
 STATUTORY INSTRUMENTS

1984 No. 938

SOCIAL SECURITY

The Supplementary Benefit (Miscellaneous Amendments) Regulations 1984

<i>Made</i> - - - - -	3rd July 1984
<i>Laid before Parliament</i>	6th July 1984
<i>Coming into Operation</i>	
<i>Except for regulations</i>	6th August 1984
5(2), 6(7) 6(12) and	
6(13)	
<i>Regulations</i>	
5(2), 6(7), 6(12) and	
6(13)	26th November 1984

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 1(1A), 3(1) and (2), 4(1), 5, 6, 9(2), 14(1) and (2)(a), (c), (dd), (f), (g), (h), (i) and (k), 34(1) and (3) of, and paragraphs 2(5) and 3 of Schedule 1 to the Supplementary Benefits Act 1976(a) and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee(b), hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (Miscellaneous Amendments) Regulations 1984 and shall come into operation on 6th August 1984, except for regulations 5(2), 6(7), 6(12) and 6(13) which shall come into operation on 26th November 1984.

Amendment of the Supplementary Benefit (Aggregation) Regulations 1981

2.— (1) The Supplementary Benefit (Aggregation) Regulations 1981(c) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) (interpretation) the definition of “relevant education” shall be omitted.

(3) In regulation 1A(1)(b) (circumstances in which the requirements and

(a) 1976 c. 71; the Act, as amended by the Social Security Act 1980 (c.30), is set out in Part II of Schedule 2 to the latter Act, and was further amended by sections 38 and 48(5) of, and Schedule 4 to, the Social Security and Housing Benefits Act 1982 (c.24).

(b) See sections 9 and 10 of the Social Security Act 1980.

(c) S.I. 1981/1524, as amended by S.I. 1983/1000, 1004.

resources of one partner of a married or unmarried couple are to be aggregated with and treated as those of the other)—

(a) after head (xiii) there shall be inserted the following head—

“(xiiiA) a person who would be entitled to be credited with National Insurance contributions under regulation 9A of the Social Security (Credits) Regulations 1975(a), or”.

(4) For regulation 2 there shall be substituted the following regulation—

“Circumstances in which a married or unmarried couple are to be treated as being, or not being, members of the same household

2.— (1) This regulation shall apply for the purposes of paragraph 3(1) of Schedule 1 to the Act (aggregation of requirements and resources of couples).

(2) Subject to paragraph (3), two persons who are a married or unmarried couple shall not be treated as having ceased to be members of the same household by reason of any temporary absence the one from the other.

(3) Where two persons are a married or unmarried couple and, before the occurrence of the circumstances to which this paragraph applies, were members of the same household, and one of them—

(a) is living away from his partner in residential accommodation, including accommodation provided pursuant to Part III of the National Assistance Act 1948(b) (provision of accommodation by local authorities), he shall continue to be treated as a member of the same household as his partner unless—

(i) his partner is not entitled to a pension or allowance but the couple have insufficient resources to pay the charges prescribed pursuant to section 22 of that Act, or

(ii) in the opinion of an adjudication officer, his stay in that accommodation has become other than temporary;

(b) is a patient, he shall continue to be treated as a member of the same household as his partner unless either—

(i) he has been a patient for a continuous period of more than 2 years, or

(ii) in the opinion of an adjudication officer his stay in that hospital or similar institution has become other than temporary, or

(iii) he is a patient detained in a hospital provided under section 4 of the National Health Service Act 1977(c) or section 89(1) of the Mental Health (Scotland) Act 1960(d) (special or State hospitals);

(c) is absent from Great Britain while his partner remains in Great Britain, 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—

(a) S.I. 1975/556; the relevant amending instruments are S.I. 1983/463, 1610.

(b) 1948 c.29.

(c) 1977 c.49.

(d) 1960 c.61.

