

## 1981 No. 215

## SUPPLEMENTARY BENEFITS

The Supplementary Benefit (Miscellaneous Amendments) Regulations  
(Northern Ireland) 1981

Made . . . . . 29th June 1981

Coming into operation . . . . . 27th July 1981

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 2(2A), 3(1B), 4(1A)(a) and (b), 5, 6, 7, 9(1) and (2), 13(2), 15(1)(a) and (c), 16(1) and (1A), 19(1) and (2)(a), (d), (f), (g), (i), (j) and (k) and 25(4) of the Supplementary Benefits (Northern Ireland) Order 1977(a) and Article 6(1) of the Social Security (No. 2) (Northern Ireland) Order 1980(b) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(c) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

*Citation, commencement and interpretation*

1.—(1) These regulations, which may be cited as the Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1981, shall come into operation on 27th July 1981.

(2) In these regulations—

“Aggregation Regulations” means the Supplementary Benefit (Aggregation) Regulations (Northern Ireland) 1980(d);

“Claims and Payments Regulations” means the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1980(e);

“Conditions of Entitlement Regulations” means the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1980(f);

“Deductions and Payments Regulations” means the Supplementary Benefit (Deductions and Payments to Third Parties) Regulations (Northern Ireland) 1980(g);

“Determination of Questions Regulations” means the Supplementary Benefit (Determination of Questions) Regulations (Northern Ireland) 1980(h);

“Duplication and Overpayment Regulations” means the Supplementary Benefit (Duplication and Overpayment) Regulations (Northern Ireland) 1980(i);

(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. 1980/1087 (N.I. 13)

(c) 1980 c. 30

(d) S.R. 1980 No. 330; as amended by S.R. 1980 No. 422

(e) S.R. 1980 No. 399

(f) S.R. 1980 No. 416; the relevant amending regulations are S.R. 1981 No. 28

(g) S.R. 1980 No. 356; as amended by S.R. 1980 No. 415

(h) S.R. 1980 No. 423

(i) S.R. 1980 No. 396; as amended by S.R. 1980 No. 415

- “Single Payments Regulations” means the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1980(a);
- “Trade Disputes Regulations” means the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980(b);
- “Urgent Cases Regulations” means the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1980(c).

*Amendment of the Aggregation Regulations*

2.—(1) This regulation shall amend the Aggregation Regulations.

(2) In regulation 1(2) (interpretation)—

- (a) in the definition of “prisoner” for the words from “a person” to the end there shall be substituted “any person whose detention in a prison, remand centre or young offenders centre is for the time being authorised by law;”;
- (b) after the definition of “relevant education” there shall be inserted the following definition—

“ “relevant person” means that one of a married or unmarried couple whose requirements and resources include those of the other by virtue of paragraph 3(1) of Schedule 1 to the Order;”.

(3) In regulation 2 (circumstances in which married couples are to be treated as being, or not being, members of the same household)—

(a) in paragraph (3)(b), for head (ii) there shall be substituted the following heads—

- “(ii) in the opinion of a benefit officer, his stay in that hospital or similar institution has become other than temporary, or
- (iii) he is a patient detained in accommodation provided under section 80 of the Mental Health Act (Northern Ireland) 1961;”;

(b) for paragraph (3)(c) there shall be substituted the following sub-paragraph—

“(c) is absent from Northern Ireland while his partner remains in Northern Ireland, he shall continue to be treated as a member of the same household as his partner unless he has been absent for a continuous period of more than 4 weeks and—

- (i) he is a claimant to whom regulation 3 of the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1980(d) (persons abroad whose entitlement is to continue) applies, or
- (ii) before the absence began he was not, or would not have been if a claim for supplementary pension or allowance had been made, the relevant person;”.

(4) In regulation 3 (circumstances in which a person is to be treated as being responsible for another person), in paragraph (3)(b), for “C is neither a partner of A nor” there shall be substituted “A and C are not a married or unmarried couple and C is not”.

(5) In regulation 4(2) (dependants who are not to be treated as members of the household)—

(a) for sub-paragraph (d)(iii) there shall be substituted the following sub-paragraph—

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(a) S.R. 1980 No. 363; as amended by S.R. 1980 No. 415  
 (b) S.R. 1980 No. 417  
 (c) S.R. 1980 No. 424  
 (d) S.R. 1980 No. 416

- “(iii) he is subject to a training school order or is detained in legal custody, or”;
- (b) after sub-paragraph (d) there shall be added the following sub-paragraphs—
- “(e) B is a child or pupil or person to whom regulation 3(5) applies who is boarded out with A by a Health and Social Services Board(a) or voluntary organisation within the meaning of the Children and Young Persons Act (Northern Ireland) 1968(b);
- (f) B is a child or pupil or person to whom regulation 3(5) applies who is placed in the care and possession of A and whom A proposes to adopt.”;
- (c) in regulation 4(3) “(a), (b), (c) or (d)(i), (ii) or (iv)” shall be omitted;
- (d) regulation 4(4) shall be omitted.
- (6) After regulation 4 there shall be inserted the following regulation—
- “*Dependants who are to be treated as members of the household*

4A. For the purposes of paragraph 3(2) of the Schedule a child or pupil or other person to whom regulation 4(2)(f) applies shall be treated as being a member of the same household as his parent, but only if that parent is treated as a person responsible for him for the purposes of Article 5 of the Child Benefit (Northern Ireland) Order 1975(c).”.

*Amendment of the Deductions and Payments Regulations*

3.—(1) This regulation shall amend the Deductions and Payments Regulations.

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

- (a) in paragraph (1), after sub-paragraph (b) and before the words “and, in the opinion of a benefit officer,” there shall be inserted “which continues to be applicable to the claimant”;
- (b) in paragraph (3)(b) for “in respect of any such debt” there shall be substituted “for each such debt except where current consumption is paid for by other means (for example by a pre-payment meter)”;
- (c) in paragraph (3) there shall be added after sub-paragraph (b) “and the benefit officer may direct that, when the debt is discharged, the amount determined under sub-paragraph (b) shall continue to be an amount to which the determination applies”;
- (d) in paragraph (4)(a) for “total” there shall be substituted “normal”.

(3) In regulation 6 (payment of supplementary benefit to third parties)—

(a) for paragraph (c) there shall be substituted the following paragraph—

“(c) either—

- (i) in the opinion of a benefit officer is incapable of budgeting, or wilfully refuses to budget, for any item of expenditure to which Part II, III or IV of the Requirements Regulations (normal, additional or housing requirements) applicable to him relates, other than one to which regulation 3(1)(a) or (b) applies in circumstances to which that regulation applies, or
- (ii) is temporarily absent from the home,”;
- (b) there shall be added at the end “; and in this regulation “home” has the meaning assigned to it in the Requirements Regulations”.

(4) After regulation 8 there shall be added the following regulation—

(a) See Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14))

(b) 1968 c. 34 (N.I.)

