
 STATUTORY INSTRUMENTS

1982 No. 907

SOCIAL SECURITY

**The Supplementary Benefit (Miscellaneous Amendments)
Regulations 1982**

Made - - - - - 1st July 1982

Laid before Parliament 8th July 1982

Coming into Operation

Except for Regulations

4(5), 5(2) (b), (5)(a)

and (6), 6(2), (3), (4)

(a), (b), (d)(i), (e)

(ii), (g) and (h), 7

(12) (a) and 8(3)

9th August 1982

Regulations

4(5), 5(2) (b), (5)(a)

and (6), 6(2), (3), (4)

(a), (b), (d)(i), (e)

(ii), (g) and (h), 7

(12) (a) and 8(3)

18th October 1982

The Secretary of State for Social Services, in exercise of the power conferred upon him by sections 1(1A), 2(1A)(a), 3, 4(1), 5, 6, 9(2), 10(5) and 14(1) and (2)(a),(d),(dd),(f),(g) and (h) of the Supplementary Benefits Act 1976(a) and section 8(1) of the Social Security Act 1980(b) and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee (c), hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations, which may be cited as the Supplementary Benefit (Miscellaneous Amendments) Regulations 1982, shall come into operation on 9th August 1982 except for regulations 4(5), 5(2)(b), (5)(a) and (6), 6(2), (3), (4) (a), (b), (d)(i), (e)(ii), (g) and (h), 7(12)(a) and 8(3) which shall come into operation on 18th October 1982.

(a) 1976 c. 71, as amended by section 6(1) of, and Part I Schedule 2 to, the Social Security Act 1980 (c. 30), and sections 38 and 48(5) of, and Schedule 4 to, the Social Security and Housing Benefits Act 1982 (c. 24).

(b) 1980 c. 30.

(c) See the Social Security Act 1980, section 10(1).

(2) In these regulations—

“Claims and Payments Regulations” means the Supplementary Benefit (Claims and Payments) Regulations 1981(a);

“Conditions of Entitlement Regulations” means the Supplementary Benefit (Conditions of Entitlement) Regulations 1981(b);

“Determination of Questions Regulations” means the Supplementary Benefit (Determination of Questions) Regulations 1980(c);

“Single Payments Regulations” means the Supplementary Benefit (Single Payments) Regulations 1981(d);

“Trade Disputes Regulations” means the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations 1980(e);

“Transitional Regulations” means the Supplementary Benefit (Transitional) Regulations 1980(f);

“Urgent Cases Regulations” means the Supplementary Benefit (Urgent Cases) Regulations 1981(g);

Amendment of the Transitional Regulations

2. Regulation 7 of the Transitional Regulations (directions to attend courses of instruction or training) shall be omitted.

Amendment of the Trade Disputes Regulations

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

(2) In regulation 3(3) (urgent cases) in sub-paragraph (a) after the reference to “regulation 6(1)(b)” there shall be inserted a reference to “or (g)”.

(3) In regulation 17 (effect of deduction notice) after paragraph (3) there shall be inserted the following paragraph:—

“(3A) Where on a relevant pay-day earnings are payable to the claimant in respect of more than one pay-day the amount of the protected earnings and the figure of £1 referred to in the preceding paragraph, adjusted where appropriate in accordance with the provisions of that paragraph, shall be multiplied by the number of pay-days to which the earnings relate.”.

Amendment of the Determination of Questions Regulations

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

(2) In regulation 1(2) (interpretation) after the definition of “claimant” there shall be inserted the following definition:—

(a) S.I. 1981/1525.

(b) S.I. 1981/1526.

(c) S.I. 1980/1643; the relevant amending instrument is S.I. 1981/815.

(d) S.I. 1981/1528.

(e) S.I. 1980/1641; the relevant amending instrument is S.I. 1981/815.

(f) S.I. 1980/984.

(g) S.I. 1981/1529.

“‘determining authority’ means, as the case may require, a benefit officer, an Appeal Tribunal or a Commissioner;”.

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

(a) in paragraph (4)—

- (i) for the words “mortgage capital” there shall be substituted the words “loan capital”,
- (ii) for the words “mortgage interest” there shall be substituted the words “interest on the loan”, and
- (iii) for the word “mortgagee” there shall be substituted the word “lender”;

(b) paragraph (8) shall be omitted.

