
S T A T U T O R Y I N S T R U M E N T S

1980 No. 1299**SOCIAL SECURITY****The Supplementary Benefit (Requirements) Regulations 1980***Laid before Parliament in draft**Made - - - - 29th August 1980**Coming into Operation 24th November 1980***ARRANGEMENT OF REGULATIONS****PART I****GENERAL**

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Whereas a draft of the following regulations was laid before Parliament and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Services, with the consent of the Treasury, in exercise of the powers conferred upon him by sections 1(3), 2(1A) and (2) of and paragraph 2(1), (3), (4) and (5) of Schedule 1 to the Supplementary Benefits Act 1976(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (Requirements) Regulations 1980 and shall come into operation on 24th November 1980.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“assessment unit” means the claimant and any partner and dependant of the claimant;

“allowance” means a supplementary allowance under section 1(1)(b) of the Act;

“available capital” in relation to a claimant means capital which falls to be disregarded under regulation 6(2) of the Resources Regulations;

“blind” means so blind as to be unable to perform any work for which eyesight is essential;

“boarder” has the meaning assigned to it in regulation 9(9)(b) of these regulations;

“claimant” means a claimant for supplementary benefit;

“close relative” means a parent, child, step-parent, step-child, brother or sister;

“dependant” means a person whose requirements and resources are by virtue of paragraph 3(2) of Schedule 1 to the Act aggregated with and treated as those of the claimant;

“the home” means the accommodation, with any garage, garden and outbuildings, normally occupied by the assessment unit and any other members of the same household as their home and it includes also any premises not so occupied which it would be impracticable or unreasonable to expect to be sold separately, in particular the croft land where, in Scotland, the home is a croft;

“non-dependant” means a person who is a member of the same household as the member or members of the assessment unit but is neither a member of the unit nor a person who satisfies, or if he were a member

(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).

of the unit would satisfy, the condition of sub-paragraph (a) of paragraph (2) of regulation (5);

“partner” means one of a married or unmarried couple;

“patient” means a person, other than a prisoner, who is being maintained free of charge while undergoing medical or other treatment as an in-patient—

(a) in a hospital or similar institution maintained or administered under the National Health Service Act 1977(a) or the National Health Service (Scotland) Act 1978(b) or by or on behalf of the Secretary of State or by or on behalf of the Defence Council; or

(b) pursuant to arrangements made by the Secretary of State or by any body in exercise of functions on behalf of the Secretary of State under those Acts in a hospital or similar institution not so maintained or administered;

“pension” means a supplementary pension under section 1(1)(a) of the Act;

“person affected by a trade dispute” means a person whose requirements fall to be disregarded to any extent by virtue of section 8 of the Act;

“prisoner” means a person who is in prison or otherwise detained in legal custody, including any period during which he is a patient in any hospital or similar institution while still liable to be so imprisoned or detained, or during which he is liable to be detained in such institution by virtue of any provision of the Mental Health Act 1959(c) or the Mental Health (Scotland) Act 1960(d);

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

“rent” includes corresponding payments in respect of a licence or permission to occupy the home and “let” and “letting” shall be correspondingly construed;

“the Resources Regulations” means the Supplementary Benefit (Resources) Regulations 1980(e);

“the Act” means the Supplementary Benefits Act 1976;

“the Social Security Act” means the Social Security Act 1975(f);

“the table” means the table of the normal requirements of relevant persons and householders in paragraph 2(3) of Schedule 1 to the Act.

(2) References in these regulations to the long-term and ordinary rates for couples are to the amounts for the time being specified in paragraphs 1 and 2 respectively of the table, for householders to the amounts for the time being specified in paragraphs 3 and 4 respectively of the table and for non-householders to the amounts for the time being specified in paragraph 1 of Schedule 1 to these regulations.

(3) A person shall be treated as being, or not being, a member of the same household as another person for the purposes of these regulations if he would be so treated for the purposes of regulations made pursuant to section 34(3)(a) of the Act.

(4) Except in so far as the context otherwise requires any reference in these regulations to—

(a) 1977 c. 49.

(b) 1978 c. 29.

(c) 1959 c. 72.

(d) 1960 c. 61.

(e) S.I. 1980/1300.

(f) 1975 c. 14.

- (a) a numbered section is to the section of the Act bearing that number;
- (b) a numbered regulation or Schedule is to the regulation in or Schedule to these regulations bearing that number and any reference in a regulation or Schedule to a numbered paragraph is a reference to the paragraph of that regulation or Schedule bearing that number.

Determination of requirements

3. For the purposes of Schedule 1 to the Act and subject to paragraph 2 of that Schedule, a person's requirements shall be determined in accordance with these regulations.