(c) S.I. 1975/1504 (N.I. 16)

*“Payment of housing requirements on behalf of prisoners*

9. Where a claimant is a prisoner within the meaning of regulation 2(1) of the Requirements Regulations (interpretation) to whom a pension or allowance is payable by virtue only of regulation 14(5)(d) of those regulations (housing requirements applicable to prisoners in custody awaiting trial or sentence), that pension or allowance shall be paid, at such intervals as the Department may direct, to the person or body to whom payment in respect of the claimant's housing requirements is due on behalf of the claimant in discharge of an obligation of his.”.

*Amendment of the Single Payments Regulations*

4.—(1) This regulation shall amend the Single Payments Regulations.

(2) In regulation 2 (interpretation) in the definition of “prisoner” for the words from “a person” to the end there shall be substituted “any person whose detention in a prison, remand centre or young offenders centre is for the time being authorised by law;”.

(3) In regulation 3 (meaning of single payment and amount payable), for paragraph (3) there shall be substituted the following paragraphs—

“(3) Except in so far as regulation 5(1) provides that no amount or a reduced amount shall be payable, the amount of a single payment which falls to be made by virtue of any regulation in Parts II to VII shall be—

- (a) subject to paragraph (3B), where the amount is specified in that regulation, that amount; or
- (b) where that regulation provides that the payment is to be made in respect of the purchase of an item, such amount as is necessary to purchase an item of reasonable quality; or
- (c) where that regulation provides that the payment is to be made in respect of costs of services provided, the amount of such costs to the extent that they are reasonable.

(3A) Except in so far as regulation 5(2) provides that a reduced amount shall be payable, the amount of a single payment which falls to be made by virtue of regulation 30 shall be—

- (a) where the payment is to be made in respect of the purchase of an item—
  - (i) subject to paragraph (3B), if that item, and an amount for that item, is specified in any regulation in Parts II to VII (including the Schedules), that amount,
  - (ii) in any other case, such amount as is necessary to purchase an item of reasonable quality, and if provision is made for the purchase of that item in Parts II to VII (for example, that the amount shall be in respect of the purchase of a second-hand item) that provision shall apply;
- (b) where the payment is to be made in respect of costs of services provided, the amount of such costs to the extent that they are reasonable.

(3B) Where pursuant to regulation 8 of the Supplementary Benefit (Deductions and Payments to Third Parties) Regulations (Northern Ireland) 1980(a) (payment of single payments to third parties) a single payment is payable direct to the person who or the body which supplied the item in respect of which it is made, the amount of the single payment shall, notwithstanding any provision in these regulations, be the amount applicable under paragraph (3)(a) or (3A)(a)(i) or the actual cost of the item in respect of which it is made, whichever is less.”

(4) In regulation 4 (meaning of "claimant") there shall be added after sub-paragraph (b) "but does not include a person who is or would be entitled to a pension or allowance by virtue only of the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1980(a) during any period to which regulation 5(3)(a) of those regulations applies or would apply in the determination of the requirements applicable to him".

(5) In regulation 5 (effect of resources on amounts payable)—

(a) for "Where" at the beginning there shall be substituted "Except in so far as paragraph (2) and regulations 16, 21 and 25 provide otherwise, where";

(b) for "this regulation" there shall be substituted "this paragraph";

(c) there shall be added the following paragraph—

"(2) In the application of regulation 30—

(a) in the determination of means, any available capital shall be taken into account;

(b) if the means available to the claimant are insufficient to meet the cost of the item or services in question, any single payment payable under it shall be payable only to the extent that its amount exceeds the amount of the means available."

(6) In regulation 7 (maternity needs), in paragraph (1)(b) there shall be added at the end "or has recently adopted a baby".

(7) In regulation 8 (funeral expenses)—

(a) in paragraph (1)(b) " , or (iii) a member of the assessment unit" shall be omitted;

(b) for paragraph (3) there shall be substituted the following paragraph—

"(3) The following amounts or sums shall be deducted from any amount which would, but for this paragraph, be payable under this regulation and, where more than one amount or sum falls to be deducted, priority shall be given in the following order—

(a) the value of the deceased's estate at the date of his death less the value of the deceased's home if owned solely or jointly by him and not occupied solely by him;

(b) the amount of any death grant payable under the Act in respect of the deceased's death unless that grant has been spent on any item in respect of which a single payment would otherwise have been made under this regulation;

(c) any lump sum due to the responsible member, or any other member of the assessment unit, on the death of the deceased by virtue of any insurance policy, occupational pension scheme or analogous arrangement;

(d) the amount of any contribution which has been received by the responsible member or any other member of the assessment unit from a charity, but only to the extent that that amount or, if more than one contribution has been received from any charity, the aggregate of the amounts received exceeds the cost of any funeral expenses other than those to which paragraph (2) applies;

(e) the amount of any contribution which has been received by the responsible member or any other member of the assessment unit from a relative of his or from a relative (but not a close relative) of the deceased, but only to the extent that that amount or, if more than one contribution has been received from any such relative, the aggregate of the amounts

received exceeds the aggregate of the cost of any funeral expenses other than those to which paragraph (2) applies and the cost of flowers from the responsible member;

- (f) an amount in respect of any surviving close relative of the deceased equal to a proportionate share of the amount which would, but for this sub-paragraph, be payable after the application of the preceding sub-paragraphs, less the cost of flowers from the responsible member, except that no such share shall be assumed in respect of a relative—
- (i) to whom a pension or allowance is payable, or
  - (ii) from whom, having regard to his financial circumstances, it would be unreasonable to expect such a contribution, or
  - (iii) who has had no contact with the deceased in recent years, and this sub-paragraph shall not apply where the responsible member is the surviving spouse of the deceased or where the deceased was a dependant of the claimant.”.

(8) In regulation 9 (essential furniture and household equipment)—

- (a) in both paragraphs (1)(b) and (3)(a)(ii), after “replacement” there shall be added “or would be uneconomic having regard to the future viability of the item”;
- (b) in paragraph (2)(a), for “is entitled” to the end there shall be substituted “has moved to a new home and one of sub-paragraphs (a) to (f) of regulation 13(1) applied to or in respect of his previous home;”;
- (c) in paragraph (3), for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) either—

- (i) one of the conditions mentioned in paragraph (2)(c) or (d) is satisfied, or
- (ii) the item is a cooking or heating appliance, or
- (iii) the item is a bed and the claimant has entered the home without permission of the owner but permission to occupy the home has been granted to him as a temporary expedient,

so however that, except in a case to which head (iii) applies, no payment shall be made by virtue of this sub-paragraph to a claimant who has entered the home without permission of the owner, notwithstanding that permission to occupy that home as a temporary expedient has or has not been granted.”;

(d) in paragraph (4)—

- (i) in sub-paragraph (g) there shall be added “and fittings”;
- (ii) there shall be added at the end the following sub-paragraphs—
  - “(o) light fittings;
  - (p) towels;
  - (q) a pushchair;
  - (r) a high chair.”;
- (iii) as from 23rd November 1981 there shall be added the following sub-paragraph—
  - “(s) a hot water cylinder jacket.”;

(e) in paragraph (5)(b) after “furniture” there shall be inserted “, a pushchair”.