- (i) a claim was current at the time the absence began, and he is a claimant to whom regulation 3(1) and (3) of the Conditions of Entitlement Regulations (persons abroad whose entitlement is to continue) applies, or
 - (ii) a claim was current at the time the absence began, and he was not the relevant person for the purposes of paragraph 2(3) of Schedule 1 to the Act, or
 - (iii) where neither head (i) nor (ii) is applicable and his partner is the person who satisfies the provisions of regulation 1A;
 - (d) has come to Great Britain while his partner remains abroad, they shall not be treated as members of the same household for any period during which the partner remains abroad;
 - (e) is a prisoner for any period, he shall not be treated as a member of the same household as his partner for that period.”
- (5) In regulation 3(5) (circumstances in which a person is to be treated as being responsible for another person)—
- (a) for sub-paragraph (b) there shall be substituted the following sub-paragraph—
 - “(b) is one to whom regulation 10(1)(a) of the Conditions of Entitlement Regulations would apply if he were aged less than 19;”;
 - (b) in sub-paragraph (d) for all the words after “but was” there shall be substituted the words “a person to whom regulation 10(1) of the Conditions of Entitlement Regulations applied; and”;
 - (c) in sub-paragraph (e) after the words in brackets “circumstances in which persons” there shall be inserted the words “treated as”.

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

3.— (1) The Supplementary Benefit (Claims and Payments) Regulations 1981(a) shall be amended in accordance with the following provisions of this regulation.

- (2) In regulation 5(2) (time for claiming pension or allowance)—
- (a) in sub-paragraph (a) for all the words from “that period there was” to “first day of that period” there shall be substituted the words “the period between the first day of that earlier period and the date on which the claim was made there was continuous good cause for failure to make the claim before the day on which it was made, on the first day of that earlier period”;
 - (b) after sub-paragraph (b) there shall be inserted the following sub-paragraph—
 - “(bb) where the claimant has made a claim for a housing benefit in accordance with regulation 27 of the Housing Benefits Regulations and his claim for a pension or allowance is made within one month of the date on which he was notified in accordance with regulation

(a) S.I. 1981/1525; the relevant amending instruments are S.I. 1982/907, 914, 1983/1004.

45 of those Regulations of the determination of his claim for a housing benefit, on the day on which his claim for a housing benefit in accordance with regulation 27 of those regulations was received by the appropriate authority;”.

- (3) After regulation 5A there shall be inserted the following regulation—
- “Time for claiming a single payment*
- 5B. Where a claim for a single payment is made not more than 5 days, excluding any day on which a local office of the Department is closed to the public for the receipt of claims, after the date on which the need for the item in question first arose it shall be treated as made on the date on which the need first arose but only where the need for that item had to be met immediately and it was not practicable for the claim to have been made before that need had to be met.”.
- (4) In regulation 23A (payment of housing benefit supplement to housing authorities)—
- (a) in paragraph (1) after the words “housing authority” there shall be inserted the words “or the rating authority as the case may be”;
- (b) in paragraph (3) for the words “has the meaning assigned to it” there shall be substituted the words “and “rating authority” have the meanings assigned to them”.
- (5) In regulation 29 (travelling expenses in connexion with claims)—
- (a) in paragraph (1) after the words “with paragraph (2)” there shall be inserted the words “but other than in a case to which sub-paragraph (a) applies, only where the matter in connexion with which he has attended at an office of the Department could not have been dealt with satisfactorily and more cheaply by post, telephone or other method.”;
- (b) in paragraph (2)—
- (i) after the words “claimant to the office,” there shall be inserted the words “or it is necessary for any person to act as the claimant’s interpreter, or as his companion where the claimant is unable to travel unaccompanied by reason of his being elderly, in poor health or disabled,”;
- (ii) in sub-paragraph (b)(i) after the words “is available” there shall be inserted the words “and the person is not prevented from using it by reason of physical disability”;
- (c) for paragraph (3) there shall be substituted the following paragraph—
- “(3) Subject to sub-paragraph (3A) the amount payable under this regulation shall be the amount calculated in accordance with paragraph (2) less 80 pence.”;
- (d) after paragraph (3) there shall be added the following paragraph:—
- “(3A) Where the claimant necessarily incurs travelling costs in attending an office of the Department—
- (i) more than once in any one week, being the period from Monday to Sunday unless the Secretary of State decides otherwise, the amount payable in respect of each additional