PART II

NORMAL REQUIREMENTS

Normal requirements

4.—(1) The category of normal requirements shall relate to all items of normal expenditure on day-to-day living, other than items within Part IV of these regulations, including in particular food, household fuel, the purchase, cleaning, repair and replacement of clothing and footwear, normal travel costs, weekly laundry costs, miscellaneous household expenses such as toilet articles, cleaning materials, window-cleaning and the replacement of small household goods (for example crockery, cutlery, cooking utensils, light bulbs) and leisure and amenity items such as television licence and rental, newspapers, confectionery and tobacco.

(2) The weekly amount of a person's normal requirements shall be determined in accordance with the table and with regulations 5 to 7 but subject, where applicable, to the modifications of those provisions made by regulations 8 to 10.

Normal requirements of relevant persons and householders

5.—(1) Paragraphs 2 and 4 of the table (ordinary rate for couples and householders) shall have effect as if for the weekly amounts specified in the second column of those paragraphs there were substituted—

- (a) in paragraph 2, £34·60; and
- (b) in paragraph 4, £21·30.

(2) For the purposes of the table a householder is a person, other than a partner, who—

- (a) under Part IV of these regulations (housing requirements) is treated as responsible for expenditure on items to which any of those regulations other than regulation 23 (non-householder's contribution) relates or, if the household incurs no such expenditure, is the member of the household with major control over household expenditure;
- (b) does not share such responsibility or control with another member of the same household; and
- (c) is either not absent from the home or whose absence is for a period which has not yet continued for more than 13 weeks.

Normal requirements of persons other than relevant persons and householders

6.—(1) Subject to paragraphs (2) and (3), the weekly amount of the normal requirements of a person who is neither a relevant person (nor the partner of a relevant person) nor a person who satisfies the conditions of regulation 5(2) (meaning of householder) shall be determined in accordance with Schedule 1.

(2) Subject to paragraph (3), where a person to whom paragraph (1) applies is a claimant who satisfies the conditions of paragraph (2) of regulation 5 except that, contrary to sub-paragraph (b) of that paragraph, he shares responsibility for, or control of, the expenditure there referred to with another member of the same household, the weekly amount of his normal requirements applicable under paragraph 1 or 2 of Schedule 1 shall be increased by the difference between that amount and the corresponding rate (long-term or ordinary as the case may be) for householders divided by the number of persons in the household satisfying the condition of regulation 5(2)(c) who share responsibility or control.

(3) Paragraph (2) shall not apply to any person to whom regulation 9 (normal requirements of boarders) or regulation 10 and Schedule 2 (normal requirements in special cases) applies.

Long-term rates for normal requirements

7.—(1) The conditions for the purposes of paragraphs 1(b) and 3(b) of the table (conditions for long-term rate for couples and householders not of pensionable age) are that the person—

- (a) is eligible for an allowance not subject to registration; and
- (b) subject to paragraphs (2) to (4), has already been in receipt of an allowance not subject to registration for a continuous period of not less than 52 weeks.

(2) For the purposes of paragraph (1)(b) a person shall be treated as having been in receipt of an allowance not subject to registration during the following periods—

- (a) any period in respect of which, while aged less than 18, he was in receipt of a non-contributory invalidity pension under the Social Security Act;
- (b) in the case of a person who has become eligible for an allowance not subject to registration because, due to disability and long unemployment, he has no prospects of further employment, any period in respect of which while in receipt of an allowance he was subject to registration but was required, pursuant to section 5, to attend at an unemployment benefit office only quarterly; and
- (c) any other period of 13 weeks or less ending on or after 24th November 1980 in respect of which he was not in receipt of an allowance not subject to registration which fell immediately between periods—
 - (i) in respect of which he was in receipt of an allowance not subject to registration, or
 - (ii) to which either of sub-paragraphs (a) and (b) applies.

(3) A person who has satisfied the condition of paragraph (1)(b) shall be treated as again satisfying it if his entitlement to an allowance not subject to registration is interrupted only by—

- (a) any period of 78 weeks or less throughout which, except for any periods not in aggregate exceeding 13 weeks, he was either a patient in any hospital or similar institution or was in, or only temporarily absent from, residential accommodation as defined in regulation 10(4);
- (b) any of the periods mentioned in paragraph (2).

(4) Where after the requirements and resources of a person, A, have been aggregated with and treated as those of another person, B, under paragraph 3(1)

of Schedule 1 to the Act (aggregation of married and unmarried couples) such aggregation comes to an end, for the purposes of any claim for an allowance made by A in respect of a subsequent period—

(a) if—

- (i) that period is not separated from the cessation of aggregation by any period other than one mentioned in paragraph (3), and
 - (ii) immediately prior to the cessation of aggregation B satisfied the condition of paragraph (1)(b) or his entitlement was to a pension, A shall be treated as satisfying the condition of paragraph (1)(b);
- (b) if, in any other case, that period is not separated from the cessation of aggregation by any period other than one mentioned in paragraph (2), A shall be treated as having satisfied the condition of paragraph (1)(b) to the extent that B satisfied it.