(9) In regulation 10 (repairs to furniture and household equipment and installation costs)—

(a) for paragraph (1) there shall be substituted the following paragraph—

“10.—(1) Except where regulation 9(1)(b) or 9(3)(a)(ii) provides otherwise, a single payment shall be made to a claimant who either—

(a) has recently become the tenant or owner of an unfurnished or partly furnished home and satisfies one or more of the conditions in regulation 9(2); or

(b) satisfies one or more of the conditions in regulation 9(3)(b), to meet the costs of essential repair to any item to which regulation 9(4) applies which he possesses but which is defective or unsafe.”;

(b) for paragraph (2)(b) there shall be substituted the following—

“(b) re-installing on removal, where the claimant has moved to a new home and one of sub-paragraphs (a) to (f) of regulation 13(1) applied to or in respect of his previous home,

of any item to which regulation 9(4)(c), (d), (h), (i) or (k) applies.”.

(10) In regulation 13 (removal expenses)—

(a) in paragraph (1), for the words from “of the assessment” to “effects where” there shall be substituted “of the household goods and personal effects of any member of the same household as the claimant where the assessment unit and any other member of the household moves to a new home and either”;

(b) after sub-paragraph (1)(d) “or” shall be omitted and there shall be added after sub-paragraph (1)(e) the following sub-paragraph—  
“or

(f) the additional requirements applicable to the claimant have recently included an amount under paragraph 18 of Schedule 3 to the Requirements Regulations (storage of furniture).”;

(11) In regulation 16 (housing requirements of discharged prisoners)—

(a) for paragraph (1)(a) there shall be substituted the following sub-paragraph—

“(a) he has been a prisoner for a period of less than one year and has been discharged from the prison, remand centre, or young offenders centre in which he was detained.”;

(b) paragraph (4) shall be omitted.

(12) In regulation 17 (essential repairs and maintenance of the home) in paragraph (4)(b) for “home” there shall be substituted “repairs and” and in paragraph (5)(a)(i) for “of” there shall be substituted “or”.

(13) In regulation 20(c), (fuel meters and reconnection charges), after “1980(i)” insert “or the Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971(a)”.

(14) In regulation 22 (travelling expenses), in paragraph (2), for “except that” to the end there shall be substituted “except that the amount allowed under this paragraph in respect of journeys undertaken by taxi shall be, if public transport is not available or if the person concerned is unable to use other transport by reason of physical disability, the cost of the taxi fare, and in any other case the cost of second-class public transport by the method appropriate to the case.”.

(15) In regulation 23 (expenses on starting work)—

(a) in paragraph (2), after “met in” there shall be inserted “full or in”;

(b) in paragraph (3) after sub-paragraph (b) there shall be added “, except that where the cost is met in part by the employer, the amount payable shall be the difference between the amount paid by the employer and the amount otherwise payable under sub-paragraph (a) or (b) or, where the employer

supplies the item at a cost less than the amount otherwise so payable, the amount payable shall be equal to that cost.”.

(16) In regulation 25 (voluntary repatriation expenses)—

(a) in paragraph (2)(e)—

- (i) before the words “any child” in the first place in which they occur there shall be inserted “any dependant or”,
- (ii) before “child’s” there shall be inserted “dependant’s or”,
- (iii) before “child” in the second place in which it occurs there shall be inserted “dependant who is a”;

(b) in paragraph (3)(a), before “any child” there shall be inserted “any dependant or”;

(c) in paragraph (3)(c) after “each of them under” there shall be inserted “paragraph 2 of the Table in paragraph 2(3) of Schedule 1 to the Order (ordinary rate for relevant person) or”;

(d) in paragraph (6)(b), for “dependant” there shall be substituted “child”.

(17) In regulation 27 (clothing and footwear)—

(a) in paragraph (1), for “A payment” there shall be substituted “A single payment” and after “replacement clothing” there shall be inserted “or footwear”;

(b) for paragraph (1)(b) there shall be substituted the following sub-paragraph—

“(b) the need arises on his admission to hospital or similar institution as a patient and for the purposes of his stay there, but not where the need arises after admission.”.

(18) In Schedule 2 (clothing)—

(a) in Part III (women’s clothing), after the entry for “Dressing-gown”, in column 1 there shall be inserted the entry “Hat” and in column 2 the amount “2.50”;

(b) in Part IV (boys’ clothing)—

- (i) before the entry for “Dufflecoat”, in column 1 there shall be inserted the entry “Dressing-gown” and in column 2 the appropriate amounts “8.00” and “11.00”,
- (ii) after the entry for “Shoes”, in column 1 there shall be inserted the entry “Slippers” and in column 2 the appropriate amounts “3.00” and “3.80”;

(c) in Part V (girls’ clothing)—

- (i) after the entry for “Dress-winterweight”, in column 1 there shall be inserted the entry “Dressing-gown” and in column 2 the appropriate amounts “8.00” and “11.00”,
- (ii) after the entry for “Skirt”, in column 1 there shall be inserted the entry “Slippers” and in column 2 the appropriate amounts “3.00” and “3.80”,
- (iii) after the entry for “Stockings/tights”, in column 1 there shall be inserted the entry “Trousers” and in column 2 the appropriate amounts “6.00” and “9.00”.

*Amendment of the Claims and Payments Regulations*

5. In the Claims and Payments Regulations—

(a) in regulation 1(2) (interpretation), in the definition of “Urgent Cases Regulations” there shall be added at the end—



- “; and any reference to those regulations shall include a reference to those regulations in so far as they are applied by regulation 4 of the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980(a) (emergency relief”;
- (b) in regulation 11 (supplementary benefit in kind), in paragraph (c) there shall be added at the end “or any additional requirement in respect of such expenses pursuant to the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980”;
- (c) in regulation 15 (payments on death), in paragraph (3) for the words from the beginning to “(2) applies” there shall be substituted “Subject to paragraphs (1) and (2)”;
- (d) in regulation 16 (travelling expenses in connection with claims), in paragraph (2)(b) for “except that” to the end there shall be substituted “except that the amount allowed under this sub-paragraph in respect of journeys undertaken by taxi shall be, if public transport is not available or if the person concerned is unable to use other transport by reason of physical disability, the cost of the taxi fare, and in any other case the cost of second-class public transport by the method appropriate to the case,”.

#### *Amendment of the Duplication and Overpayment Regulations*

##### 6. In the Duplication and Overpayment Regulations—

- (a) in regulation 2 (interpretation), in the definition of “war widow’s pension”—
- (i) sub-paragraph (d) shall be omitted,
  - (ii) after sub-paragraph (c) and before “but in any case” there shall be inserted “or any payment which the Department accepts as analogous to any such award,”;
- (b) in regulation 7 (recovery from supplementary benefit in cases of misrepresentation or non-disclosure), in paragraph (2)—
- (i) sub-paragraph (a)(iv) shall be omitted,
  - (ii) for “sum specified for the time” to “(that one-sixth” there shall be substituted “weekly amount for normal requirements for the time being applicable to a person to whom paragraph 3 of the Table in paragraph 2(3) of Schedule 1 to the Order (long-term rate for householders) applies, (that one-sixth”.

