

## 1982 No. 522

## SOCIAL SECURITY

**The Supplementary Benefit (Claims and Payments)  
Amendment Regulations 1982**

<i>Made</i> - - - - -	6th April 1982
<i>Laid before Parliament</i>	7th April 1982
<i>Coming into Operation</i>	28th April 1982

The Secretary of State for Social Services in exercise of the powers conferred upon him by section 14(2)(i) of the Supplementary Benefits Act 1976(a) and of all other powers enabling him in that behalf, without having referred any proposals on the matter to the Social Security Advisory Committee since it appears to him that by reason of urgency it is inexpedient to do so(b), hereby makes the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Supplementary Benefit (Claims and Payments) Amendment Regulations 1982 and shall come into operation on 28th April 1982.

*Amendment of the Supplementary Benefit (Claims and Payments) Regulations 1981*

2.—(1) Regulation 17 of the Supplementary Benefit (Claims and Payments) Regulations 1981(c) shall be amended in accordance with the following provisions of this regulation.

(2) For paragraph (2) there shall be substituted the following paragraphs:—

“(2) The amount deductible shall, in respect of any fuel item, be such weekly aggregate of the following as is appropriate:—

- (a) subject to paragraph (2A), in respect of the debt to which paragraph (1) applies (“the original debt”), a weekly amount equal to 10 per cent. of the single householder rate (that 10 per cent. being, where it is not a multiple of 5 pence, rounded to the next higher such multiple) and increased, where appropriate, in accordance with paragraph (3) for such period as is necessary to discharge the original debt, so however that the amount, or, where an original debt remains outstanding in respect of more than one fuel item, the aggregate of the amounts, calculated under this sub-paragraph shall not exceed three times 5 per cent of the single householder rate;

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(a) 1976 c. 71; the Act as amended (other than sections 31, 32, 35 and 36 and Schedules 4 and 6 to 8) is set out in Part II of Schedule 2 to the Social Security Act 1980 (c. 30).

(b) See Social Security Act 1980, section 10(2)(a).

(c) S.I. 1981/1525.

(b) except where current consumption is paid for by other means (for example pre-payment meter), an amount equal to the estimated average weekly cost necessary to meet the continuing needs for that fuel item, varied, when appropriate, in accordance with paragraph (2B)(a).

(2A) Where—

(a) an original debt remains outstanding in respect of more than one fuel item; or

(b) in any other case—

(i) the aggregate amount calculated under paragraph (2) exceeds the award of pension or allowance, or

(ii) the award of pension or allowance exceeds the aggregate amount calculated under paragraph (2) by the amount specified in head (i) or, as the case may be, head (ii) of paragraph (6)(e),

paragraph (2)(a) shall apply as if for the figure “10 per cent.” there were substituted the figure “5 per cent.”.

(2B) Where an amount is being paid direct to a person or body on behalf of the beneficiary or his partner in accordance with a determination under paragraph (1) and, pursuant to regulation 4(1) of the Determination of Questions Regulations (review of determinations), that determination falls to be reviewed—

(a) where since the date of that determination the average weekly cost estimated for the purposes of paragraph (2)(b) has either exceeded or has proved insufficient to meet the actual cost of continuing consumption so that in respect of the continuing needs for that fuel item the beneficiary or his partner is in credit or, as the case may be, a further debt has accrued, the benefit officer may determine that the weekly amount calculated under that paragraph shall, for a period of 26 weeks, be adjusted so as to take account of that credit or further debt;

(b) where an original debt in respect of any fuel item has been discharged the benefit officer may determine that the amount deductible in respect of that fuel item shall be the amount determined under paragraph (2)(b).”.

(3) In paragraph (3)—

(a) after the word “beneficiary” there shall be inserted the words “or his partner”; and

(b) after the words “weekly amount” there shall be inserted the words “, or, where an original debt remains outstanding in respect of more than one fuel debt, the aggregate of the weekly amounts,”.

*Transitional*

3. Where, on the coming into operation of these regulations, an amount is being paid to a person or body on behalf of the beneficiary or his partner pursuant to a determination made under regulation 17(1) of the Supplementary Benefit (Claims and Payments) Regulations 1981 prior to that date, the amount calculated under paragraph (2)(a) of that regulation in respect of any original debt shall, until that debt is discharged, continue to be calculated at the rate mentioned in that sub-paragraph prior to its amendment by these regulations.

*Norman Fowler,*  
Secretary of State for Social Services.

6th April 1982.

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EXPLANATORY NOTE

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

These Regulations amend regulation 17(2) and (3) of the Supplementary Benefit (Claims and Payments) Regulations 1981.

Regulation 17(2) is amended to provide, subject to certain exceptions and to transitional provisions, for the doubling of the amount which may be deducted from weekly supplementary benefit in respect of any debt for gas or electricity and paid direct to the person or body to whom the debt is due. The amendment also provides for the amount being deducted from benefit to meet the beneficiary's continuing needs for the relevant fuel to be adjusted on review to take account of any credit balance or further debt which may have accrued in respect of the beneficiary. Regulation 17(3) is amended to make clear that where either the beneficiary or his partner has income which is disregarded for the purposes of calculating his supplementary benefit the amount or total of the amounts deducted in respect of a fuel debt may be increased by not more than one half of the amount of the income disregarded.

These Regulations will be referred to the Social Security Advisory Committee under subsection (7) of section 10 of the Social Security Act 1980.

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