(4) In regulation 5 (reference of questions)—

(a) in paragraph (1)—

- (i) in sub-paragraph (c) after the words “regulation 8(1)(b)” there shall be inserted the words “or (f)”,
- (ii) for sub-paragraph (d) there shall be substituted the following sub-paragraph:—

“(d) whether for the purposes of regulation 10 of the Supplementary Benefit (Conditions of Entitlement) Regulations 1981 (circumstances in which persons are to be treated as receiving relevant education) a person—

- (i) is, by virtue of paragraph (1)(a) of that regulation, receiving full-time education, not being advanced education, by attendance at a recognised educational establishment, for the purposes of section 2(1)(b) of the Child Benefit Act 1975(a), or
- (ii) has, for the purposes of paragraph (1)(b) of that regulation, ceased to receive such education;”;

(b) in paragraph (2)(a) for the words “sub-paragraphs (b) to (e)” there shall be substituted the words “sub-paragraphs (b) to (g)”.

(5) In regulation 7(2)(b) (date of commencement, change and termination of entitlement to pensions and allowances) the words “registration and” shall be omitted.

(6) After regulation 7 there shall be inserted the following regulation:—

“Interim payments on account of supplementary benefit

7A.—(1) Where, under arrangements made by the Secretary of State with the consent of the Treasury, payment on account of supplementary benefit has been made otherwise than in accordance with the Act pending determination (whether in the first instance or on an appeal or reference and whether originally or on review) of a claim for supplementary benefit, that payment shall, subject to paragraph (2), for the purposes of the Act be deemed to be a payment of supplementary benefit duly made.

(a) 1975 c. 61.

(2) When a claim for supplementary benefit in connection with which a payment has been made under arrangements referred to in paragraph (1) is determined by a determining authority—

- (a) if that authority decides that nothing was properly payable by way of supplementary benefit or that the amount properly so payable was less than the amount of the payment and if it is satisfied that—
 - (i) a person has, whether fraudulently or otherwise, misrepresented or failed to disclose, any material fact, and
 - (ii) the overpayment has been made in consequence of such misrepresentation or failure,

it shall require repayment of the overpayment;

- (b) if that authority decides that the amount properly payable by way of supplementary benefit in respect of which the payment was made equals or exceeds the amount of that payment, it shall treat that payment as paid on account of the supplementary benefit properly payable.

(3) An overpayment required to be repaid under the provisions of this regulation shall, without prejudice to any other method of recovery, be recoverable by deduction from any benefit then or thereafter payable to the person by whom it is to be repaid or any persons entitled to receive his benefit on his death.”.

Amendment of the Claims and Payments Regulations

5.—(1) This regulation shall amend the Claims and Payments Regulations.

(2) In regulation 3 (manner in which claims are to be made)—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (a) before the words “on a form” there shall be inserted the words “in the case of a claim for a pension or allowance,”,
 - (ii) in sub-paragraph (b) before the words “in such manner” there shall be inserted the words “in the case of any claim,”;
- (b) in paragraph (2) the words “register and” shall be omitted;
- (c) in paragraph (5)(b) the words from “, but paragraph (2)(a)” to the end of the sub-paragraph shall be omitted.

(3) In regulation 5(2) (time for claiming pension or allowance) in sub-paragraph (d) for the words from “relating to” to “regulation 9” there shall be substituted the words “relating to the charge for board and lodging to which regulation 9(2)”.

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

“Circumstances in which claims may be deemed to have been withdrawn

5A. Where, before the determination of any claim, the Secretary of State, pursuant to regulation 4, requires the claimant—

(a) to furnish the information requested on a form given to him for that purpose; or

(b) to attend at an office or place in the manner directed,

and the claimant fails to furnish such information within 21 days of being so required or, as the case may be, fails to attend as directed, the Secretary of State may, unless he is satisfied that such failure was reasonable in all the circumstances, treat the claim as having been withdrawn.”.