#### *Amendment of the Conditions of Entitlement Regulations*

##### 7.—(1) This regulation shall amend the Conditions of Entitlement Regulations.

(2) In regulation 2 (interpretation), in the definition of “student” for “left school” there shall be substituted “ceased relevant education” and for the words from “other” to the end there shall be substituted “but he shall not be deemed to be a student during periods when he is not attending his course and is not engaged on a programme of studies;”.

(3) In regulation 3 (persons abroad), in paragraph (2)(b) for the reference to “, (p) or (q)” there shall be substituted a reference to “or (p)”.

(4) In regulation 6 (persons not subject to the condition of registration and availability for employment)—

- (a) after “following paragraphs applies” there shall be inserted “and regulation 8 does not apply to him”;
- (b) for paragraph (a) there shall be substituted the following paragraph—

- “(a) he is not a partner and either—
- (i) he has a dependant living with him who is a child, or
  - (ii) a child is boarded out with him by a Health and Social Services Board or voluntary organisation within the meaning of the Children and Young Persons Act (Northern Ireland) 1968(a) and has been so boarded out with him for at least 6 months before the week in which the claimant would, but for this paragraph, have been required to register;”;
- (c) in paragraph (c) there shall be inserted at the beginning “he is a person to whom regulation 9(2)(b) applies or”;
- (d) for paragraph (h) there shall be substituted the following paragraphs—
- “(h) he is a student who by reason of a disability would, in comparison with other students, be unlikely to be able to obtain employment within a reasonable period of time;
- (hh) he is a student who is one of an unmarried couple, his partner is not a student and either—
- (i) his partner is the parent of a child who is a dependant of the claimant but of whom the claimant is not a parent, or
  - (ii) his partner is, and has in the preceding 8 weeks been, unable to work for a reason specified in paragraph (c);”;
- (e) after paragraph (l) there shall be inserted the following paragraph—
- “(ll) his employment as such has not been terminated and he is in receipt of a payment by virtue of any scheme for making payments to employers set up by the Department of Manpower Services under section 1 of the Employment Subsidies Act 1978(b) (schemes for financing employment);”;
- (f) in paragraph (o)—
- (i) in head (i), for the words from “prison” to “1961(h)” there shall be substituted “detention in a prison, remand centre or young offenders centre,”;
  - (ii) in head (ii), delete “to whom” and after “made” insert “for his benefit”;
- (g) in paragraph (p)(i), for the reference to “regulation 10(a)” there shall be substituted a reference to “regulation 9(2)(a)”;
- (h) paragraph (q) shall be omitted.
- (5) In regulation 7 (circumstances in which persons are to be treated as available for employment), in paragraph (2) for the word “work” in the two places in which it occurs there shall be substituted “employment”.
- (6) In regulation 8 (circumstances in which persons are not to be treated as available for employment), for paragraph (1)(a) there shall be substituted the following sub-paragraph—
- “(a) he is a student and regulation 6(a), (h) or (hh) does not apply to him;”.
- (7) For regulations 9 and 10 there shall be substituted the following regulation—
- “Circumstances in which persons are to be treated as engaged in remunerative full-time work*
- 9.—(1) For the purposes of Article 9(1) of the Order (exclusion from supplementary benefit of certain employed persons) a claimant shall be treated as engaged in remunerative full-time work only where—
- (a) he is engaged in work for which payment is made, or which is done in expectation of payment, on average for not less than—

- (i) in the case of a claimant who is mentally or physically disabled and whose earning capacity is by reason of that disablement reduced to 75 per cent. or less of what he would, but for that disablement, be reasonably expected to earn, 35 hours a week,
  - (ii) in any other case, 30 hours a week,
- or he is absent from such work without good cause or by reason of a recognised or customary holiday;
- (b) he was engaged in remunerative full-time work within the meaning of sub-paragraph (a), but not as a self-employed person, and—
    - (i) either his employment has terminated or he is without employment in circumstances in which Article 12(1) or (2) of the Order applies, and
    - (ii) he has received in respect of the employment in which he was so engaged earnings calculated in accordance with regulation 10 of the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1980(a) which, by virtue of regulation 9(2) of those regulations as modified by paragraph (3) of this regulation, fall to be taken into account for a period subsequent to the termination of the employment or as the case may be, during which he is without employment in circumstances in which Article 12(1) or (2) of the Order applies, and in a case to which this sub-paragraph applies the claimant shall be treated as engaged in remunerative full-time work for the period in respect of which those earnings fall to be taken into account pursuant to the said regulation 9(2) as modified by paragraph (3) of this regulation;
  - (c) he was engaged in remunerative full-time work within the meaning of sub-paragraph (a) as a self-employed person but he—
    - (i) has ceased to be engaged in remunerative work, and
    - (ii) has not retired from regular employment,

and in a case to which this sub-paragraph applies the claimant shall be treated as engaged in remunerative full-time work for a period of 14 days beginning on the first day on which he ceased to be so engaged.
- (2) Paragraph (1)(a) shall not apply to a claimant—
- (a) until the expiration of a period of 15 days from the beginning of an engagement in remunerative full-time work within the meaning of paragraph (1)(a), except that—
    - (i) this sub-paragraph shall not apply where the beginning of the engagement immediately follows the termination of a previous engagement,
    - (ii) if in the period immediately preceding the beginning of the engagement the claimant was treated as being engaged in such work by virtue of sub-paragraph (b) or (c) of paragraph (1), the period of 15 days shall be reduced by any part of the period during which he was so treated under that sub-paragraph which has not expired at the beginning of the new engagement;
  - (b) who is engaged in remunerative full-time work within the meaning of paragraph (1)(a) as a self-employed person and his earning power is, by reason of disability, substantially reduced in comparison with that of other persons similarly occupied;
  - (c) who is engaged in minding children in the home and performs normal household duties;
  - (d) who is engaged on a scheme for which a training allowance is being paid;

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(a) S.R. 1980 No. 348; the relevant amending regulations are S.R. 1980 No. 422

(e) who is without employment in circumstances to which Article 12(1) or (2) applies.

(3) For the purposes of paragraph (1)(b), regulation 9(2) of the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1980 shall be modified to the extent that where the claimant receives—

(a) as part of the earnings to which paragraph (1)(b) applies a payment of bonus or commission in respect of a period different from that in respect of which the other earnings are paid, that payment shall be treated as earnings in addition to the other earnings for a period estimated by reference to a five-day week on the basis of periodical earnings normally paid to him;

(b) earnings in respect of part of a day, those earnings shall be treated as earnings in respect of a whole day.”.

(8) In regulation 11 (relevant education) for the words from “but for” to the end there shall be substituted—

“but for—

(a) paragraph 1(f)(i) or (ii) of Schedule 1 to that Order (children in care); or

(b) failure to satisfy conditions as to residence and presence pursuant to Article 15(2) and (3) of that Order,

be so payable.”.

#### *Amendment of the Trade Disputes Regulations*

8.—(1) This regulation shall amend the Trade Disputes Regulations.