(5) The long-term rate in paragraphs 1 and 2 of Schedule 1 (long-term rate for claimants other than partners and householders) shall be applicable where the person—

- (a) is eligible for a pension; or
- (b) satisfies the conditions of sub-paragraphs (a) and (b) of paragraph (1) of this regulation,

and the ordinary rate shall be applicable in all other cases within those paragraphs.

(6) In this regulation—

- (a) “period in receipt of an allowance not subject to registration” and “period in receipt of non-contributory invalidity pension under the Social Security Act” include any period in respect of which it was subsequently held, on appeal or review, that the person concerned was so entitled to such an allowance or pension and excludes any period in respect of which it was subsequently so held that he was not so entitled;
- (b) “subject to registration” in relation to an allowance means subject to the condition of registration and availability for employment under section 5;
- (c) “unemployment benefit office” means any office or place appointed by the Secretary of State for the purpose of claiming unemployment benefit.

Modification of normal requirements in certain cases of actual or notional unemployment benefit disqualification

8.—(1) This regulation applies to a claimant, not being a person to whom regulation 10 and Schedule 2 (normal requirements in special cases) apply, whose right to an allowance is, pursuant to section 5, subject to the condition of registration and availability for work, and who—

- (a) is disqualified for receiving unemployment benefit under section 20(1) of the Social Security Act (disqualification by reference to conduct resulting in unemployment or conducting to its continuance); or
- (b) has made a claim for unemployment benefit which has not been determined by an insurance officer appointed under section 97(1) of that Act, but in respect of which, in the opinion of the benefit officer, a question as to disqualification under the said section 20(1) arises; or

(c) either—

- (i) has not made a claim for unemployment benefit, or
- (ii) has had such a claim disallowed other than by reason of disqualification under the said section 20(1),

but who would be so disqualified if he were to make such a claim or if it had not been so disallowed.

(2) Subject to paragraph (3), in relation to a claimant to whom this regulation applies, the table, regulation 9 and paragraphs 1 and 2 of Schedule 1 shall be modified so that the weekly amount specified for his normal requirements shall be reduced—

- (a) in relation to an amount specified in the table, by 40 per cent. of the amount for the time being specified in paragraph 4 of the table;
- (b) in relation to an amount specified in paragraph 1 or 2 of Schedule 1, by 40 per cent. of the ordinary rate for the time being specified in the relevant paragraph;
- (c) in relation to an amount for the time being specified in sub-paragraph (a) or (b) of paragraph (8) of regulation 9, by 40 per cent.,

the reduction being rounded, in any case where it is not a multiple of 5p, to the nearest such multiple or, if it is a multiple of 2.5p but not of 5p, to the next lower multiple of 5p.

(3) Where—

(a) the claimant's available capital does not exceed £100; and

(b) any one or more of the following is applicable—

- (i) any member of the assessment unit is either pregnant or seriously ill,
- (ii) the assessment unit includes a child aged less than five years,
- (iii) the claimant's last employment either was part-time or was full-time but for a continuous period of not more than six weeks,
- (iv) the claimant's own average earnings for the last six weeks of his last employment or, if for a shorter period, from the whole of such employment, calculated in accordance with regulation 10 of the Resources Regulations (calculation of earnings), did not exceed his current weekly requirements (including the requirements of any partner or dependant) as determined under these regulations apart from this regulation,
- (v) the amount of the claimant's housing requirements is restricted under regulation 21,
- (vi) the claimant's circumstances are analogous in one or more respects with those set out in the preceding heads of this sub-paragraph and, in the opinion of the benefit officer, it would be appropriate for this paragraph to apply,

the reduction to be made under paragraph (2) shall be reduced by one half, rounded, if the reduction is not a multiple of 5p, as provided in that paragraph.

(4) The period for which this regulation shall apply shall be—

- (a) in a case to which sub-paragraph (a) of paragraph (1) applies, the period of the disqualification;
- (b) in a case to which sub-paragraph (b) of paragraph (1) applies, the period of 6 weeks beginning with a date determined by reference to the conduct in respect of which that sub-paragraph is applied but so that where on subsequent determination of a claim for unemployment benefit in

respect of which that conduct is in question—

- (i) disqualification is not imposed, any reduction made under paragraph (2) shall be withdrawn,
 - (ii) if disqualification is imposed, the period of such reduction shall, if different, be adjusted to correspond with the period of disqualification;
- (c) in a case to which sub-paragraph (c) of paragraph (1) applies, the period for which the claimant would be disqualified beginning with a date determined by reference to the conduct in respect of which that sub-paragraph is applied.