(5) In regulation 6 (time and manner of payment of pension and allowance)—

(a) in head (i) of paragraph (1)(a) the words “register and” shall be omitted;

(b) after paragraph (1) there shall be inserted the following paragraph:—

“(1A) Where the amount of the allowance to which a beneficiary to whom paragraph (1)(a)(i) and (ii) applies is entitled is less than 50 pence, the Secretary of State may defer payment of that allowance until the aggregate amount to which the beneficiary is entitled exceeds 49 pence.”;

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

“(3) Paragraph (2) shall not apply to a review for the sole purpose of giving effect to any change in any amount specified in Schedule 1 to the Act or in the Requirements Regulations in connexion with the determination of requirements.”.

(6) In regulation 8(b) (information to be given in connexion with payment of benefit) the words “register and” shall be omitted.

(7) In regulation 21(2) (payment of certain accommodation charges) for the words “shall be paid” there shall be substituted the words “may, with the consent of the organisation concerned, be paid”.

(8) In regulation 23(b) (payment of pension or allowance to third parties) the words “in circumstances to which that regulation applies” shall be omitted.

Amendment of the Conditions of Entitlement Regulations

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

(2) In regulation 3(2) (persons abroad whose entitlement is to continue) the words “register and” shall be omitted.

(3) For regulation 5 (manner of registration) there shall be substituted the following regulation:—

“Registration for employment

5.—(1) A claimant shall be required to register for employment pursuant to section 5 if—

(a) he is aged less than 18; and

(b) he is required to be available for employment pursuant to that section.

(2) A claimant to whom paragraph (1) applies shall, except where the Secretary of State decides otherwise, be registered for employment by registering with the Manpower Services Commission or a local education authority.”.

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

- (a) the words “to register and” shall be omitted;
- (b) in paragraph (a)(ii) the words “register and” shall be omitted;
- (c) for paragraph (c) there shall be substituted the following paragraph:—
 - “(c) he is a person—
 - (i) to whom regulation 9(2)(b) applies, or
 - (ii) who, by reason of some disease or bodily or mental disablement, is incapable of work, or
 - (iii) who is engaged in work for the number of hours a week (being, in the case of a person to whom regulation 9(1)(a)(i) applies, less than 35 hours or, in any other case, less than 30 hours) which, having regard to some such disease or disablement suffered by him, he is usually capable of working;”;
- (d) in paragraph (e)—
 - (i) in sub-paragraph (ii) the words “registered and” shall be omitted,
 - (ii) the words from “and it is unlikely” to the end of the paragraph shall be omitted;
- (e) in paragraph (f)—
 - (i) for sub-paragraph (ii) there shall be substituted the following sub-paragraph:—
 - “(ii) he has not been in employment in the previous 10 years,”
 - (ii) in sub-paragraph (iii) for the words “the requirement in section 5” there shall be substituted the words “the requirement to be available for employment pursuant to section 5”;
- (f) after paragraph (j) there shall be inserted the following paragraph:—
 - “(jj) he is a person aged 19 but less than 20—
 - (i) who is attending a course which would, if he were aged less than 19, be relevant education, and
 - (ii) to whom one or more of paragraphs (a) to (d) of regulation 11 apply;”;
- (g) in paragraph (p) the words “who is not registered with the Manpower Services Commission and ” shall be omitted;
- (h) in paragraph (p), (r) and (u) the words “to register and” shall be omitted;
- (i) after paragraph (q) there shall be inserted the following paragraph:—
 - “(qq) he is a person remanded in custody or committed in custody for trial or to be sentenced;”;
- (j) in paragraph (s)—
 - (i) for the words “one of” there shall be substituted the words “either of”,

- (ii) for sub-paragraphs (ii) and (iii) there shall be substituted the following sub-paragraph:

“(ii) regulation 11(a), (b), (c) or (d) (person receiving relevant education who is a parent, or is severely handicapped, or has no, or is estranged from his, parents or guardian);”.

(5) In regulation 7 (circumstances in which persons are to be treated as available for employment) for paragraph (2) there shall be substituted the following paragraphs:—

“(2) A claimant who satisfies either of the conditions in paragraph (3) and who is attending—

- (a) a part-time course of education at an establishment recognised by the Secretary of State as being, or as comparable to, a college or school; or
- (b) a part-time course of training or instruction analogous to a course for which a training allowance would be payable,

shall, if he is prepared to terminate the course immediately a suitable vacancy becomes available to him, be treated as available for employment.