(2) In regulation 4 (emergency relief) there shall be added the following paragraph—

“(2) In the application of the said Part II in a case to which paragraph (1) applies, regulation 5 of the said regulations shall be modified so that, in respect of the member of the assessment unit who is affected by a trade dispute—

(a) for the purposes of paragraph (3)(a) of the said regulation, the weekly amount applicable for normal requirements shall be the rate which would, but for Article 12, for the time being be applicable to him under that paragraph (3)(a);

(b) for the purposes of paragraph (3)(c) of the said regulation, the weekly rate applicable for normal requirements shall be the ordinary rate which would, but for Article 12, for the time being be applicable to him.”.

(3) In regulation 5 (dietary requirements)—

(a) in paragraph (1)(b), for “a cost” there shall be substituted “extra cost”;

(b) in paragraph (2)—

(i) in sub-paragraph (a) for “of £8·00” there shall be substituted “applicable in a case to which paragraph 13(d) of Schedule 3 to the Requirements Regulations applies”;

(ii) in sub-paragraph (b), for “the cost of” to the end there shall be substituted “the weekly extra cost”.

(4) In regulation 6 (maternity needs), in paragraph (1)(b) “either” shall be omitted and after “assessment unit” there shall be added “adopts a baby or”.

(5) In regulation 8 (visits in cases of illness), in paragraph (2) for the words “except that” to the end there shall be substituted “except that the amount allowed under this paragraph in respect of journeys undertaken by taxi shall be, if public transport is not available or if the person concerned is unable to use other transport by reason of physical disability, the cost of the taxi fare, and in any other case the cost of second-class public transport by the method appropriate to the case.”.

(6) In regulation 12 (recovery by deductions from earnings), in the definition of "available earnings" in paragraph (2) after "the earnings" there shall be inserted "including any remuneration paid by or on behalf of an employer to an employee who is for the time being unable to work owing to sickness,".

(7) In regulation 17 (increase of amount of award on appeal or review), for "date of notification" there shall be substituted "date on which the amount of the award was increased".

#### *Amendment of the Urgent Cases Regulations*

9.—(1) This regulation shall amend the Urgent Cases Regulations.

(2) In regulation 2 (interpretation), in paragraph (1), in the definition of "close relative" before "parent" there shall be inserted "partner, spouse,".

(3) In regulation 3 (urgent cases), in paragraph (1) for "or funds to meet" to the end there shall be substituted "or, except in any circumstances to which regulation 23 applies, funds to meet the expenses in question are not readily available to the assessment unit from its own resources or from any other source (for example, friends, relatives, credit facilities, a voluntary organisation) or in particular in a case to which Part II applies, from a Health and Social Services Board, under an approved scheme or from a relief fund; and—

(a) in determining whether funds are readily available to the assessment unit, regard shall be had to its requirements determined in accordance with regulation 5(2)(a) and (3)(a) and (b) (but not regulation 5(2)(c));

(b) in determining the assessment unit's own resources for the purposes of this paragraph, regard shall be had to any capital, including any available capital, and income resources calculated in accordance with regulation 5(2)(b)."

(4) In regulation 4 (single payments), in paragraph (1)—

(a) in sub-paragraph (b), the words "no amount or" shall be omitted;

(b) for sub-paragraph (c) there shall be substituted the following sub-paragraph—

"(c) where funds mentioned in regulation 3(1) are available to the assessment unit, but are insufficient to meet the cost of the item or services in question, the amount of the single payment payable shall be the difference between those funds and the amount which would, but for those funds, be payable by virtue of sub-paragraph (b)."

(5) In regulation 5 (pensions and allowances)—

(a) in paragraph (1), after "shall" there shall be inserted "except in a case to which regulation 23 applies,";

(b) in paragraph (2)(c) "or 23" shall be omitted;

(c) in paragraph (3), for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs—

"(a) for 14 days beginning on the first day of the period to which paragraph (7) applies, and for any day thereafter falling before the first day of the benefit week beginning next after the 14th day, the weekly amount applicable for normal requirements shall be—

(i) in respect of a claimant who is a relevant person, the rate for the time being applicable to a person to whom paragraph 2 of the Table in paragraph 2(3) of Schedule 1 to the Order (ordinary rate for relevant persons) applies less 25 per cent.,

(ii) in respect of a claimant who is a householder or a person to whom paragraph 1 or 2 of Schedule 1 to the Requirements Regulations (non-householders other than dependants) applies, the ordinary

rate for the time being applicable to that householder or other person less 25 per cent.,

- (iii) in respect of a claimant to whom regulation 9 of the Requirements Regulations (boarders) applies, the allowance for personal expenses at the ordinary rate applicable under paragraph (8) of that regulation less 25 per cent., the increase, if applicable, for meals specified in paragraph (2) of that regulation and, if the charge for board and lodging falls due during the period to which this head applies, the amount applicable for that charge under paragraph (1)(a) of that regulation,
- (iv) in respect of a claimant to whom regulation 10(4A) of the Requirements Regulations (persons from abroad) applies for the purposes of paragraph 6A of Schedule 2 to those regulations, the ordinary rate which would, but for those provisions, be applicable to that person less 25 per cent.,
- (v) in respect of the partner of a claimant to whom paragraph 2 of Schedule 2 to the Requirements Regulations (patients) applies, the amount specified in column (3) in paragraph 2(b) of that Schedule less 25 per cent.,
- (vi) in respect of a claimant to whom paragraph 3 of Schedule 2 to the Requirements Regulations (certain unmarried students) applies, the ordinary rate for the time being applicable to a person to whom paragraph 2 of the Table in paragraph 2(3) in Schedule 1 to the Order applies less 25 per cent.,
- (vii) in respect of a claimant to whom paragraph 4 of Schedule 2 to the Requirements Regulations (single claimants without accommodation) applies, the rate specified in that paragraph less 25 per cent.,
- (viii) in respect of any dependant, notwithstanding any of the preceding heads, the rate applicable to a dependant to whom paragraph 3(d) of Schedule 1 to the Requirements Regulations (dependant less than 11) applies,  
any sum of 25 per cent. which is not a multiple of 5 pence being rounded down to the nearest such multiple;
- (b) for the period to which sub-paragraph (a) applies no additional or housing requirements shall be applicable;
- (c) for any period subsequent to the period to which sub-paragraph (a) applies the claimant's requirements shall be determined in accordance with paragraph 2 of Schedule 1 to the Order except that—
  - (i) in respect of a claimant to whom sub-paragraph (a)(iv) applies, the weekly rate applicable for normal requirements shall be the ordinary rate which would for the time being be applicable to him but for the provisions there mentioned,
  - (ii) in respect of a claimant to whom sub-paragraph (a)(vi) applies, the weekly rate applicable for normal requirements shall be the ordinary rate there mentioned (but not reduced by 25 per cent.);
- (d) in paragraph (4)—
  - (i) in sub-paragraph (a) for "he has no" to the end there shall be substituted "he does not have a capital resource which falls to be taken into account under sub-paragraph (b) and which is readily realisable:";
  - (ii) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) that any available capital and available income shall be taken into account in full and any resource which would fall to be taken into account under the Resources Regulations shall be taken into account, save that—

- (i) in a case to which regulation 10 applies, the sum lost, to which regulation 11 applies, the income resource not paid, and to which regulation 13 applies, the income mentioned in regulation 13(2), shall be disregarded,
- (ii) in the application of regulations 8 and 24, any resource may be disregarded to the extent to which, having regard to the circumstances and in particular to the availability of the resource, it would be reasonable to do so,
- (iii) in so far as regulation 18 or 19 provides otherwise.”