Modification of normal requirements of boarders

9.—(1) Where the claimant and any other members of the assessment unit are boarders paragraphs 1 to 4 of the table and 1 to 3 of Schedule 1 (amounts of normal requirements) shall have effect as if for the amounts for the time being there specified there were substituted—

- (a) a weekly amount for board and lodging which, subject to paragraphs (6) and (7), shall be determined in accordance with paragraph (2) but, except where paragraph (5) applies, shall not exceed a maximum amount determined in accordance with paragraph (4); and
- (b) a weekly allowance for personal expenses determined in accordance with paragraph (8),

so however that the amount applicable in aggregate under sub-paragraphs (a) and (b) shall not be less than a minimum amount determined in accordance with paragraph (3).

(2) The weekly amount for board and lodging referred to in paragraph (1)(a) shall be the full weekly amount of the charge for board and lodging, or for lodging, increased, where the charge is not inclusive of all meals, by the weekly amount of the meals not so included at the rate, in respect of each member of the assessment unit, of—

- (a) if the meals can be obtained within the board and lodging establishment, the actual cost of such meals, calculated on a weekly basis; and
- (b) otherwise—
 - (i) for breakfast, at the daily rate of £0·80,
 - (ii) for midday meals, at the daily rate of £1·10, and
 - (iii) for evening meals, at the daily rate of £1·10,

so however that in a case where meals are normally obtained free of charge or at a reduced cost such lesser increase, if any, shall be made in respect of meals as may be reasonable in the circumstances.

(3) The minimum amount referred to in paragraph (1) shall be the aggregate of—

- (a) in respect of the claimant—
 - (i) if he is a relevant person, the long-term or ordinary rate for couples,
 - (ii) otherwise, the long-term or ordinary rate for non-householders, the long-term rate being applicable where, but for this regulation, a long-term rate would have been applicable pursuant to regulation 7 and the ordinary rate in other cases;
- (b) the amount specified in regulation 23(1)(a) (non-householder's housing contribution);

- (c) in respect of any dependant, the amount which, but for this regulation, would have been applicable under paragraph 3 of Schedule 1 (normal requirements).

(4) Subject to paragraph (5), the maximum amount referred to in paragraph (1)(a) shall be, in respect of any member of the assessment unit other than a dependant, the amount estimated by the benefit officer as representing a reasonable weekly charge for full board and lodging (inclusive of all meals) of no more than suitable standard which is available in the relevant area or, if the level of charges there is unusually high, in an adjoining area and, in respect of any dependant, the amount referred to in paragraph (3)(c), increased by any excess of the actual charge over that maximum up to—

- (a) in respect of the claimant if he is under pensionable age and his allowance for personal expenses under paragraph (8) is at the long-term rate—

- (i) if he is a relevant person, £10·70,
- (ii) otherwise, £5·35;

- (b) in respect of the claimant if he has attained pensionable age—

- (i) if he is a relevant person, £22·70,
- (ii) otherwise, £11·35;

- (c) £6·00 in respect of—

- (i) where an increase is also applicable under sub-paragraph (b), a dependant,
- (ii) in any other case, any member of the assessment unit, who is infirm by reason of physical or mental disability;

- (d) £11·35, or if the claimant is a relevant person twice that amount, where any one or more of the following conditions are satisfied in respect of the accommodation or, as the case may be, a member of the assessment unit—

- (i) he is a person in respect of whom a local authority has power to make arrangements pursuant to section 26(1)(a)(ii) of the National Assistance Act 1948(a) (provision of accommodation in premises registered under section 37 of that Act) but has declined to exercise that power,
- (ii) the accommodation is provided in a nursing home as defined in section 1 of the Nursing Homes Act 1975(b) or in a mental nursing home as defined in section 2 of that Act where a health authority has power, pursuant to section 23(1) of the National Health Service Act 1977(c) (voluntary organisations and other bodies), to make contractual arrangements for the provision of accommodation but has declined to exercise that power,
- (iii) the accommodation is provided in a nursing home as defined in section 10 of the Nursing Homes Registration (Scotland) Act 1938(d) or in a private hospital within the meaning of Part III of the Mental Health (Scotland) Act 1960(e) where the Secretary of State has power pursuant to section 16 of the National Health Service (Scotland) Act 1978(f) (assistance to voluntary organisations) to make contractual arrangements for the provision of accommodation but has declined to exercise that power,

(a) 1948 c. 29.
(e) 1960 c. 61.

(b) 1975 c. 37.
(f) 1978 c. 29.

(c) 1977 c. 49.

(d) 1938 c. 73.