(3) The conditions mentioned in paragraph (2) are—

- (a) that for a continuous period of not less than 3 months falling immediately before the commencement date the claimant was in receipt of qualifying benefit; or
- (b) that during the 6 months falling immediately before the commencement date—
 - (i) the claimant was in receipt of qualifying benefit for periods in aggregate of not less than 3 months, and
 - (ii) after the first period during which he was in receipt of qualifying benefit, throughout any period or periods during which he was not in receipt of qualifying benefit he was engaged in appropriate work.

(4) For the purposes of this regulation—

- (a) ‘a part-time course’ means a course in the pursuit of which the time spent receiving instruction or tuition, undertaking supervised study, examination or practical work or taking part in any exercise, experiment or project for which provision is made in the curriculum of the course, does not exceed 21 hours a week, so however that in calculating the time spent in pursuit of the course no account shall be taken of time occupied by meal breaks or spent on unsupervised study, whether undertaken on or off the premises of the educational establishment or place of instruction or training;
- (b) ‘commencement date’ means the date on which the claimant first attended the part-time course;
- (c) a claimant shall be treated as being in receipt of qualifying benefit for any period during which he is—
 - (i) in receipt of an allowance and required to be available for employment pursuant to section 5, or not so required by virtue only of regulation 6(c),

- (ii) in receipt of unemployment benefit, or
- (iii) in receipt of sickness benefit;
- (d) 'appropriate work' means remunerative full-time work or other work the emoluments from which are such as to disentitle the person engaged in it from qualifying benefit.
- (5) Any person who, on 9th August 1982, is attending a course—
 - (a) which commenced prior to that date; and
 - (b) in respect of which he was treated as available for employment by virtue of the provisions of this regulation which was in fact immediately before that date,
 shall, if he is prepared to terminate the course immediately a suitable vacancy becomes available to him, continue to be treated as available for employment for the duration of that course, notwithstanding the preceding provisions of this regulation.”.
- (6) In regulation 8 (circumstances in which persons are not to be treated as available for employment)—
 - (a) in paragraph (1)—
 - (i) for sub-paragraph (d) there shall be substituted the following sub-paragraph:—
 - “(d) he has failed without good cause to comply with a written notice given or sent by him by the Secretary of State requesting him to report to an officer of his or of the Manpower Services Commission at a time and place and on a day specified in the notice for an interview in connexion with his prospects of employment, and either—
 - (i) at the time when that notice was given or sent to him he was a person to whom regulation 8 of the Requirements Regulations (modification of normal requirements in certain cases of actual or notional unemployment benefit disqualification) applies, or
 - (ii) he fails without good cause to comply with the requirements of a further notice given or sent to him by the Secretary of State within 14 days of the date on which he failed to comply with the notice referred to in head (i) and directing him to report to such an officer at a time and place and on a day specified in that further notice in order that he may attend such an interview;”;
 - (ii) after sub-paragraph (e) there shall be added the following sub-paragraphs:—
 - “(f) he has placed restrictions on the nature, hours, rate of remuneration or locality or other conditions of employment which he is prepared to accept and as a consequence of those restrictions has no reasonable prospects of securing employment; so however that this sub-paragraph shall not apply where—
 - (i) he is prevented from having reasonable prospects of securing employment consistent with those restrictions only as a result of adverse industrial conditions in the locality or localities concerned which may reasonably be

regarded as temporary, and, having regard to all the circumstances, personal and other, the restrictions which he imposes are reasonable, or

- (ii) the restrictions are nevertheless reasonable in view of his physical condition, or
 - (iii) the restrictions are nevertheless reasonable having regard both to the nature of his usual occupation and also to the time which has elapsed since he became unemployed;
- (g) he has been disallowed unemployment benefit on the ground that he has failed to furnish information required by the Secretary of State concerning his availability for employment.”;

(b) in paragraph (2)—

- (i) in sub-paragraph (b) before the words “further notice” there shall be inserted the words “notice or, as the case may be,”
- (ii) after sub-paragraph (c) there shall be added the following sub-paragraphs:—
 - “(d) pursuant to paragraph (1)(f), shall apply for so long as the claimant has no reasonable prospect of employment as a consequence of the restrictions referred to in that sub-paragraph;
 - (e) pursuant to paragraph (1)(g), shall apply for so long as the claimant fails to furnish the information referred to in that sub-paragraph.”.

