed in paragraph (2) and the information prescribed by this regulation is described in paragraph (3).

(2) The circumstances prescribed in this paragraph are, where–

(a) there is a mover who is or was in receipt of housing benefit from a local authority "A";

(b) either his second dwelling is within the area of another local authority "B" or he is liable or treated as liable to make payments in respect of his second dwelling to housing authority B; and

(a) S.I. 1987/1967; reg. 6(5) was added by S.I. 2001/488.

(c) either–

(i) the extended payment (severe disablement allowance and incapacity benefit) is claimed from authority A; or

(ii) the extended payment (severe disablement allowance and incapacity benefit) is claimed from authority B, who then requests the information described in paragraph (3) from authority A,

authority A shall supply to authority B that information.

(3) The information to be supplied is–

(a) in a case where that extended payment (severe disablement allowance and incapacity benefit) was claimed from authority A, details relevant to that claim of–

(i) the matters set out in regulation 65B**(a)** or regulation 62ZB(1)(b)(i) to (iii)**(b)** of the Housing Benefit Regulations, as the case may be; and

(ii) the matters notified pursuant to regulation 62ZB(1)(a)(ii) or (b)(iv) of the Housing Benefit Regulations, as the case may be; and

(iii) the date it was so claimed; and

(b) in any case–

(i) the weekly rate of housing benefit awarded to the mover by authority A;

(ii) if any deduction was being made from that benefit in respect of non-dependants, pursuant to regulation 61(1)**(c)** and 63**(d)** of the Housing Benefit Regulations, the amount of those deductions;

(iii) if any deduction was being made from that benefit in respect of a recoverable overpayment pursuant to regulation 102**(e)** of the Housing Benefit Regulations, the amount of those deductions;

(iv) the date on which his entitlement to housing benefit ceased;

(v) if an extended payment (severe disablement allowance and incapacity benefit) was made to the mover, the amount and date of any such payment; and

(vi) if no extended payment (severe disablement allowance and incapacity benefit) was made, why none was made.

(4) In this regulation "extended payment (severe disablement allowance and incapacity benefit)" has the meaning assigned to it by regulation 2(1) of the Housing Benefit Regulations and "mover" and "second dwelling" shall have the meanings assigned to them in paragraph 10 of Schedule 5B**(f)** to those Regulations.◀

Signed by authority of the Secretary of State for Social Services.

Michael Portillo
Parliamentary Under-Secretary of State,
Department of Health and Social Security

30th March 1988

(a) Regulation 6SB was inserted by S.I. 2004/319

(b) Regulation 62ZB was inserted by S.I. 2004/319

(c) Relevant amending instruments are S.I. 1990/546, 1994/578 and 2001/160S.

(d) Amending instruments are 1989/416, 1990/546 and 1775, 1991/235, 1992/50 and 2148, 1993/317, 963 and 1249, 1996/1510 and 2518, 1998/563, 2000/440 and 2003/325, 526, 1195 and 2275.

(e) Regulation 102 was substituted by S.I. 2000/2331.

(f) Schedule 5B was inserted by S.I. 2004/319.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the information which the Secretary of State may supply to rating authorities, housing authorities or local authorities, which he has obtained by reason of the exercise of any of his functions under the benefit Acts relating to social security benefits, industrial injuries benefits and child benefit and which is required by those authorities in connection with their functions relating to housing benefit. They also prescribe the information obtained by authorities in exercise of their housing benefit functions, which is to be supplied to the Secretary of State, where required in connection with his functions under the benefit Acts.

The Regulations are made before the expiry of 12 months from the commencement of provisions under which they are made. They are accordingly exempt by section 61(5) of the Social Security Act 1986, from reference to the Social Security Advisory Committee and have not been so referred.