- (iv) he is a person in respect of whom a local social services authority has power to provide residential accommodation pursuant to section 21 of, and paragraph 1 of Schedule 8 to, the National Health Service Act 1977 (care of mothers and young children) but has declined to exercise that power,
- (v) he is a person—
 - (aa) in respect of whom a local social services authority has power to provide residential accommodation pursuant to section 21 of, and paragraph 2 of Schedule 8 to, the National Health Service Act 1977 (prevention, care and after-care) but has declined to exercise that power, and
 - (bb) whose accommodation is in premises registered under section 37 of the National Assistance Act 1948 (registration of disabled persons' and old persons' homes),
- (vi) he is a person in need within the meaning of section 94(1) of the Social Work (Scotland) Act 1968(a) who does not come within the provisions of section 12 of that Act,

so however that where an increase is applicable under sub-paragraph (d) no increase shall be made also under either of sub-paragraphs (a) and (b) nor under sub-paragraph (c) except in respect of a dependant.

(5) Except to the extent that the claimant is able to meet the balance of the actual charge over the maximum amount out of income which is not taken into account for the purposes of the Resources Regulations—

- (a) where, having regard to the relevant factors, it is not reasonable to expect him to seek alternative accommodation, paragraph (4) shall not apply;
- (b) where, although having regard to the relevant factors it is reasonable to expect him to seek alternative accommodation, paragraph (4) shall not apply for a period not exceeding 13 weeks if, having regard to the relevant factors, this is reasonable to allow him time to find alternative accommodation and he is not a person who is being accommodated by a housing authority pursuant to the Housing (Homeless Persons) Act 1977(b) or by a local authority pursuant to section 1 of the Children and Young Persons Act 1963(c) (promotion of welfare of children),

and in this paragraph "relevant factors" means the availability of, and level of charges for, board and lodging accommodation and the circumstances mentioned in regulation 21(5)(b).

(6) Notwithstanding anything in paragraphs (2) to (5), where the accommodation is provided by the Abbeyfield Society the amount applicable for board and lodging shall, in respect of each member of the assessment unit, be the weekly amount of the charge plus a reasonable amount for any services not provided up to a maximum in aggregate of—

- (a) £37·60, where the home is in Greater London, Bedfordshire, Berkshire, Buckinghamshire, Essex, Hampshire and the district of Bournemouth, the Isle of Wight, Hertfordshire, Kent, Oxfordshire, Surrey or Sussex; and

- (b) £36·10, in any other case,

or, where the accommodation is provided in a home, or part of a home, designated by the Society as an extra-care unit, that amount or an amount determined in accordance with paragraphs (2) to (5) whichever is the higher.

(a) 1968 c. 49.

(b) 1977 c. 48.

(c) 1963 c. 37.

(7) Where board and lodging, or lodgings, is received wholly or partly in return for services the amount applicable for board and lodging shall be—

(a) if full free board and lodging (inclusive of all meals) is received, £4·00 in respect of each of the claimant and any partner of the claimant who provides services;

(b) otherwise, such amount as may be reasonable in the circumstances.

(8) The allowance for personal expenses referred to in paragraph (1)(b) shall be—

(a) for a relevant person—

(i) long-term rate, £15·70,

(ii) ordinary rate, £14·20;

(b) for a claimant who is not a relevant person—

(i) long-term rate, £7·85,

(ii) ordinary rate, £7·10;

(c) for a dependant—

(i) aged not less than 18, £7·10,

(ii) aged less than 18 but not less than 16, £4·25,

(iii) aged less than 16 but not less than 11, £3·60,

(iv) aged less than 11, £2·40,

and in sub-paragraphs (a) and (b) the long-term rate shall be applicable where, but for this regulation, a long-term rate would have been applicable pursuant to regulation 7 and otherwise the ordinary rate.

(9) In this regulation—

(a) “the Abbeyfield Society” means the Society of that name registered under the Companies Act 1948(a) and references to the Society include any bodies corporate or unincorporated which are affiliated to the Society;

(b) “boarder” means a person, not being a person to whom any of paragraphs 1 to 9 of Schedule 2 applies, who—

(i) pays a charge which is inclusive of his accommodation and at least some cooked or prepared meals, or

(ii) pays no such inclusive charge but whose available cooking facilities, other than any provided in a hostel or on some similar communal basis, are insufficient for the preparation of main meals,

but excluding any person whose accommodation and meals (if any) are provided by a close relative or other than on a commercial basis.

Modification of normal requirements in special cases

10.—(1) In the case of a person to whom any paragraph in column (1) of Schedule 2 applies, the provision relating to him shown in the corresponding paragraph in column (2) of that Schedule shall have effect with respect to the weekly amounts for normal requirements specified in those provisions further modified as shown in the corresponding paragraph in column (3) of that Schedule.

(2) Paragraphs 1 to 4 of the table and 1 to 3 of Schedule 1 (amounts for normal requirements) may be further modified as may be reasonable where the circumstances are analogous to those for which Schedule 2 makes provision or

relate to a member of the assessment unit, or to a permutation of members, for whom provision is not made in that Schedule.