visit shall be the amount calculated in accordance with paragraph (2), or

- (ii) he is entitled to a pension or allowance by virtue only of the Urgent Cases Regulations, during any period in which regulation 5(3)(a) of those regulations or the first 14 days during which regulation 19(5) of those regulations applies to him the amount payable shall be the amount calculated in accordance with paragraph (2),

so however that where the amount payable under this regulation is less than 10 pence no amount shall be payable unless in any particular case the Secretary of State decides otherwise.”.

Amendment of the Supplementary Benefit (Conditions of Entitlement) Regulations 1981

4.— (1) The Supplementary Benefit (Conditions of Entitlement) Regulations 1981(a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation) for the definition of “student” there shall be substituted the following definition—

“ “student” means a person aged 19 or over but under pensionable age who is not a person to whom regulation 3(5) of the Supplementary Benefit (Aggregation) Regulations 1981(b) applies and who is attending a course of full-time education, or a person aged less than 19 attending a course of advanced education within the meaning of regulation 1(2) of the Child Benefit (General) Regulations 1976(c) but he shall not be deemed to be a student during periods when he is not attending his course and is not engaged in a programme of studies;”.

(3) In regulation 7(5)(b) (circumstances in which persons are to be treated as available for employment) for the word “fact” there shall be substituted the word “force”.

(4) In regulation 8(1)(d) (circumstances in which persons are not to be treated as available for employment) for the words “by him” there shall be substituted the words “to him”.

(5) In regulation 10 (circumstances in which persons are to be treated as receiving relevant education)—

(a) in paragraph (1)—

(i) after the words “a person shall” there shall be inserted the word “only”;

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

“(a) for any period during which he is—

(i) receiving primary or secondary education in England or Wales otherwise than at school, under special arrange-

(a) S.I. 1981/1526; the relevant amending instruments are S.I. 1982/907, 1983/1000.

(b) S.I. 1981/1524; there are no relevant amending instruments.

(c) S.I. 1976/965; the relevant amending instruments are S.I. 1977/534, 1983/3.

ments made under section 56 of the Education Act 1944(a); or

- (ii) receiving education in Scotland elsewhere than at an educational establishment, under special arrangements made under section 14 of the Education (Scotland) Act 1962(b); or
- (iii) attending a course of education other than a course of advanced education within the meaning of regulation 1(2) of the Child Benefit (General) Regulations 1976(c) at a recognised educational establishment as defined in section 24(1) of the Child Benefit Act 1975(d), and in the pursuit of that course, the time spent in 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, exceeds 12 hours per week, so however that in calculating the time spent in pursuit of the course, no account shall be taken of the time occupied by meal breaks or spent on unsupervised study, whether undertaken on or off the premises of the educational establishment; or
- (iv) to be treated as receiving full-time education, not being advanced education within the meaning of regulation 1(2) of the Child Benefit (General) Regulations 1976, by virtue of the provisions of regulation 6 of those latter regulations; or”;

(b) in sub-paragraph (b) of paragraph (1) for all the words from “receive full-time education” to “section 2(1)(b)” there shall be substituted the words “be a person to whom sub-paragraph (a) applies”;

(c) in paragraph (2)(a)(ii) for all the words from “receive full-time education” to “section 2(1)(b)” there shall be substituted the words “be a person to whom sub-paragraph (a) of paragraph (1) applies”.

(6) For regulation 11 (circumstances in which persons receiving relevant education are to be entitled to supplementary benefit) there shall be substituted the following regulation:—

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

11. A claimant who is treated as receiving relevant education whose resources are insufficient to meet his requirements shall be entitled to supplementary benefit if he is a person to whom one or more of the following paragraphs apply:—

- (a) he is the parent of a child for whom he is responsible and who is a member of the same household;
- (b) he is severely mentally or physically handicapped and by reason of

(a) 1944. c.31.

(b) 1962. c.47.