(6) In regulation 6 (circumstances in which and items for which sums shall not be paid)—

(a) in paragraph (1), in sub-paragraph (e),

- (i) for “Part II” there shall be substituted “regulation 8 or 21(1)(a) or paragraph 1(f) in column 1 of Schedule 2”, and
- (ii) before “periods” there shall be inserted “during”;

(b) in paragraph (1) there shall be added at the end the following sub-paragraphs—

“(h) in respect of a person mentioned in paragraph 5 of Schedule 2 to the Requirements Regulations (members of religious orders);

(i) in respect of a person to whom paragraph 2 of Schedule 2 to the Requirements Regulations (patients) applies but, where that person is a claimant, this sub-paragraph shall not apply in respect of any other member of the assessment unit.”;

(c) in paragraph (2) there shall be added at the end “save that regulation 6(2)(j) of those regulations (expenses arising from attendance at a court) shall not apply in a case to which paragraph 1(c) of column 1 of Schedule 2 (travelling expenses for persons stranded) applies”.

(7) In regulation 12 (period between day of claim and day of entitlement) for “under this regulation and any” there shall be substituted “under this paragraph and any subsequent” and there shall be added the following paragraph—

“(2) Where pursuant to a determination under paragraph (1) an amount of pension or allowance is payable to a claimant to whom regulation 5(3)(a)(iii) (boarders) applies and the charge for board and lodging there mentioned falls due before the date of that determination, but not before the date of the claim mentioned in paragraph (1)(b), the amount applicable in respect of that charge shall be met.”.

(8) In regulation 13 (income resources spent on essential items), in paragraph (2)—

(a) after “made under” there shall be inserted “these regulations or”;

(b) after “item under” there shall be inserted “these regulations or, as the case may be,”.

(9) In regulation 14 (starting or resuming work)—

(a) for paragraph (1)(a) there shall be substituted the following sub-paragraph—

“(a) who is not entitled to a pension or allowance pursuant to the Order by virtue of Article 9(1) (persons in remunerative full-time work);”;

(b) in paragraph (2)(a), for “in employment” there shall be substituted “treated as being engaged in remunerative full-time work under Article 9(1)”.

(10) In regulation 16 (claimants who fail to comply with conditions of Article 7 or 14) for “by virtue of” to “but only if” there shall be substituted the words “either—

- (a) because he is not available for work and is not exempted from the requirement in Article 7 to be so available; or
- (b) by virtue of Article 14(4) (failure to comply with direction to attend course), but only if”.

(11) In regulation 17 (entitlement to pension or allowance not established)—

- (a) in paragraph (2), for “but not” to the end there shall be substituted “but in respect of any claim to which paragraph (1)(a) applies any amount of pension or allowance payable under this paragraph shall be payable only for a period not exceeding three working days beginning with the day on which a determination under this regulation is made.”;
- (b) in paragraph (3) for the words from “a claim” to “is closed” there shall be substituted “the claim is made is closed, whether” and there shall be added at the end “or otherwise”.

(12) For regulation 18 there shall be substituted the following regulation—

*“Capital resources not readily realisable*

**18.**—(1) This regulation shall apply to a claimant who has claimed a pension or allowance pursuant to the Order and—

- (a) paragraph (8), (9) or (10) of regulation 4 of the Resources Regulations (notional resources in respect of discretionary trusts or seasonal or high earners) applies to him and, if that paragraph did not apply to him, he would be entitled to, or entitled to a higher amount of, that pension or allowance; or
- (b) he is not entitled to that pension or allowance because the value of his capital resources exceeds the amount specified in regulation 7 of the Resources Regulations, and regulation 8 of those regulations does not apply to him,

and in either case the claimant does not have any capital resource which falls to be taken into account under regulation 5(4)(b) and which is readily realisable.

(2) In a case to which this regulation applies there shall be payable to the claimant an amount of pension or allowance determined in accordance with regulation 5, except that, in a case to which paragraph (1)(a) applies, paragraph (8), (9) or, as the case may be, (10) of regulation 4 of the Resources Regulations shall be disregarded.

(3) The period for which an amount of pension or allowance shall be payable under this regulation shall be such period as the benefit officer may estimate as being a reasonable period in which to realise a capital resource, but that period may be extended for any further period during which the claimant is taking reasonable steps to realise such a resource.”.

(13) In regulation 20 (suspension of payment), for paragraph (1)(c) there shall be substituted the following sub-paragraph—

- “(c) after that suspension the weekly amount of any pension or allowance payable and any earnings or other income resources as calculated under Part III of the Resources Regulations would be less than the weekly amount of requirements applicable to him determined in accordance with regulation 5(3); and”.

(14) In regulation 21 (persons from abroad)—

(a) in paragraph (1)—

- (i) for the words from “a person” to “those regulations” there shall be substituted “a claimant to whom regulation 10(4A) of the Requirements Regulations (persons from abroad) applies”;



(ii) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) sub-paragraph (a) of that regulation 10(4A) applies to him and—

(i) he has during any one period of limited leave to remain in the United Kingdom supported himself without recourse to public funds, other than any such recourse by reason of the previous application of this sub-paragraph, but

(ii) he is temporarily without funds (for example because remittances from abroad have been disrupted),

and there is a reasonable expectation that his supply of funds will be resumed;”;

(b) in paragraph (2), in sub-paragraph (a) there shall be added at the end “in aggregate during any one period of limited leave to remain in the United Kingdom”;

(c) after paragraph (2) there shall be added the following paragraph—

“(3) For the purposes of paragraphs (1)(a) and (2)(a) a period of limited leave to remain in the United Kingdom which is extended shall be construed as one period of limited leave.”.

(15) In regulation 22 (failure to maintain), in paragraph (1)(c) for the words “a person” to the end there shall be substituted “entitled to a pension or allowance pursuant to the Order if he satisfied the conditions for claiming and payment prescribed pursuant to Article 19.”.

(16) In regulation 23 (unmarried couples)—

(a) in paragraph (2) after sub-paragraph (b) there shall be added “except that the provisions of regulation 5(4)(a), (6) and (7) shall apply notwithstanding the exclusion in regulation 5(1)”;

(b) in paragraph (3) after “(earnings and other income)” there shall be inserted “but including any available income”.

(17) In regulation 24 (discretionary amounts) the words “to whom regulation 8(1) or 9 applies” shall be omitted.