(7) In sub-paragraph (a) of regulation 9(3) (circumstances in which persons are to be treated as engaged in remunerative full-time work) for the words “as part of the earnings” there shall be substituted the words “by way of earnings”.

(8) For regulation 10 (circumstances in which persons are to be treated as receiving relevant education) there shall be substituted the following regulation:—

“Circumstances in which persons are to be treated as receiving relevant education

10.—(1) For the purposes of section 6(2) (persons under 19 receiving relevant education not to be entitled to supplementary benefit) a person shall be treated as receiving relevant education—

- (a) for any period during which he is, for the purposes of section 2(1)(b) of the Child Benefit Act 1975, receiving full-time education, not being advanced education, by attendance at a recognised educational establishment; or
- (b) in the case of a person who has ceased to receive full-time education, not being advanced education, for the purposes of that section 2(1)(b) and who—
 - (i) is under the age of 16 when he so ceases and attains that age on or before the terminal date, or
 - (ii) is aged 16 or over when he so ceases,
 for the period beginning with the starting date and ending with the said terminal date.

(2) In this regulation—

(a) “starting date” means—

- (i) in the case of a person to whom head (i) of paragraph (1)(b) applies, the date on which he attains the age of 16, and
- (ii) in the case of a person to whom head (ii) of paragraph (1)(b) applies, the date on which he ceases to receive full-time education, not being advanced education, for the purposes of the said section 2(1)(b); and

(b) “terminal date” means—

- (i) the first Monday in January,
 - (ii) the first Monday following Easter Monday,
 - (iii) the first Monday in September, or
 - (iv) the last Monday before the person attains the age of 19,
- whichever first occurs after the date on which the person’s said education ceased.”.

(9) In regulation 11 (circumstances in which persons receiving relevant education are to be entitled to supplementary benefit) for paragraph (e) there shall be substituted the following paragraph:—

“(e) either he—

- (i) is attending a part-time course of education to which paragraph (2) of regulation 7 (part-time courses) applies and he satisfies the conditions of that regulation, or
- (ii) has completed or terminated such a course and while attending that course satisfied the conditions of that regulation.”.

(10) In regulation 12(3) (directions to attend courses of instruction or training) for the words from “shall be entitled” to the end of the paragraph there shall be substituted the words:—

“shall be entitled to an allowance—

- (c) in a case where the direction has been reviewed on the ground that there has been a relevant change of circumstances since the direction was made, for any period after the date of that change of circumstances; or
- (d) in any other case, for any period during which the direction was in force,

and in respect of which he would have been so entitled but for section 10(4) (disentitlement during failure to comply with direction).”.

Amendment of the Single Payments Regulations

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

(2) In regulation 2(1) (interpretation) for the word “other” there shall be substituted the word “otherwise”.

(3) In sub-paragraph (b) of regulation 3(2) (meaning of single payment) for the words from “does not already possess” to the end of the sub-paragraph there shall be substituted the words “either—