(c) S.I. 1976/965; the relevant amending instruments are S.I. 1977/534, 1983/3.

(d) 1975 c.61.

that handicap would be unlikely, if he were available for employment and not treated as receiving relevant education, to obtain employment within the next 12 months;

- (c) he has no parent and there is no person acting in the place of his parent;
- (d) he is living away from and is estranged from his parents and any person acting in the place of his parents;
- (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 paragraph, or
 - (ii) has completed or terminated such a course and while attending that course satisfied the conditions of that paragraph.”.

Amendment of the Supplementary Benefit (Determination of Questions) Regulations 1980

5.— (1) The Supplementary Benefit (Determination of Questions) Regulations 1980(a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 5B(1)(c)(ii) (determination of amount of water charges) for the words from “but are not identified” to “being of a specific amount” there shall be substituted the words “and are collected direct from the claimant or his partner by the landlord,”.

(3) In regulation 7A (interim payments on account of supplementary benefit) for paragraph (4) there shall be substituted the following paragraph—

“(4) 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—

- (a) from any supplementary benefit or benefit under the Social Security Act then or thereafter payable to the person by whom it is to be repaid or any person entitled to receive his benefit on his death, or
- (b) where any amount recoverable was paid in respect of a married or unmarried couple, from any such benefit payable to either of them during a period when their requirements and resources are aggregated under paragraph 3 of Schedule 1 to the Act or as aforesaid any person entitled to receive his or her benefit on death.”.

Amendment of the Supplementary Benefit (Single Payments) Regulations 1981

6.— (1) The Supplementary Benefit (Single Payments) Regulations 1981(b) shall be amended in accordance with the following provisions of this regulation.

(a) S.I. 1980/1643; the relevant amending instruments are S.I. 1982/914, 1983/337, 1000.

(b) S.I. 1981/1528; the relevant amending instruments are S.I. 1982/907, 1127, 1983/1000, 1245.

(2) In regulation 2(1) (interpretation) there shall be inserted after the definition of “the Social Security Act” the following definition—

“tenant” means a person other than one to whom regulation 9 of the Supplementary Benefit (Requirements) Regulations 1983(a) applies, and who occupies his home under a tenancy, licence or other agreement giving him the right to occupy that home, and tenancy shall be construed accordingly.”.

(3) In regulation 8(3) (funeral expenses) there shall be substituted for sub-paragraph (a) the following sub-paragraph—

“(a) the value of the deceased’s estate at the date of his death less—

- (i) the value of the deceased’s home if owned solely or jointly by him and not occupied solely by him; and
- (ii) where the responsible member was the partner of the deceased, the value of personal possessions other than any to which heads (i) to (iii) of regulation 6(1)(c) of the Resources Regulations apply;”.

(4) In regulation 9 (meaning of essential furniture and household equipment) for paragraph (i) there shall be substituted the following paragraph—

“(i) a washing machine, only where the conditions of paragraph 18(a) of Schedule 4 to the Supplementary Benefit (Requirements) Regulations 1983(a) are satisfied but no additional requirement under that paragraph is appropriate because either—

- (i) there is no laundry or launderette which the assessment unit can reasonably be expected to use, or
- (ii) where there is such a laundry or launderette it cannot be used for the assessment unit’s laundry because the claimant or his partner is mentally or physically ill or disabled or because there is no public transport to it;”.

(5) In regulation 10 (purchase, repair and installation of essential furniture and household equipment) in paragraph (1)—

(a) in sub-paragraph (a) there shall be inserted after the words “partly furnished home” the words “notwithstanding that he is not yet in actual occupation of the new home”; and

(b) in head (i) of sub-paragraph (a) for the words “sub-paragraphs (a) to (f)” there shall be substituted the words “sub-paragraphs (a) to (g)”.

(6) In regulation 13(2) (removal expenses) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) the claimant is a person—

- (i) to whom section 3(4), 4(3), 4(4), 4(5), 5(5) or 5(6) of the Housing (Homeless Persons) Act 1977(b) (duties of housing authorities to persons who may be or are homeless or threatened with homelessness and in priority need) applies, or
- (ii) whom pursuant to the exercise of their duties under any of the

(a) S.I. 1983/1399; there are no relevant amending instruments.