(18) In regulation 25 (sums not to be recovered)—

(a) after paragraph (3) there shall be inserted the following paragraph—

“(3A) Where in a case to which regulation 22 (failure to maintain) has applied it is subsequently determined that the person there referred to as B was, pursuant to the Order, entitled to a pension or allowance in respect of the same period for which an amount of pension or allowance was paid under that regulation to the person there referred to as A, in so far as the amount paid to A does not exceed the amount of pension or allowance which would, but for this paragraph, have been payable to B, that amount paid to A shall not be recovered but shall be treated as paid on account of the pension or allowance to which B is entitled pursuant to the Order.”;

(b) in paragraph (5)(b), for heads (i) to (iii) there shall be substituted the following heads—

“(i) the amount of his income resources, if any resources which would otherwise fall to be disregarded under the Resources Regulations are taken into account in full, is less than the amount of requirements applicable to him under the Requirements Regulations, and

(ii) he has no capital resources other than those which fall to be disregarded under regulation 6(1) of the Resources Regulations.”.

- (19) In Schedule 1 (single payments for emergency relief)—
- (a) in column 1, in paragraph 3(f) there shall be added at the end “, cooking utensils, crockery, cutlery and a fireguard”;
  - (b) in column 2, for paragraph 2 there shall be substituted the following paragraph—  
“2. The amount applicable under regulation 22(2) of the Single Payments Regulations.”.
- (20) In Schedule 2 (single payments in other urgent cases)—
- (a) in column 1, in paragraph 1, for sub-paragraph (d) there shall be substituted the following sub-paragraph—  
“(d) the claimant is in receipt of an amount of pension or allowance by virtue of any provision of these regulations, is in remunerative full-time work and incurs travelling expenses between his accommodation and his employment.”;
  - (b) in column 2, in paragraph 1, in sub-paragraph (c) for the words from “applies” to the end there shall be substituted “applies shall be payable for the period for which he is in need of such expenses or the period in respect of which the amount of pension or allowance is payable, whichever is the shorter.”;
  - (c) in column 1, in paragraph 2, for “to the claimant” there shall be substituted “for the benefit of the claimant”.

*Amendment of the Determination of Questions Regulations*

**10.**—(1) This regulation shall amend the Determination of Questions Regulations.

(2) In regulation 3 (notice of determinations and assessments by benefit officers), in paragraph (5), there shall be added at the end the following sub-paragraphs—

- “(d) awarding a pension or allowance to a claimant who is affected by a trade dispute (and whose requirements fall to be disregarded to any extent by virtue of Article 12) other than the first of one or more successive awards;
- (e) in respect of a claimant to whom Article 13 (return to work after trade dispute) applies.”.

(3) In regulation 4 (review of determinations)—

- (a) in paragraph (1), for the reference to “paragraphs (2) to (6)” there shall be substituted a reference to “the following paragraphs”;
- (b) in paragraph (5), the word “or” after sub-paragraph (b) and sub-paragraph (c) shall be omitted;

(c) after paragraph (6) there shall be inserted the following paragraph—

“(7) This regulation shall not apply to—

- (a) any determination made under Article 25 (recovery in cases of misrepresentation or non-disclosure);
- (b) any determination as to an amount of protected earnings made under Part IV of the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980(a).”;
- (d) the final paragraph (meaning of determining authority) shall be renumbered as paragraph (8).

(4) In regulation 5 (reference of questions) in paragraph (1) after sub-paragraph (e) there shall be added the following sub-paragraphs—

“(f) whether for the purposes of regulation 4(9) of the Resources Regulations (notional resources of seasonal workers) a person is a seasonal worker and, if he is, the duration of—

- (i) his last period of normal employment,
- (ii) his off-season,

except that this sub-paragraph shall not apply in respect of a person who was, during his last period of employment, a self-employed earner (other than a share fisherman);

(g) whether for the purposes of regulation 8(1)(c) of the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1980 after a situation in any suitable employment has been properly notified to a person as vacant or about to become vacant he has without good cause refused or failed to apply for that situation or refused to accept that situation when offered to him.”

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

“*Decisions under the Act*

5A. A decision given in accordance with Part III of the Act (determination of claims and questions) in respect of any question mentioned in paragraph (1) of regulation 5, whether or not given pursuant to a reference of that question under that regulation, shall be conclusive for the purposes of the provisions of the Order, and regulations made under it, specified in that paragraph (1).”

(6) In regulation 6 (duration of awards of pensions and allowances) in paragraph (2)(a), for “fixed period of” there shall be substituted “period which does not exceed”.

(7) In regulation 7 (date of commencement, change and termination of entitlement to supplementary pensions and allowances)—

(a) in paragraph (1)—

- (i) in sub-paragraph (a) there shall be added at the end “except that this sub-paragraph shall not apply where in a case to which regulation 9(1)(b) or (c) of the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1980 has applied the day of the week on which entitlement would begin is not the first day of a benefit week”;
- (ii) in sub-paragraph (b)(i) for “one or both of sub-paragraphs (a) and (c)” there shall be substituted “sub-paragraph (a)”, and the words from “and in the rate” to “Order 1972” shall be omitted,

(iii) after sub-paragraph (b) there shall be added the following sub-paragraph—

“(c) the day of the week on which a change in the amount of a pension or allowance (made on review under regulation 4) would take effect is the first day of a benefit week, the change shall take effect on that day if practicable and otherwise from the first day of the next following benefit week.”;

(b) in paragraph (2), after sub-paragraph (b) there shall be inserted the following sub-paragraph—

“(bb) where the preceding sub-paragraphs do not apply to him and Article 7 does not apply to him by virtue of regulation 6(c) of the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1980 (incapacity for work), with the day of the week on which, if he had been entitled, sickness benefit would have been payable.”;

(c) in paragraph (3), after sub-paragraph (d) there shall be inserted the following sub-paragraph—

“(dd) in the case of sickness benefit to which paragraph (2)(bb) applies, the day of the week on which a giro order for sickness benefit would normally be posted.”.

*Amendment of the Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1980*

11. In regulation 4 of the Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1980(a) in paragraph (12)(c) for “after” there shall be substituted “in”.

*Revocations*

12. Regulations 4(3) and (5)(a) and 5 of the Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1980 are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 29th June 1981.

(L.S.)

*T. S. Martin*

Assistant Secretary

## EXPLANATORY NOTE

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

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. Revocations are also included.

Regulation 2 amends the Supplementary Benefit (Aggregation) Regulations (Northern Ireland) 1980. The definition of "prisoner" is amended here (and in the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1980) so as to clarify the meaning and to distinguish between a "prisoner" and a "patient". The provision for the continuation of aggregation of requirements and resources where one member of a married couple is abroad is amended so that aggregation continues unless the absent member has been abroad for more than four weeks and either he is a claimant whose entitlement to benefit continued during that period or he is not the member who is or would be the claimant. Amendment is also made so that there is no aggregation where one member of a married couple is in special accommodation. Provision is made in respect of aggregation of requirements and resources in respect of certain children boarded out by a Health and Social Services Board or voluntary organisation or in the care of a prospective adoptive parent.

