

1980 No. 415

SUPPLEMENTARY BENEFITS

The Supplementary Benefit (Miscellaneous Amendments) Regulations
(Northern Ireland) 1980*Made* 18th November 1980*Coming into operation* 24th November 1980

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 5(1) and (2), 19(2)(i) and 25(4) of the Supplementary Benefits (Northern Ireland) Order 1977(a) and Article 9(1) of the Social Security (Northern Ireland) Order 1980(b) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1980 and shall come into operation on 24th November 1980.

Amendment of the Supplementary Benefit (Deductions and Payments to Third Parties) Regulations (Northern Ireland) 1980

2.—(1) This regulation shall amend the Supplementary Benefit (Deductions and Payments to Third Parties) Regulations (Northern Ireland) 1980(c).

(2) In regulation 3 (regular payments to third parties for housing and fuel requirements)—

(a) in paragraph (1)—

(i) for the words from the beginning to “item of expenditure” there shall be substituted “where a claimant has been awarded a pension or allowance, and either he or his partner is in debt, other than in circumstances to which paragraph (6) applies, for any item of expenditure—”,

(ii) heads (i) and (ii) shall be designated as sub-paragraphs “(a)” and “(b)” respectively;

(b) in paragraph (3)(a) (amounts deductible in respect of housing and fuel items), for “paragraph (1)(b) applies” there shall be substituted “paragraph (1)(a) or (b) applies or where the debt owed is in respect of an account which includes more than one housing item,”;

(c) in paragraph (4) (variations of amounts deductible)—

(i) in sub-paragraph (b) (disregarded resources), for the reference to “paragraph (1)(b)(ii)” there shall be substituted a reference to “paragraph (1)(b)”, and for the words beginning “by an amount” to the end there shall be substituted “by not more than half the amount of the reduction; and any increase under this paragraph shall have priority over

(a) S.I. 1977/2156 (N.I. 27): provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), are set out in Part II of that Schedule

(b) S.I. 1980/870 (N.I. 8)

(c) S.R. 1980 No. 356

any increase which would, but for this paragraph, be made under regulation 26(2)(b) of the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1980 (recovery of payments made in urgent cases),”

- (ii) in sub-paragraph (c)(i) (minimum amount to be left in payment), for the words beginning “Social Security” to “such a benefit” there shall be substituted “Social Security (Northern Ireland) Acts 1975(d) together with which, under arrangements made by the Department, that pension or allowance is paid,”
- (iii) in sub-paragraph (e) (maximum amounts deductible), for “payment” the third time it occurs there shall be substituted “deduction”, and after the reference to “paragraph (3)(a)”, the second time it occurs there shall be added at the end “but, in a case to which paragraph (2) of regulation 7 of the Supplementary Benefit (Duplication and Overpayment) Regulations (Northern Ireland) 1980(e) (higher maximum deductible in certain cases) applies, a further sum, not exceeding the difference between the maximum amount specified in that paragraph and the maximum which would otherwise apply under this sub-paragraph, may be deducted in respect of the payment to be recovered,”.

(3) After regulation 5 there shall be inserted the following regulation—

“Payment of certain accommodation charges

5A. Where a claimant who has been awarded a pension or allowance and to whom regulation 9 of the Requirements Regulations (modification of normal requirements of boarders) applies, is resident at a centre providing facilities for alcoholics or drug addicts, that part of the claimant’s pension or allowance which is in respect of charges for board and lodging shall be paid to that centre.”.

Amendment of the Supplementary Benefit (Transitional) Regulations (Northern Ireland) 1980

3. In the Supplementary Benefit (Transitional) Regulations (Northern Ireland) 1980(f), in regulation 10(7) (meaning of “total benefit income” in determining whether benefit is reduced after 24th November 1980), there shall be added at the end the following sub-paragraphs—

- “(f) any payment made by virtue of regulations made under section 2 of the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975(g);
- (g) any payment made by virtue of a scheme made under section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975(h).”.

Amendment of the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1980

4.—(1) This regulation shall amend the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1980(i).

(2) In regulation 2 (interpretation) in the definition of “close relative”, before “parent” there shall be inserted “partner, spouse,”.

(3) In regulation 3(3) (meaning of a single payment and amount payable), in sub-paragraph (b) for “that amount” there shall be substituted “the payment”, and there shall be added at the end “or where that payment is in respect of costs of services provided, the amount of such costs to the extent that they are reasonable”.

(d) 1975 c.15; see also Article 1(2) of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15))
(e) S.R. 1980 No. 396