(b) 1977 c.48.

provisions referred to in head (i) above the housing authority are removing from temporary to permanent accommodation; or”.

(7) For regulation 21 (housing costs which arise irregularly) there shall be substituted the following regulation—

“Housing costs which arise irregularly

21.— (1) Where in the determination of the claimant’s housing requirements under Part IV of the Supplementary Benefit (Requirements) Regulations 1983(a)—

- (a) an amount is applicable under regulation 16 of those regulations in respect of a person to whom either—
 - (i) paragraph (1)(a) or (1)(b) of that regulation applies, and who in the latter case is liable to undertake or meet the costs both of all repairs to, and the insurance of, the structure of the home; or
 - (ii) paragraph (1)(b) of that regulation applies and who is liable to undertake or meet the costs only of all repairs to the structure of the home; or
- (b) no amount is applicable under regulation 18 of those regulations (miscellaneous outgoings) in respect of any outgoings to which paragraphs (1)(b) to (ff) of that regulation apply solely because in the opinion of an adjudication officer it is impracticable to estimate the likely amount of those outgoings;

a single payment shall be made in accordance with paragraphs (2) and (3).

(2) The amount payable in a case to which paragraph (1) applies shall be—

- (a) in a case to which sub-paragraph (a)(i) applies, the reasonable cost of any essential routine minor maintenance in excess of the balance, if any, of the amount applicable under regulation 16 of the Supplementary Benefit (Requirements) Regulations 1983 after meeting the actual costs of insurance on a weekly basis, accruing to and not spent on such maintenance by the claimant since the beginning of his award or the preceding period of 52 weeks whichever is the lesser period; or
- (b) in a case to which sub-paragraph (a)(ii) applies, the reasonable cost of any essential routine minor maintenance in excess of the balance, if any, of the amount applicable under regulation 16 of the Supplementary Benefit (Requirements) Regulations 1983 accruing to and not spent on such maintenance by the claimant since the beginning of his award or the preceding period of 52 weeks whichever is the lesser period; or
- (c) in a case to which sub-paragraph (b) applies, the actual cost of any outgoings to which regulation 18(1)(b) to (ff) of the Supplementary Benefit (Requirements) Regulations 1983 applies.

(a) S.I. 1983/1399; there are no relevant amending instruments.

(3) For the purposes of this regulation, the provisions of regulation 5 (effect of disregarded capital on amounts payable) shall not apply.”

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

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

“(a) a member of the assessment unit is visiting a patient who is

- (i) a close relative of the visitor, or
- (ii) not being a close relative, is related to the visitor, or
- (iii) prior to his hospitalisation was a member of the same household as the visitor,

and the circumstances of the visit are such that no additional requirement is applicable, and in a case to which head (ii) above applies there is no other relative of the patient who has visited him recently and who intends to continue visiting the patient;”;

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

“(l) a member of the assessment unit is visiting a person who is resident in a registered nursing home or residential care home as defined in regulation 9(b)(i) and (ii) of the Supplementary Benefit (Requirements) Regulations 1983(a) or being cared for in a local authority home or hostel pursuant to Part III of the National Assistance Act 1948(b) (provision of residential accommodation by local authorities) or paragraph 2(1) of Schedule 8 to the National Health Service Act 1977(c) (prevention, care and after care) or sections 12 and 59 of the Social Work (Scotland) Act 1968(d) (care of persons under 18 and provision of residential and other establishments by local authorities), who is

- (i) a close relative of the visitor, or
- (ii) not being a close relative is related to the visitor, or
- (iii) prior to his admission to that accommodation was a member of the same household as the visitor,

and the circumstances of the visit are such that no additional requirement is applicable, and in a case to which head (ii) above applies there is no other relative of his who has visited him recently and who intends to continue visiting him.”.

