

Statutory Document No. 2018/0183



*Social Security Act 2000*

## **SOCIAL SECURITY ADMINISTRATION ACT 1992 (APPLICATION) (AMENDMENT) (NO.3) ORDER 2018**

*Approved by Tynwald: 18<sup>th</sup> July 2018*

*Coming into Operation in accordance with article 2*

The Treasury makes the following Order under section 1A of the Social Security Act 2000.

### **1 Title**

This Order is the Social Security Administration Act 1992 (Application) (Amendment) (No.3) Order 2018.

### **2 Commencement**

If approved by Tynwald, this Order comes into operation on the day after it is approved by Tynwald<sup>1</sup>.

### **3 Social Security Administration Act 1992 (Application) Order 1994 amended**

(1) The Schedule<sup>2</sup> to the Social Security Administration Act 1992 (Application) Order 1994<sup>3</sup> is amended as follows.

(2) After the entry relating to section 122DE<sup>4</sup> (sections 122DC and 122DD: interpretation) insert —

**122DF Disclosure of relevant housing information by a housing authority to the Department about a person to establish whether**

<sup>1</sup> Under section 2(1) of the Social Security Act 2000 an order under section 1A(1) of that Act shall be laid before Tynwald as soon as may be after it is made and unless it is approved by Tynwald at the sitting at which it is laid or the next following sitting, it ceases to have effect, but without prejudice to anything done under it or the making of a new order.

<sup>2</sup> The Schedule sets out the Social Security Administration Act 1992 (1992 c.5) as it has effect in the Island.

<sup>3</sup> SD 506/94.

<sup>4</sup> Section 122DE was inserted by SD 2017/0206.

**that person (or any partner of that person) is entitled to a relevant benefit**

- (1) A housing authority may disclose to the Department or to an officer of the Department any relevant housing information about a person to whom subsection (3) below applies for the purpose specified in subsection (4) below.
- (2) Subsection (1) above applies despite any other restriction on the disclosure of information imposed by any enactment or otherwise.
- (3) This subsection applies to a person (P) if —
  - (a) P has been allocated housing by that housing authority in accordance with Schedule 3 to the Housing (Miscellaneous Provisions) Act 1976<sup>5</sup>; and
  - (b) P holds the property referred to in paragraph (a) under a contract of tenancy which is a tenancy for years.
- (4) That purpose is to establish whether P or P's partner (if P has a partner) is entitled to a relevant benefit.
- (5) Information obtained pursuant to subsection (1) above —
  - (a) must not be disclosed to any person other than the Department or an officer of the Department; and
  - (b) may be disclosed only for the purpose specified in subsection (4) above.

**122DGD Disclosure of relevant benefit information by the Department to a housing authority to assist that housing authority to determine whether a person is to continue to be allocated housing or not**

- (1) The Department may disclose relevant benefit information about a person to whom section 122DF(3) above applies (P) or about P's partner (if P has a partner) to —
  - (a) a housing authority; or
  - (b) an officer of a housing authority,for the purpose specified in subsection (3) below.
- (2) Subsection (1) above applies despite any other restriction on the disclosure of information imposed by any enactment or otherwise.
- (3) That purpose is to assist that housing authority to determine, in accordance with the relevant financial qualification criteria, whether P is to continue to be allocated housing or not by

<sup>5</sup> AT 1 of 1976.

that housing authority on the expiry of the period of time for which P holds that property under the contract referred to in section 122DF(3)(b) above.

- (4) Information obtained pursuant to subsection (1) above –
- (a) must not be disclosed to any person other than a housing authority or an officer of a housing authority; and
  - (b) may be disclosed only for the purpose specified in subsection (3) above.

### 122DH Sections 122DF and 122DG: interpretation

In sections 122DF and 122DG above –

“**contract of tenancy**” and “**tenancy for years**” have the meanings given in the Landlord and Tenant Act 1954<sup>6</sup>;

“**couple**” has the meaning given in section 137(1) of the Contributions and Benefits Act;

“**housing authority**” means –

- (a) the Department of Infrastructure; or
- (b) a local authority;

“**local authority**” has the meaning given in section 122DE above;

“**partner**” means the other member of the couple of which P is a member;

“**relevant benefit information**” means information relating to the entitlement or not of P or P’s partner to any of the following benefits (a “**relevant benefit**”) –

- (a) employed person’s allowance under Part 7 of the Contributions and Benefits Act;
- (b) income support under Part 7 of that Act; or
- (c) income-based jobseeker’s allowance or a joint-claim jobseeker’s allowance under the Jobseekers Act 1995<sup>7</sup>;

“**relevant financial qualification**” means the relevant applicable financial qualification specified in the Public Sector Housing: Criteria for acceptance onto waiting lists for general housing in accordance with a resolution of Tynwald and subject to the income limits applying at the time; and

“**relevant housing information**” means information relating to P’s holding of the property referred to paragraph (a) of

<sup>6</sup> AT 8 of 1954.

<sup>7</sup> 1995 c.18 (see SD 8/96).

section 122DF(3) above under the contract of tenancy referred to in paragraph (b) of that section, including the period of time for which P holds that property under that contract and the date on which P's holding of that property under that contract is due to expire by effluxion of time. **■**.

**MADE 20<sup>TH</sup> JUNE 2018**

**A L CANNAN**  
*Minister for the Treasury*

*EXPLANATORY NOTE*

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

This Order enables the Department of Infrastructure or a local authority (a “housing authority”) to disclose relevant housing information to the Treasury about a person who is the tenant of public sector housing under a fixed-period tenancy to establish whether that person (or any partner of that person) is entitled to certain low income benefits.

It also enables the Treasury to disclose relevant benefit information to such a housing authority about that person (or any partner of that person) to assist the housing authority to determine (in accordance with the relevant financial qualification criteria) whether that person is to continue to be allocated housing or not on the expiry of the fixed-period tenancy.