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STATUTORY INSTRUMENTS

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**2002 No. 1132**

**SOCIAL SECURITY**

**The Social Security (Claims and Information) (Housing Benefit and Council Tax Benefit) Regulations 2002**

<i>Made</i>	- - - -	<i>17th April 2002</i>
<i>Laid before Parliament</i>		<i>24th April 2002</i>
<i>Coming into force</i>	- -	<i>17th May 2002</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 7A(2)(b) and (c), (3) and (6), 189(1), (4) and (5) and 191 of the Social Security Administration Act 1992(1) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned(2) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(3), hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Claims and Information) (Housing Benefit and Council Tax Benefit) Regulations 2002 and shall come into force on 17th May 2002.

**Interpretation**

2. In these Regulations—

“local authority” means an authority administering housing benefit or council tax benefit;

“relevant authority” means—

(a) the Secretary of State, or

(b) a person providing services to the Secretary of State;

“relevant information” means information or evidence relating to the administration of claims to or awards of housing benefit or council tax benefit.

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(1) 1992 c. 5; section 7A was inserted by section 71 of the Welfare Reform and Pensions Act 1999 (c. 30); section 191 is an interpretation provision and is cited because of the meaning assigned to the word ‘prescribe’.  
(2) See section 176(1)(a) of the Social Security Administration Act 1992 (c. 5).  
(3) See section 172(1) of the Social Security Administration Act 1992 (c. 5).

### **Collection of information**

3.—(1) A relevant authority may obtain relevant information, from—

- (a) persons making, or who have made, claims to housing benefit or council tax benefit; or
- (b) other persons in connection with such claims.

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

### **Recording and holding information**

4. A relevant authority which obtains relevant information or to whom such information is supplied shall—

- (a) make a record of such information; and
- (b) hold that information, whether as supplied or obtained or as recorded.

### **Forwarding of information**

5. A relevant authority which holds relevant information—

- (a) shall forward it to the person or authority for the time being administering claims to or awards of housing benefit or council tax benefit to which the relevant information relates, being either—
  - (i) a local authority;
  - (ii) a person providing services to a local authority; or
  - (iii) a person authorised to exercise any function of a local authority relating to housing benefit or council tax benefit; and
- (b) may continue to hold a record of such information, whether as supplied or obtained or recorded, for such period as it considers appropriate.

### **Request for information**

6. A relevant authority which holds information or evidence relating to social security matters shall forward such information or evidence as may be requested to the person or authority making that request, provided that—

- (a) the request is made by—
  - (i) a local authority;
  - (ii) a person providing services to a local authority; or
  - (iii) a person authorised to exercise any function of a local authority relating to housing benefit or council tax benefit; and
- (b) the information or evidence requested includes relevant information;
- (c) the relevant authority is able to provide the information or evidence requested in the form in which it was originally supplied or obtained; and
- (d) provision of the information or evidence requested is considered necessary by the relevant authority to the proper performance by a local authority of its functions relating to housing benefit or council tax benefit.

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

17th April 2002

*Malcolm Wicks*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

These Regulations permit the Secretary of State for Work and Pensions or persons providing services to him to collect information relating to housing benefit and council tax benefit and forward this information to the local authority.

Regulations 1 and 2 refer to citation, commencement and interpretation.

Regulation 3 enables such information to be obtained. Regulation 4 enables it to be recorded and held. Regulation 5 provides for it to be forwarded to the local authority or other bodies, and enables retention of information post-transfer.

Regulation 6 enables the Secretary of State to transfer information on social security matters that includes information relating to housing benefit or council tax benefit to the local authority where necessary for the proper performance of its functions relating to housing benefit or council tax benefit.

These Regulations do not impose a charge on business.