(9) In regulation 23 (expenses on starting work) after paragraph (3) there shall be added the following paragraph—

“(4) For the purposes of this regulation employment shall include remunerative part-time work in employed earner’s employment within the meaning of section 2(1)(a) of the Social Security Act averaging not less than 15 hours weekly.”.

(a) S.I. 1983/1399; there are no relevant amending instruments.
(b) 1948 c.29.
(c) 1977 c.49.
(d) 1968 c.49.

- (10) In regulation 25 (voluntary repatriation expenses)—
- (a) in paragraph (1)
- (i) for all the words preceding sub-paragraph (a) there shall be substituted the words:—
- “Where a claimant was born in a country other than the United Kingdom, the Republic of Ireland, the Isle of Man or the Channel Islands and wishes either to return to the country of his birth or to go to any other country (other than the Republic of Ireland, the Isle of Man or the Channel Islands) in which he was resident for a long period (both the country of his birth and that other country being referred to in this regulation as the “new country”) and he has maintained close connexions with the new country, a single payment shall be made to enable him to do so if he intends to take up permanent residence in the new country and if all the following conditions are satisfied:—”;
- (ii) for sub-paragraph (a) there shall be substituted the following sub-paragraphs:—
- “(a) except in the case of a British Citizen within the meaning of the British Nationality Act 1981(a) the claimant has been accepted for settlement in Great Britain by the immigration authorities and the country he wishes to return to is in Europe;
- (aa) the claimant has been unable to make Great Britain the place of his settled permanent abode nor is there any prospect of his doing so;”;
- (iii) for head (iii) of sub-paragraph (b) there shall be substituted the following head—
- “(iii) is aged 55 or more;”;
- (b) after paragraph (7) there shall be added the following paragraph—
- “(8) In this regulation Europe means any country of the continent of Europe and the Islands of Cyprus, Iceland and Malta together with the immediate off-shore islands forming a political part of any such country, other than the Republic of Turkey and the Union of Soviet Socialist Republics.”.
- (11) In regulation 27(1)(a) (clothing and footwear) after the words “but not” there shall be inserted the words “where the need is for an item specified in regulation 23(2)(b) (working clothes and footwear) or”.
- (12) In Schedule 1 (Bedclothes):—
- (a) for the words “Quilt—terylene” wherever they occur in column 1 there shall be substituted the words “Eiderdown—terylene” and against those words in column 2 there shall be substituted for the amount “£14.50” the amount “£16.00” and for the amount “£17.25” the amount “£22.00”;
- (b) for the words “Sheet—cotton” wherever they occur in column 1 there shall be substituted the words “Sheet—polyester and cotton mix” and

(a) 1981 c.61.

against those words in column 2 there shall be substituted for the amount “£6.80” the amount “£7.00” and for the amount “£8.90” the amount “£9.00”.

(13) In Schedule 2 (Clothing and Footwear):—

(a) in Part I (Men’s Clothing and Footwear)—

- (i) for the words “Underpants—woollen (long)” in column 1 there shall be substituted the words “Underpants—thermal (long)” and against those words in column 2 there shall be substituted for the amount “£9.50” the amount “£5.00”;
- (ii) for the words “Underpants—woollen (short)” in column 1 there shall be substituted the words “Underpants—thermal (short)” and against those words in column 2 there shall be substituted for the amount “£5.90” the amount “£4.50”;
- (iii) for the words “Vest—woollen” in column 1 there shall be substituted the words “Vest—thermal” and against those words in column 2 there shall be substituted for the amount “£8.50” the amount “£5.00”;

(b) in Part III (Women’s Clothing and Footwear)—

- (i) for the word “Corset” in column 1 there shall be substituted the word “Corselette” and against those words in column 2 there shall be substituted for the amount “£12.50” the amount “£16.25”;
- (ii) for the word “Pantie-girdle” in column 1 there shall be substituted the words “Girdle (pantie-girdle or open girdle)”;
- (iii) for the words “Vest—woollen” in column 1 there shall be substituted the words “Vest—thermal” and against those words in column 2 there shall be substituted for the amount “£4.70” the amount “£2.75”;

(c) in Part V (Girls’ Clothing and Footwear) for the words “Pantie-girdle” in column 1 there shall be substituted the words “Girdle (pantie-girdle or open girdle)”.