Regulation 3 amends the Supplementary Benefit (Deductions and Payments to Third Parties) Regulations (Northern Ireland) 1980. Provision in those regulations which relates to payments direct from supplementary pension or allowance to landlords and fuel undertakings where there is a debt is amended in particular so as to ensure that direct payment for current requirements can continue once the debt is discharged by direct payments. Amendment is also made so as to permit payment of supplementary benefit to third parties where the claimant is temporarily away from home, or where the claimant is remanded in custody or is in custody awaiting trial or sentence and the benefit is in respect of his housing requirements.

Regulation 4 amends the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1980. Regulation 3 is amended so as to provide more clearly for the calculation of the amount of any single payment especially where payment is made direct to the supplier. Regulation 4 (which identifies the persons who are entitled to claim single payments) is amended so as to exclude certain persons who are entitled to benefit in urgent cases. Regulation 5 is amended so as to provide further on the effect of resources in consideration of discretionary payments. Regulation 7 (maternity needs) is extended to cover adopted babies. The provisions in regulation 8 under which certain resources are set off against the amount of a single payment for funeral expenses are redrafted in order of priority. Regulation 9 (essential furniture and household equipment) is amended so as to exclude squatters from its provisions and to add to the list of items to which it applies. The provisions of regulation 10 which relate to repairs of such items are redrafted so as to complement regulation 9. Regulation 13 (removal expenses) is amended so as to ensure that where the household includes persons other than the claimant and any partner and dependant (who form the assessment unit) a notional contribution towards the removal cost is assumed only in respect of those persons who move with the unit, and so that the regulation will apply where an additional requirement is applicable for furniture storage. Regulation 22 (travelling expenses) is amended so as to provide for journeys by taxi and regulation 23 (expenses on starting work) so as to provide for reduction of amounts payable where expenses are met in part or provided at a reduced cost by the employer. Regulation 25 is amended so as to distinguish between those provisions which apply to any dependant of the claimant (i.e., a member of his household for whom he is responsible) and those which apply to any child of the claimant who is not

necessarily a dependant and to provide for a rate for incidental travelling expenses of couples. Regulation 27 is amended so that a single payment is payable where a need for clothing or footwear arises on admission to hospital and other institutions for the purposes of a stay there. The clothing Schedules are amended to provide for additional items such as dressing-gowns.

Regulation 5 amends the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1980. Provision is made for the payment of travelling expenses where journeys are undertaken by taxi.

Regulation 6 amends the Supplementary Benefit (Duplication and Overpayment) Regulations (Northern Ireland) 1980 so as to clarify the definition of "war widow's pension", to delete a category from whom a higher rate of deduction from supplementary benefit can be made by way of recovery (it is already covered in another category) and to redefine that rate of deduction.

Regulation 7 amends the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1980. The definition of "student" is amended so that it applies to persons in full-time education who have ceased "relevant education" (the term used in the Order) instead of persons who have left school; the wording of the definition is also amended to clarify the meaning. The provisions relating to students are amended in particular so as to exempt certain students with dependants from the condition of registration and availability. Regulation 6 (which prescribes the categories which are so exempted) is also amended so as to align the description of single parents of foster children and ex-prisoners with definitions in other supplementary benefit regulations, and to exempt certain disabled claimants and claimants to whom a scheme under the Employment Subsidies Act 1978 applies. Regulations 9 and 10 are replaced by a new regulation 9 which defines "remunerative full-time work" for the purposes of Article 9(1) of the Order (under which claimants in such work are not entitled to supplementary benefit). Regulation 11 is amended so as to make clear that children still at school but who are in the care of a Health and Social Services Board or are the subject of a parental rights order are treated as receiving relevant education.

Regulation 8 amends the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980, in particular so as to provide for the rate of normal requirements applicable to a person affected by a trade dispute when that person is eligible for emergency relief, to extend additional requirements for maternity needs to adopted babies, to limit dietary additions to extra costs of special diets and to include in the definition of earnings available for recovery any sick pay paid by an employer.

Regulation 9 amends the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1980. Regulations 3, 4 and 5 (which govern entitlement to benefit in urgent cases) are amended so as to specify more fully the manner in which requirements and resources which are to be taken into account in an urgent case are to be determined. Regulation 6 (which prescribes the circumstances in which and items to which the regulations can apply) is amended so that the regulation can apply to certain students from abroad, but not to persons in hospital or in religious orders. Regulation 12 (under which, if entitlement to benefit under the Order begins later than the day of the claim, benefit can be paid from the date of the determination) is amended so that board and lodging charges falling due between the date of the claim and the date of the determination are to be met. Regulation 14 (starting or resuming work) is revised in particular so as to identify the period to which it applies where a person resumes work after an absence from his employment. Regulation 16 (persons who do not satisfy Article 7 or 14 of the Order) is amended so that it does not apply to a

person who fails to register for employment. Regulation 17 (which applies in cases where entitlement to supplementary benefit is not established) is amended so as to make it clear that benefit is payable under it for a maximum of three working days. Regulation 18 is replaced by a new regulation which applies where no capital resource is readily realisable. Regulation 21 (persons from abroad) is amended so that where a claimant has limited leave of entry to the United Kingdom he is only eligible under the regulation if he has shown himself to be capable of self-support and his lack of funds is only temporary. Regulation 23 (unmarried couples) is amended so as to identify which resources are to be taken into account. Regulation 25 (which relates to recovery of payments made under the regulations) is amended so as to provide that where, under regulation 22, benefit has been paid to one partner because of failure of the other to maintain, benefit is offset if subsequently it is determined that he was also entitled to benefit; provision is also made so that no recovery is to be made where a claimant's income resources taken into account in full would be less than his requirements and he has no capital resources. The Schedules (which relate to single payments) are amended in particular to provide for payment for fares to and from work in any urgent case to which the regulations apply.

Regulation 10 amends the Supplementary Benefit (Determination of Questions) Regulations (Northern Ireland) 1980. Regulation 3 is amended so that written details of assessment are not sent after the initial claim to persons affected by trade disputes or persons returning to work after a trade dispute. Regulation 4 (which relates to review of determinations) is amended in particular to make it clear that it does not apply to determinations for which there is no provision in the Order to review or for which provision is made elsewhere. Regulation 5 (under which specified questions are referred to statutory authorities under the Social Security (Northern Ireland) Act 1975) is amended so that additional questions are referred and a new regulation 5A is inserted to provide that decisions by those statutory authorities in relation to such questions (on reference or otherwise) are conclusive and binding. Regulation 7 (which prescribes dates for commencement or change of entitlement to supplementary benefit) is amended so as to provide for the relevant date of change in entitlement on review where the change would take effect from the beginning of a "benefit week", and to amend the definition of "benefit week" and provide for date of payment where a claimant is incapable of work but not receiving an incapacity benefit.

Regulation 11 makes a minor correction to paragraph (12)(c) of regulation 4 of the Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1980.

Regulation 12 revokes regulations 4(3) and (5)(a) and 5 of the Supplementary Benefits (Miscellaneous Amendments) Regulations (Northern Ireland) 1980 (which amended regulation 3(3)(b) of the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1980 and Regulation 7(2)(a)(ii) of the Supplementary Benefit (Duplication and Overpayment) Regulations (Northern Ireland) 1980).

The regulations also contain minor and drafting amendments.