(f) S.R. 1980 No. 349
(g) 1975 c.17
(h) 1975 c.16
(i) S.R. 1980 No. 363

- (4) In regulation 6 (circumstances in which and items for which single payments shall not be made)—
- (a) in paragraph (1), after “in these regulations” there shall be inserted “, in particular regulation 30 (discretionary payments),”;
 - (b) in paragraph (2)(f), after “purchase and” there shall be inserted “(except in so far as payments may be made for travelling expenses)”.
- (5) In regulation 9 (essential furniture and household equipment)—
- (a) in paragraph (3)(b) (circumstances of payment), for head (iii) there shall be substituted the following—
 - “(iii) the claimant is a person who entered the home without the permission of the owner but to whom permission to occupy the home has been granted as a temporary expedient, and the item is a bed.”;
 - (b) in paragraph (4) (items of furniture and equipment), there shall be added at the end the following sub-paragraph—
 - “(n) an iron.”.
- (6) In regulation 13(1) (circumstances in which removal expenses met), in sub-paragraph (d), after “improved” there shall be added “or without a change of home he would be unable to take up employment which has been offered to him”.
- (7) In regulation 14 (deposits on taking up tenancy of a home), in paragraph (2), the word “furnished” shall be omitted.
- (8) In regulation 22(1) (circumstances in which travelling expenses met)—
- (a) in sub-paragraph (a)(iii), after “claimant” there shall be inserted “or partner”;
 - (b) in sub-paragraph (h)—
 - (i) in head (i), after “new” there shall be inserted “or resuming”;
 - (ii) in head (ii), for “to” there shall be substituted “between his accommodation and”.
- (9) In regulation 24(1) (debts accrued during absence from Northern Ireland), in sub-paragraph (b), for the words from the beginning to “so entitled” there shall be substituted “his entitlement to a pension or allowance continued during, or during part of, that absence by virtue of regulation 3 of the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1980 (persons abroad whose entitlement is to continue) and he is again entitled to that pension or allowance”.
- (10) In regulation 25 (voluntary repatriation expenses)—
- (a) in paragraph (2), sub-paragraph (a) shall be omitted;
 - (b) in paragraph (3), after sub-paragraph (e), there shall be added at the end, “but only to the extent that the aggregate of such costs and amounts is in excess of the amount by which any capital resources of the claimant which fall to be disregarded under the Resources Regulations exceeds £50”;
 - (c) in paragraph (5), for the words beginning “the aggregate” to the end there shall be substituted “any capital resources of the claimant which fall to be disregarded under the Resources Regulations exceeds £50”.
- (11) In regulation 27(2) (amounts payable for clothing and footwear)—
- (a) for “not exceed” there shall be substituted “be”;
 - (b) after the reference to “Schedule 2,” there shall be inserted “the amount for an item in Part IV or V of that Schedule being, subject to paragraph (3), the higher or lower of the amounts specified or an intermediate amount depending on the child’s size,”.

- (12) In regulation 29 (prisoners on leave), in paragraph (2) (amount payable)—
- (a) after “paragraph (1) applies shall” there shall be inserted “in respect of each complete day spent by the prisoner in the claimant’s home”;
 - (b) in sub-paragraph (a), for the words beginning “paragraph 4” to the end, there shall be substituted “the amount applicable for normal requirements in respect of the claimant (but not any dependant)”;
 - (c) after sub-paragraph (b), the words beginning “in respect of” to the end shall be omitted.

Amendment of the Supplementary Benefit (Duplication and Overpayment) Regulations (Northern Ireland) 1980

5. In regulation 7 of the Supplementary Benefit (Duplication and Overpayment) Regulations (Northern Ireland) 1980 (recovery from supplementary pension or allowance), for paragraph (2)(a)(iv) there shall be substituted the following—

- “(iv) the long-term rate specified in column (2) of paragraph 1(a) of Schedule 1 to those regulations for normal requirements of persons aged not less than 18 other than relevant persons or householders applies.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 18th November 1980.

(L.S.)

T. S. Martin

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations amend and make minor corrections to regulations made under the Supplementary Benefits (Northern Ireland) Order 1977 ("the Order") as amended by the Social Security (Northern Ireland) Order 1980.

Regulation 2 amends the Supplementary Benefit (Deductions and Payments to Third Parties) Regulations (Northern Ireland) 1980. It amends regulation 3 (which relates to payments direct from supplementary pension or allowance to landlords and fuel boards) so as to permit application of its provisions where the claimant's partner is in debt for a housing or fuel item and to provide that where the debt is for an account which is a composite one relating to more than one housing item only one amount shall be deducted. The regulation is also amended so as to align it with provisions for deductions from benefit made pursuant to Articles 6 and 25 of the Order. After regulation 5 a new regulation is inserted so as to provide for direct payment from supplementary pension or allowance of charges for board and lodging made by certain centres.

Regulation 3 amends the Supplementary Benefit (Transitional) Regulations (Northern Ireland) 1980 so as to take into account payment under regulations made under the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975 or under a scheme made under section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975 in determining whether income has been reduced after the coming into operation of the amendments to the Order (when an addition will be paid to keep income at the same level).

Regulation 4 corrects and amends the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1980. In particular, regulation 3 is amended so as to provide further for the amounts payable where no actual costs are specified. Regulation 22 is amended so as to provide for payment in respect of travelling expenses on a resumption of work after an absence, as well as starting work, and to make clear that fares to and from work will be met. Regulation 24 is amended so that a single payment in respect of debts accrued during a temporary absence abroad is only payable where the claimant is a person entitled to a supplementary pension or allowance during (or for part of) that absence abroad. Regulation 27 is amended so as to provide that the amounts payable for clothing or footwear are, except where inappropriate because of size or disability, to be the relevant amounts specified for the item of clothing or footwear in Schedule 2 to those regulations. Regulation 29 is amended so as to provide that where a prisoner who is the partner of a claimant is on leave at home with the claimant preparatory to his release the single payment for his requirements is to be, for each day, the difference between the ordinary rate for normal requirements of couples and the rate applicable to the claimant.

Regulation 5 corrects the Supplementary Benefit (Duplication and Overpayment) Regulations (Northern Ireland) 1980 so as to provide that for persons over age 18 to whom the Table in Schedule 1 to the Order does not apply the higher maximum deduction may be made for the purposes of recovery under Article 25 only if the long-term rate is applicable.