Amendment of the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations 1980

7.— (1) The Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations 1980(a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 3(2) (circumstances in which urgent cases payments may be made to persons affected by a trade dispute) after the words “these regulations applies” there shall be added the words “except in so far as regulation 3A provides otherwise”.

(a) S.I. 1980/1641; there are no relevant amending instruments.

(3) After regulation 3 there shall be added the following regulation—

“Ascertainment of resources

3A.—(1) Where in an assessment unit there is a person to whom section 8 applies (persons affected by trade disputes) but other members of the assessment unit are not such persons, and in the determination of the entitlement to a pension or allowance in respect of those members to whom section 8 does not apply, the assessment unit’s resources are not immediately ascertainable because the amount of any income falling to be taken into account under regulation 11(5)(d) of the Resources Regulations (income from subletting) is not immediately ascertainable, the amount falling to be taken into account under regulation 11(5)(d) of the Resources Regulations shall be—

- (a) where the claimant or his partner is eligible for a rent rebate or rent allowance in accordance with regulation 7 or 8 of the Housing Benefits Regulations 1982(a) respectively, £8.00 per sub-tenant;
- (b) in any other case, £12.00 per sub-tenant.

(2) Where, after the application of paragraph (1), the claimant is not entitled to an amount of pension or allowance in respect of those members of the assessment unit to whom section 8 does not apply, his requirements shall be deemed to exceed his resources such that there shall be payable to him in respect of such members an amount of 10 pence.”.

Amendment of the Supplementary Benefit (Urgent Cases) Regulations 1981

8.—(1) The Supplementary Benefit (Urgent Cases) Regulations 1981(b) shall be amended in accordance with the following provisions of this regulation.

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

- (a) in paragraph (1) for the words “10(4A) of the Requirements Regulations” there shall be substituted the words “10(6) of the Supplementary Benefit (Requirements) Regulations 1983(c);”
- (b) in paragraph (1)(a) for the reference to “10(4A)” there shall be substituted a reference to “10(6);”
- (c) after paragraph (1)(c) there shall be added the following sub-paragraphs—
 - “(d) he is a person to whom sub-paragraph (b) of that regulation 10(6) applies, who has applied for leave within the meaning of section 33 of the 1971 Act to remain in the United Kingdom and is awaiting the determination on that application; or
 - (e) he is a person to whom sub-paragraph (c) of that regulation 10(6) applies but whose removal from the United Kingdom has been deferred by the Secretary of State for the Home Department; or
 - (f) he is a person to whom sub-paragraph (d) of that regulation 10(6)

(a) S.I. 1982/1124; there are no relevant amending instruments.
 (b) S.I. 1981/1529; the relevant amending instrument is S.I. 1983/1000.
 (c) S.I. 1983/1399; there are no relevant amending instruments.

applies but has been allowed to remain in the United Kingdom with the consent of the Secretary of State for the Home Department; or

(g) he is a person other than one to whom sub-paragraph (e) of this paragraph applies, who is subject to a direction for his removal from the United Kingdom, but whose removal has been deferred by the Secretary of State for the Home Department; or

(h) he is a person who has no, or no further, right of appeal under the 1971 Act but has been allowed to remain in the United Kingdom whilst an application to remain in the United Kingdom, or representations made on his behalf, are being considered by the Secretary of State for the Home Department.”;

(d) in paragraph (2) after sub-paragraph (c) there shall be added the following sub-paragraph—

“(d) in a case to which paragraph (1)(d), (e), (f), (g) or (h) applies for a period ending not later than the date on which he is removed from the United Kingdom.”.

(3) In column (1) of paragraph (1)(a) of Schedule 2 (single payments in other urgent cases) after the words “close relative” there shall be inserted the words “or not being a close relative is related to the visitor” and after the words “the member visiting” there shall be added the words “and in the case of a person not being a close relative but who is related to the visitor, no person who is more closely related to the person who is critically ill has visited him recently and intends to continue visiting him”.