- (i) subject to regulation 10(2)(b)(ii) (purchase of essential furniture and household equipment), does not already possess that item, or
 - (ii) does not have available to it a suitable alternative item, and has not unreasonably disposed of, or failed to avail itself of, such an item.”.
- (4) In regulation 6 (circumstances in which and items for which single payments shall not be made)—
- (a) paragraph (1)(c) shall be omitted; and
 - (b) after paragraph (2) there shall be added the following paragraph:—
 - “(3) Unless made—
 - (a) under regulation 7, 8, 21, 22, 28 or 30; or
 - (b) under regulation 17 in respect only of a person to whom an amount is applicable under regulation 17(1) of the Requirements Regulations (maintenance and insurance) by virtue only of regulation 14(4) of those regulations (circumstances in which housing requirements continue to be applicable during absence from the home),
 no single payment shall be made in respect of a person in accommodation specified in sub-paragraph (a), (b) or (c) of paragraph (4) of regulation 10 of the Requirements Regulations (‘residential accommodation’).”.
- (5) In paragraph (4) of regulation 7 (maternity needs) after the word “Social Security Act” there shall be inserted the words “to a member of the assessment unit”.
- (6) In sub-paragraph (a) of regulation 8(1) (funeral expenses) after head (ii) there shall be added the following head:—
- “(iii) related to the responsible member but, at the time of his death, had had no recent contact with any person more closely related to him than the responsible member;”.
- (7) In paragraph (g) of regulation 9 (meaning of essential furniture and household equipment) for the word “curtains” there shall be substituted the word “curtaining”.
- (8) In regulation 10 (purchase, repair and installation of essential furniture and household equipment)—
- (a) in paragraph (1)—
 - (i) in both sub-paragraphs (a) and (b) after the word “claimant” where it first appears there shall be inserted the words “or his partner”,
 - (ii) for both head (ii) of sub-paragraph (a) and head (i) of sub-paragraph (b) there shall be substituted the following head, numbered “(ii)” and “(i)” respectively:—
 - “the assessment unit includes a dependant, or a member who is over pensionable age, pregnant, chronically sick or mentally or physically disabled;”,
 - (iii) for head (iii) of sub-paragraph (a) there shall be substituted the following head:—

“(iii) the claimant has, in the opinion of the benefit officer, no immediate prospect of employment and either has been a person in receipt of an allowance for a continuous period of 6 months or has, within the preceding 6 months, been the partner of such a person.”;

(b) in paragraph (2) for sub-paragraph (b) there shall be substituted the following sub-paragraph:—

“(b) does possess, but—

(i) which is defective or unsafe and the cost of repair to which paragraph (4) would otherwise apply would exceed the cost of the replacement or would be uneconomic having regard to the future viability of the item,

(ii) in respect of an item to which paragraph (3)(a)(i) applies, for which the claimant has not yet paid.”;

(c) in paragraph (3) the words from “and in the case of an item” to the end of the paragraph shall be omitted;

(d) for paragraph (5) there shall be substituted the following paragraph:—

“(5) In a case to which paragraph (1) applies a single payment shall be made to meet—

(a) in the case of any item mentioned in regulation 9(a), (b), (c), (d), (h), (i), (j) or (k), the reasonable cost of delivery; and

(b) in the case of any item mentioned in regulation 9(c), (d), (h), (i) or (k), the reasonable cost of installation.”.

(9) In sub-paragraph (d) of regulation 13(1) (removal expenses) after the words “offered to him” there shall be added the words “or would be unable to accommodate in his household a close relative who is—

(i) over pensionable age, chronically sick or mentally or physically disabled,

(ii) a patient,

(iii) in the care of a local authority, or

(iv) in accommodation specified in sub-paragraph (a), (b) or (c) of paragraph (4) of regulation 10 of the Requirements Regulations (“residential accommodation”),

who intends to join the household and for whom it is reasonable that the claimant should provide accommodation.”.

(10) In regulation 22(1) (travelling expenses)—

(a) in sub-paragraph (d) for the words “in the case” there shall be substituted the words “in a case”;

(b) after sub-paragraph (k) there shall be added the following words:—

“and in a case where a claimant and his partner are required to attend together at an interview for employment or, as the case may be, are required, as a condition of any employment, to undertake that employment together, any reference in sub-paragraph (f) or (h) to the claimant shall be treated as a reference to the claimant and his partner.”.

(11) In regulation 23(1) (expenses on starting work) for sub-paragraph (a) there shall be substituted the following sub-paragraph:—

- “(a) without such item the claimant would be unable either—
- (i) to take up employment which has been offered to him, or
 - (ii) to continue in employment which he has taken up during the 14 days immediately preceding the making of his claim for a single payment; and”.

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

- (a) in heads (i) and (ii) of paragraph (1)(b) the words “register and” shall be omitted; and
- (b) in paragraphs (2) and (4) for the words “exceeds £50.00” there shall be substituted the words “exceed £50.00”.

(13) In sub-paragraph (b) of regulation 27(1) (clothing and footwear) for the words “as a resident” there shall be substituted the words “(whether as a resident or otherwise)”.