(3) Where modifications are applicable in respect of the same or different members of an assessment unit under more than one of the provisions of regulations 8 to 10 and Schedule 2, those provisions may be further modified in respect of any such person as may be reasonable in the circumstances of the particular case.

(4) In paragraph 1 of Schedule 2 “residential accommodation” means accommodation for a person whose stay in the accommodation has, in the opinion of the benefit officer, become other than temporary which is provided—

- (a) pursuant to Part III of the National Assistance Act 1948 (local authority services);
- (b) pursuant to section 59 of the Social Work (Scotland) Act 1968 (provision of residential and other establishments by local authorities) other than in premises which are registered under section 61 of that Act (registration of establishments for accommodation of persons for the purposes of the Act) and which are used for the rehabilitation of alcoholics or drug addicts; or
- (c) in residential accommodation by a local social services authority pursuant to the statutory provisions referred to in head (iv) or (v) of regulation 9(4)(d) but, in the case of head (v), only where the accommodation is in premises registered under section 37 of the National Assistance Act 1948 (registration of disabled persons’ and old persons’ homes).

(5) Where an amount in column (3) of Schedule 2 is expressed as, or involves determination by reference to, a specified percentage of a rate for householders or non-householders, that percentage shall, if it is not a multiple of 5p, be rounded to the nearest such multiple or, if it is a multiple of 2·5p but not of 5p, to the next higher multiple of 5p.

PART III

ADDITIONAL REQUIREMENTS

Additional requirements

11.—(1) The items to which the category of additional requirements relates are those for which provision is made in Schedule 3.

(2) The weekly amount of the additional requirements of a claimant, including the requirements of any partner or dependant of his, shall be determined—

- (a) in relation to heating, in accordance with regulation 12 and Part I of Schedule 3;
- (b) in relation to items other than heating, in accordance with regulation 13 and Part II of Schedule 3.

(3) The requirements which by virtue of section 1(3) (exclusion of medical, surgical, optical, aural and dental requirements) are not included in a person’s requirements exclude the items to which paragraphs 1, 9, 10 and 13 of Schedule 3 relate.

Heating

12.—(1) Subject to paragraphs (2) to (5), the weekly amount specified in column (2) of any paragraph in Part I of Schedule 3 shall be applicable to the

claimant in respect of a member of the assessment unit to whom column (1) of the corresponding paragraph applies.

(2) The provisions of Part I of Schedule 3 shall be subject to the following conditions—

- (a) no amount shall be applicable under paragraphs 1(1), 2 to 5 and 7 where any member of the assessment unit is a person affected by a trade dispute;
- (b) no amount shall be applicable under paragraphs 1(2) and (3) and 6 in respect of a person who is affected by a trade dispute;
- (c) no amount shall be applicable during absence from the home—
 - (i) under paragraphs 2, 3 and 5, if all members of the assessment unit have been absent for a continuous period of more than four weeks,
 - (ii) under paragraph 4, if all members of the assessment unit are absent unless an amount for housing requirements is applicable by virtue of regulation 14(4)(a),
 - (iii) under paragraph 7, in respect of a person who has been absent for a continuous period of more than 13 weeks;
- (d) the maximum amount in aggregate applicable under paragraphs 1 and 2 shall be the amount specified in column (2) of paragraph 1(2);
- (e) only one amount shall be applicable under paragraph 7;
- (f) subject to sub-paragraphs (g) and (h), an amount shall not be applicable to the claimant under more than one, paragraphs 1 and 2 counting as one for this purpose, of paragraphs 1 to 7 and, if there is a choice, the higher or highest amount shall be applicable;
- (g) where an amount is applicable under paragraph 4—
 - (i) if the charge referred to in column (1) of that paragraph provides for all the necessary heating of the home—
 - (aa) no amount shall be applicable under paragraphs 1 to 3 and 5, and
 - (bb) only one amount shall be applicable under paragraphs 4, 6 and 7,
 - (ii) if the charge referred to in column (1) of that paragraph provides for part only of the necessary heating of the home—
 - (aa) amounts may be applicable both under paragraph 4 and under either paragraphs 1 and 2 or paragraph 3,
 - (bb) no amount shall be applicable under paragraph 5,
 - (cc) an amount may be applicable under one, but not both, of paragraphs 6 and 7,
 - (dd) amounts shall be applicable under one only of sub-heads (aa) and (cc) above;
- (h) where an amount is applicable under regulation 15 for rent which is inclusive of heating no amount shall be applicable under paragraphs 1 to 5.

(3) Where paragraph 4 of Schedule 3 applies to—

- (a) a claimant who is not a partner and has been absent from the home for a continuous period of more than 13 weeks; or
- (b) a person to whom regulation 9 or paragraph 1, 2 or 6 of Schedule 2 applies,

the amount applicable shall be the full amount of the separate charge in respect of the items referred to in column (1) of that paragraph.