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

Rhodes Boyson,
Minister of State,
Department of Health and Social Security.

3rd July 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend regulations made under the Supplementary Benefits Act 1976 as amended.

Regulation 2 amends the Supplementary Benefit (Aggregation) Regulations 1981 to allow a married man over 60 to be the relevant person, as well as to extend the "same household" provisions of regulation 2 to unmarried as well as married couples in consequence of the effect of the equal treatment provisions.

Regulation 3 amends the Supplementary Benefit (Claims and Payments) Regulations 1981 so that certain late claims may be allowed where there has been a claim for housing benefit; for a single payment to be made in certain circumstances although the need for the item in question has already been met at the date of claim; for the Secretary of State to pay housing benefit supplement to rating authorities where that is appropriate; and for changes in the basis of reimbursement of the cost of travel to a local office in connexion with a claim.

Regulation 4 amends the Supplementary Benefit (Conditions of Entitlement) Regulations 1981 as regards, in particular, the persons who are to be treated as receiving relevant education for the purposes of section 6(2) of the Act and the circumstances in which they are to be entitled to supplementary benefit.

Regulation 5 amends the Supplementary Benefit (Determination of Questions) Regulations 1980 regarding the determination of questions as to housing requirements for water charges and allows overpayments of interim payments on account of supplementary benefit to be recovered from any current or future supplementary or Social Security benefit payable to the person from whom the overpayment is to be recovered and, in the case of an overpayment to one of a couple, from any such benefit payable to the other partner.

Regulation 6 amends the Supplementary Benefit (Single Payments) Regulations 1981 as follows:

- in regulation 2 a definition of tenant is added which includes all, except boarders, who occupy their homes under a lease, licence or other agreement to occupy;
- regulation 8 is amended to exclude the value of personal possessions from the value of a deceased person's estate in certain circumstances;
- regulation 9 is amended to specify with greater precision the circumstances in which a single payment for a washing machine can be made;
- regulation 10 is amended to allow a single payment to be made for the purchase, repair or installation of essential furniture in a new unfurnished or partly furnished home before the claimant has actually moved in;
- regulation 13 is amended to clarify the circumstances in which a single payment for removal expenses can be made to a homeless person who is moved by a housing authority under the provisions of the Housing (Homeless Persons) Act 1977;
- regulation 21 is amended regarding single payments to meet the cost of essential routine maintenance to the home and to meet the cost of specified miscellaneous outgoings for which an additional requirement could have been awarded but for the impracticability of estimating the likely cost of such outgoings;

- regulation 22 is amended as regards single payments for visits to people in hospitals or nursing or residential homes;
- regulation 23 is amended so that single payments may be made to those who are employed in part-time work for 15 hours or more a week;
- regulation 25 is amended to restrict single payments to meet the costs of voluntary repatriation to cases where the claimant is a British Citizen or is returning to a country within Europe;
- regulation 27 is amended regarding single payments for working clothes;
- Schedules 1 (Bedclothes) and 2 (Clothing and Footwear) are amended as to their terms and the amounts payable thereunder.

Regulation 7 amends the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations 1980 mainly by adding a new regulation 3A which provides for the ascertainment of resources where some members of the assessment unit are affected by a trade dispute and others are not and their income from subletting is not immediately ascertainable.

Regulation 8 amends the Supplementary Benefit (Urgent Cases) Regulations 1981 so as to allow an urgent case payment to be made to a person from abroad who is present in the United Kingdom outside the provisions of the Immigration Act 1971 or the immigration rules but with the knowledge and consent of the Secretary of State for the Home Department and also amends Schedule 2 to widen the circumstances in which an urgent case payment may be made in respect of a visit by a relative to a person who is critically ill.

The reports of the Social Security Advisory Committee dated 15th and 21st June 1984 on the draft of these regulations together with a statement are showing the extent to which the regulations give effect to the Committee's recommendations contained in Command Paper No. 9296 published by Her Majesty's Stationery Office.

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