(14) In Schedule 1 (bedclothes)—

- (a) in column 1—
 - (i) for the word “Sheets” in each place where it occurs there shall be substituted the word “Sheet”, and
 - (ii) the word “pair” in each place where it occurs shall be omitted;
- (b) in column 2 for the last 7 figures there shall be substituted the figures “6.50”, “8.90”, “2.50”, “5.60”, “7.40”, “3.75” and “4.60”.

(15) In Part II of Schedule 2 (clothing and footwear)—

- (a) in column 1 between the words “Overalls” and “Wellingtons” there shall be inserted the word “Suit”; and
- (b) in column 2 between the figures “10.50” and “9.20” there shall be inserted the figure “55.00”.

Amendment of the Urgent Cases Regulations

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

(2) In regulation 2(1) (interpretation) in the definition of “capital otherwise disregarded” after the reference to “regulation 6(1)(b)” there shall be inserted a reference to “or (g)”.

(3) In regulation 3(2)(b) (urgent cases) the words “registration and” shall be omitted.

(4) In regulation 5(5) (pensions and allowances) for the words from “payable under” to the end of the paragraph there shall be substituted the words:—

“payable if—

- (a) the claimant’s requirements had been determined pursuant to paragraph 2 of Schedule 1 to the Act, modified in accordance with the provisions of that regulation 8; and

(b) his resources had been calculated pursuant to paragraph 1(2) and (3) of Schedule 1 to the Act,

only the latter amount shall be payable.”.

(5) In regulation 16 (claimants who fail to comply with conditions of section 5 or 10) for paragraph (2) there shall be substituted the following paragraph:—

“(2) In a case to which this regulation applies there shall be payable to the claimant an amount of allowance determined in accordance with regulation 5, so however that—

(a) in a case to which paragraph (1)(a) applies, for so long as the claimant remains unavailable for work; or

(b) in a case to which paragraph (1)(b) applies, for a period of 6 weeks beginning on the first day of the period to which paragraph (7) of that regulation 5 applies,

that amount shall be determined as if regulation 8(1) of the Requirements Regulations applied to him (so that paragraph (5) of that regulation 5 shall apply).”.

Signed by Authority of the Secretary of State for Social Services.

Hugh Rossi,
Minister for Social Security,
Department of Health and Social Security.

1st July 1982.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend, and correct minor errors in, regulations made under the Supplementary Benefits Act 1976 ("the Act") as extensively amended by the Social Security Act 1980. In particular a number of minor amendments are made consequential upon the amendment of section 5 of the Act by section 38 of the Social Security and Housing Benefits Act 1982. One revocation is also included.

Regulation 2 revokes regulation 7 of the Supplementary Benefit (Transitional) Regulations 1980 which made transitional provisions in relation to directions and reports to Appeal Tribunals under section 10 of the Act prior to its amendment by the Social Security Act 1980.

Regulation 3 amends the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations 1980. Regulation 3 of those regulations is amended so as to include sums to be used for the repair or replacement of the home or personal possessions as capital to be taken into account when determining whether the claimant is entitled to a payment under regulations 5 to 9 of those regulations. In regulation 17 provision is made in the calculation of protected earnings for a claimant who receives earnings in respect of more than one pay period.

Regulation 4 amends the Supplementary Benefit (Determination of Questions) Regulations 1980. In regulation 2 of those regulations there is inserted a definition of "determining authority" and in regulation 4 amendments are made consequential upon an amendment to regulation 16 of the Supplementary Benefit (Requirements) Regulations 1980 (S.I. 1980/1299) which provides for the payment of interest due on certain loans in addition to a mortgage. Regulation 5 is amended to extend the questions which are to be referred to an insurance officer for determination. A new regulation 7A is inserted to make provision for the making and recovery of certain extra-statutory payments.