(4) In relation to a person to whom regulation 9 (normal requirements of boarders) or regulation 10(2) or any of paragraphs 1 to 9 of Schedule 2 (normal requirements in certain special cases) applies—

- (a) if he is a person to whom regulation 9 applies, an amount shall be applicable under paragraph 1 of Schedule 3 only if and to the extent that the charge for board and lodging, or for lodging, does not provide for the heating required;
- (b) if he is a person to whom paragraph 1, 2 or 6 of Schedule 2 applies, no amount shall be applicable under paragraph 1 of Schedule 3;
- (c) if he is a person to whom any of paragraphs 3 to 5 and 7 to 9 of Schedule 2 applies, no amount shall be applicable under Part I of Schedule 3;
- (d) if he is a person to whom regulation 10(2) applies, amounts shall be applicable under Part I of Schedule 3 if and to the extent that it is reasonable in the circumstances.

(5) For the purposes of Part I of Schedule 3 “householder” means a person (including a partner) who satisfies the conditions of sub-paragraphs (a) and (b) of paragraph (2) of regulation 5 (meaning of householder) but where a person satisfies the condition of sub-paragraph (a) but, contrary to sub-paragraph (b), shares responsibility for, or control of, the expenditure there referred to with another member of the same household—

- (a) paragraphs 2 to 5 of Schedule 3 shall apply to him as if the amounts specified in column (2) of those paragraphs were divided by the number of the persons in the household who share responsibility or control;
- (b) paragraph 7 of Schedule 3 shall apply as if he was a householder.

Items other than heating

13.—(1) Subject to paragraphs (2) to (7), the weekly amount specified in column (2) of any paragraph in Part II of Schedule 3 shall be applicable to the claimant—

- (a) in relation to any of those paragraphs, other than paragraphs 14, 16 and 17, in respect of a member of the assessment unit to whom column (1) of the corresponding paragraph applies;
- (b) in relation to paragraph 16, in respect of the first-mentioned person, A, to whom column (1) of that paragraph applies;
- (c) in relation to paragraphs 14 and 17, where the condition in column (1) of the paragraph is satisfied.

(2) No more than one amount and, if there is a choice, the higher or highest amount shall be applicable under paragraph 13 of Schedule 3 in respect of any one person.

(3) No amount shall be applicable under Part II of Schedule 3, other than under paragraphs 11, 13(a), (d) and (e) and 16, where any member of the assessment unit is a person affected by a trade dispute.

(4) No amount shall be applicable under paragraphs 11, 13(a), (d) and (e) and 16 of Schedule 3 in respect of a person affected by a trade dispute.

(5) Subject to paragraph (6), where a long-term rate for normal requirements is applicable to the claimant under regulation 7, amounts shall only be applicable

to him under Part II of Schedule 3, other than paragraphs 8 and 11, to the extent that in aggregate they would, but for this paragraph, exceed 50p.

(6) Paragraph (5) shall not apply where an amount is applicable in respect of a dependant under any of paragraphs 9, 10, 13, 16 and 18 of Schedule 3.

(7) In relation to a person to whom regulation 9 (normal requirements of boarders) or regulation 10(2) or any of paragraphs 1 to 9 of Schedule 2 (normal requirements in certain special cases) applies—

- (a) if he is a person to whom regulation 9 applies, an amount shall be applicable in respect of any item to which paragraphs 9, 10, 13, 14 and 17 of Schedule 3 relate only if and to the extent that the charge for board and lodging, or for lodging, does not provide for that item;
- (b) if he is a person to whom regulation 9 or paragraph 1 of Schedule 2 applies and is a partner, the amount applicable under paragraph 16(b) or (c) of Schedule 3 shall be determined in accordance with column (2) of paragraph 16(a);
- (c) no amount shall be applicable under paragraph 8 or 11 of Schedule 3 if he is a person to whom paragraph 1 or 6 of Schedule 2 applies or if he is a person, other than a partner, to whom paragraph 2 of Schedule 2 applies;
- (d) except where regulations made pursuant to section 14(2)(d) (review of determinations) so provide, no amount shall be applicable under paragraph 9 of Schedule 3 if he is a person to whom paragraph 1, 2 or 6 of Schedule 2 applies;
- (e) no amount shall be applicable under paragraph 10, 13, 14, 17 or 18 of Schedule 3 if he is a person to whom paragraph 1, 2 or 6 of Schedule 2 applies;
- (f) no amount shall be applicable under Part II of Schedule 3 if he is a person to whom any of paragraphs 3 to 5 and 7 to 9 of Schedule 2 applies;
- (g) if he is a person to whom regulation 10(2) applies, amounts shall be applicable under Part II of Schedule 3 if and to the extent that it is reasonable in the circumstances.

