
 STATUTORY INSTRUMENTS

1986 No. 562

SOCIAL SECURITY

**The Supplementary Benefit (Claims and Payments)
Amendment Regulations 1986**

<i>Made</i>	- - -	<i>20th March 1986</i>
<i>Laid before Parliament</i>		<i>26th March 1986</i>
<i>Coming into Operation</i>		<i>21st April 1986</i>

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 11, 14(1), (2)(a), (g), (i) and 34(1)(a) of, and paragraph 4 of Schedule 1 to, the Supplementary Benefits Act 1976(b) and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals to make these regulations should not be referred to it(c), hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (Claims and Payments) Amendment Regulations 1986 and shall come into operation on 21st April 1986.

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

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

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

““Housing Benefits Regulations” means the Housing Benefits Regulations 1985(e);”.

(3) In regulation 5(2)(bb) for the figure “27” on each occasion it occurs there

(a) See definitions of “prescribed” and “regulations”.

(b) 1976 c.71, as amended by section 6(1) of, and Part I of Schedule 2 to, the Social Security Act 1980 (c.30).

(c) See section 10(2)(b) of the Social Security Act 1980 (c.30).

(d) S.I. 1981/1525; the relevant amending instruments are S.I. 1982/914, 1400, 1983/337, 1984/938.

(e) S.I. 1985/677; the relevant amending instruments are S.I. 1985/1100, 1244, 1445, 1986/84.

shall be substituted the figure "31" and for the figure "45" there shall be substituted the figure "50".

(4) In regulation 15B (payments to landlords for amenity charges and rent arrears)—

(a) in sub-paragraph (b) of paragraph (1) for the figure "16(2)(b)" there shall be substituted the figure "18(2)(b)";

(b) in head (ii) of sub-paragraph (c) of paragraph (1) there shall be substituted for the words "entitled currently" the words "concurrently entitled";

(c) after paragraph (1) there shall be inserted the following paragraphs—
“(1A) Where—

(a) the conditions specified in paragraph (3) are fulfilled in relation to the beneficiary;

(b) in the calculation of his eligible rent, or that of his partner, for the purposes of a rent rebate or allowance under the Housing Benefits Regulations a deduction (in this regulation referred to as a "variable amenity charge deduction") falls to be made under regulation 18(2)(b) of and paragraph 6 of schedule 3 to those regulations;

(c) in the opinion of the adjudication officer on the basis of the evidence available to him as of the date of his determination the amount of the variable amenity charge normally does not alter in amount more than twice in any one year; and

(d) the amount of the beneficiary's net award is not less than the total of—

(i) where a payment is to be made to his landlord by virtue of paragraph (1) the weekly amount of that payment; and

(ii) the weekly amount of the variable amenity charge deduction; and

(iii) where that beneficiary is concurrently entitled to another benefit, 5 pence, or, in any other case, 10 pence,

the adjudication officer shall determine that a weekly amount of the pension or allowance awarded to that beneficiary equal to the amount of the variable amenity charge deduction shall be paid to the landlord.

(1B) No determination shall be made under paragraph (1A) where the amount of the variable amenity charge deduction and any deduction made under paragraph (2) calculated on a weekly basis exceeds a sum equal to 25 per cent of the normal requirements applicable to the assessment unit, without the consent of the beneficiary.”;

(d) in head (ii) of sub-paragraph (b) of paragraph (2) there shall be substituted for all the words after "by virtue of" the words "either

- paragraph (1) or (1A) or, as the case may be, under both of those paragraphs, the weekly amount of that payment or, as the case may be those payments, and”;
- (e) in head (iii) of sub-paragraph (b) of paragraph (2) there shall be substituted for the words “entitled currently” the words “concurrently entitled”;
- (f) in paragraph (3) after “(1)” there shall be inserted “, (1A)”;
- (g) in paragraph (4) for the words “paragraph (1) or (2)” there shall be substituted the words “paragraphs (1) to (2)”;
- (h) in paragraph 5—
- (i) after “(1)” there shall be inserted the words “or (1A)”;
- (ii) in sub-paragraph (a) after the word “deduction” there shall be inserted the words “or a variable amenity charge deduction, as the case may be,”;
- (iii) for sub-paragraph (b) there shall be substituted the following sub-paragraph—
- “ the condition specified in sub-paragraph (c) of paragraph (1) or sub-paragraph (d) of paragraph (1A) ceases to be fulfilled; or”;
- (iv) after the words “amenity charge deduction” where they last appear there shall be inserted the words “or a variable amenity charge deduction, as the case may be,”;
- (i) in paragraph (7) for the figure “18” there shall be substituted the figure “20” and for the figure “21(1)(a)” there shall be substituted the figure “24(1)(a)”.
- (5) In regulation 18(1)(a) (priority as between certain debts) for the figure “15B” there shall be substituted the figure “15B(2)”.

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

John Major,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

20th March 1986.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Supplementary Benefit (Claims and Payments) Regulations 1981 in the following respects:—

(a) they amend regulation 15B (payments to landlords for amenity charges) by inserting two new paragraphs to provide for—

direct payments to the landlord of amounts included in the rent of a claimant or his partner for fuel, where the charge for that fuel although varying according to usage normally does not alter more than twice in any one year;

no such direct payment to be made without the claimant's agreement where the amount of such direct payments together with the amount of direct payments for rent arrears is more than 25 per cent of the normal requirements of the assessment unit;

(Regulation 2(4)(c))

(b) they also amend regulation 18 (priority as between certain debts) so as to exclude from the computation of the maximum amount of direct deduction in respect of debts to third parties, any sums deductible under regulation 15B other than rent arrears;

(Regulation 2(5))

(c) they substitute new references to the Housing Benefit Regulations 1985 consequential on that consolidation;

(Regulation 2(2), (3) and (4)).

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