Regulation 5 amends the Supplementary Benefit (Claims and Payments) Regulations 1981. Regulation 3 of those regulations is amended in particular to provide that a claim for a single payment is to be made in writing and need not be made on a form approved by the Secretary of State. In regulation 5 amendment is made to make clear that the power to backdate claims made by certain persons without a settled way of life applies only to that part of the claim which relates to a charge for board and lodging. A new regulation 5A is inserted to provide that a claim may be deemed to have been withdrawn where the claimant fails to furnish certain information within 21 days, or to attend for interview, in accordance with a request by the Secretary of State. Regulation 6 is amended to enable amounts of benefit of less than 50 pence to be deferred until the aggregate amount due to the claimant is at least 50 pence. An amendment is made to regulation 21 to effect that payments of benefit in respect of charges for accommodation shall not be paid direct to the voluntary organisation providing the accommodation without the consent of that organisation.

Regulation 6 amends the Supplementary Benefit (Conditions of Entitlement) Regulations 1981. Regulation 5 of those regulations is amended to provide that from 18 October 1982 only persons under the age of 18 who are required to be available for employment shall be required to register for employment.

Regulation 6 is amended to effect that the requirement to be available for employment as a condition of entitlement to benefit shall not apply to persons who, by reason of some disease or disablement are working only part-time, to certain persons aged 19 who, if they were aged less than 19, would be treated as receiving relevant education, and to persons remanded or committed in custody for trial or to be sentenced; moreover, the requirement that certain persons receiving relevant education should be available for work during school holidays is removed. In regulation 7 amendment is made to the circumstances in which persons attending part-time courses of education or training are to be treated as available for employment. Regulation 8 is amended to provide that a person shall not be treated as available for employment where he fails to attend for interview as required, in certain cases, by a notice or, in other cases, a further notice given to him by the Secretary of State, or where he places certain restrictions on the employment which he is prepared to accept. In regulation 10 amendment is made to specify fully the circumstances in which a person is to be treated as receiving relevant education. Regulation 11 is amended to specify fully the circumstances in which a person attending a part-time course of education may be entitled to supplementary benefit. Regulation 12 is amended to make provision for entitlement to benefit to take effect from the date of any change of circumstances giving rise to the cancellation on review of a direction pursuant to section 10 of the Act.

Regulation 7 amends the Supplementary Benefit (Single Payments) Regulations 1981. Regulation 3 is amended to effect that notwithstanding that, in certain circumstances, the claimant already possesses the item in question a single payment may nevertheless be made. In regulation 6 an amendment is made to provide that a single payment be made to a person in residential accommodation only for certain items. Regulation 7 is amended to provide that a single payment for maternity needs shall be abated by the amount of any maternity grant only where that grant is paid to a member of the assessment unit. In regulation 8 the circumstances in which a single payment may be made for funeral expenses are amended to include cases where the deceased was closely related to, although not a close relative of, the member of the assessment unit responsible for the funeral. Regulation 10 is amended in particular to vary the circumstances in which a payment may be made for an item of essential furniture or household equipment and to extend the provision for meeting the cost of delivery of certain items. In regulation 13 the provisions governing the payment of removal expenses are amended to include a case where the assessment unit changes its home in order to accommodate a close relative in the household. Regulation 22 is amended to provide for the payment of travelling expenses where both the claimant and his partner are required to attend together an interview for, or to undertake, employment. Regulation 23 is amended to extend the circumstances in which payments may be made for expenses on starting work to cases where the claimant has been in employment for up to 14 days. In regulation 27 the provisions relating to payments for clothing and footwear are extended to include cases where the need arises on the claimant's admission to a re-establishment course otherwise than as a resident. Schedules 1 and 2 (bedding and working clothes) are amended to provide respectively for a payment to be made in respect of single sheets and a suit.

Regulation 8 amends the Supplementary Benefit (Urgent Cases) Regulations 1981. In regulation 2 of those regulations the definition of "capital otherwise disregarded" is amended so as to include sums which are to be used for the repair or replacement of the home or personal possessions and which are

normally disregarded in the calculation of the claimant's entitlement to benefit. In regulation 5 amendment is made to the method of calculating the requirements and resources of a claimant whose normal requirements are subject to a reduction under regulation 8 of the Supplementary Benefit (Requirements) Regulations 1980. Regulation 16 is amended to make provision for the period during which the claimant's urgent cases payment is to be calculated in accordance with regulation 5(5).

The report of the Social Security Advisory Committee dated 28th June 1982 relevant to these regulations is contained in Command paper (Cmnd. 8598) published by Her Majesty's Stationery Office.

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