PART IV

HOUSING REQUIREMENTS

Housing requirements

14.—(1) The items to which housing requirements relate are—

- (a) rent;
- (b) mortgage payments;
- (c) repairs and insurance;
- (d) interest on loans for repairs and improvements;
- (e) miscellaneous outgoings;
- (f) items applicable in special cases;
- (g) non-householder's contribution.

(2) The housing requirements of a claimant, including the requirements of any partner or dependant of his, shall be—

- (a) except in a case to which paragraph (1)(g) applies, the aggregate of any amounts which, in accordance with paragraphs (3) and (4), are applic-

able in his case under regulations 15 to 20 subject to any restriction or reduction applicable under regulation 21 or 22;

(b) in a case to which paragraph (1)(g) applies, the amount applicable under regulation 23.

(3) Except in relation to the item specified in paragraph (1)(g) (non-householder's contribution) an amount shall be applicable under this Part of the regulations only where a member of the assessment unit is responsible for the expenditure to which the amount relates and—

(a) a person shall be treated as responsible for expenditure—

- (i) for which he is liable, in particular as owner-occupier or party to the lease or tenancy agreement of the home,
- (ii) which, because the person liable is not meeting it, he has to meet if he is to continue to live in the home and for which the benefit officer is satisfied that it is reasonable in the circumstances to treat him as responsible,
- (iii) in relation to an amount applicable under paragraph (1) of regulation 17 by virtue of sub-paragraph (a) or (b) of that paragraph, where he is the person there specified (owner-occupiers and rental purchasers),
- (iv) in relation to an amount applicable under regulation 20(2) (analogous expenditure), where it is reasonable in the circumstances;

(b) where responsibility for expenditure is shared the amount so applicable shall be calculated by reference to the appropriate proportion of that expenditure but not so as to reduce the aggregate amount applicable to the claimant under this Part of these regulations below the amount specified in regulation 23(1)(a) (non-householder's contribution).

(4) Notwithstanding that all members of the assessment unit are absent from the home, amounts may be applicable under this Part of these regulations—

(a) if the absence has not exceeded and, in the opinion of the benefit officer is unlikely to exceed, a period of substantially more than one year and in the circumstances it is reasonable that the assessment unit should retain the accommodation;

(b) for a period not exceeding one year where this is reasonable pending completion of the sale of the home,

but where a student, as defined in the Resources Regulations, and any other members of the assessment unit are absent during a vacation from his, or their, term-time accommodation no amount shall be allowed in respect of that accommodation.

(5) No amount shall be allowed under this Part of the regulations in respect of a person—

- (a) to whom paragraph 3 or 9 of Schedule 2 applies;
- (b) unless under paragraph (4), to whom any of the provisions of Schedule 2, other than paragraphs 3, 9 and 10, applies;
- (c) unless it is reasonable in the circumstances, to whom regulation 10(2) applies.

Rent

15.—(1) Subject to paragraphs (2) to (6), there shall be applicable under this regulation the amount, calculated on a weekly basis, of the rent payable for the home and of any additional charge made by a landlord in respect of the home

because of letting of any part of the home, taking in lodgers or accommodating non-dependants.

(2) No amount shall be allowed under paragraph (1)—

- (a) in respect of any part of the rent which is irrecoverable from the tenant by virtue of Part II, III, V or VI of the Rent Act 1977(a) (rents under controlled and regulated tenancies, restricted contracts and lettings by housing associations and others) or Part II of the Rent (Agriculture) Act 1976(b) (rent of statutory tenancies) or, in Scotland, under Part III, V or VII of the Rent (Scotland) Act 1971(c) (rents under regulated and controlled tenancies and furnished lettings);
- (b) where the rent is registrable under Part IV or VI of the Rent Act 1977 (registration of rents under regulated tenancies and lettings by housing associations and others) or Part IV of the Rent (Scotland) Act 1971 (registration of rents under regulated tenancies) but the rent is not so registered and the benefit officer is satisfied that the rent payable exceeds the rent which would be payable after registration, in respect of the amount of the excess, as estimated by him, of the actual rent over the rent which would be payable after registration.

(3) Where the amount payable for rent is inclusive of any of the items mentioned in sub-paragraphs (a) to (d) there shall, in respect of those items, be deducted from the amount applicable under paragraphs (1) and (2)—

- (a) for heating£4.35;
- (b) for lighting.....£0.35;
- (c) for cooking.....£0.50;
- (d) for hot water.....£0.50;

so however that where the benefit officer is satisfied that the inclusive rent does not provide for all the necessary expenditure of the assessment unit on the item in question the amount of the deduction to be made under the relevant sub-paragraph shall be such lesser amount as he considers reasonable in the circumstances.

(4) Where for the administrative convenience of the landlord arrangements are made for rent payable for a year to be paid for 53 weeks, or irregularly, or so that no rent is payable for or collected in certain periods, or so that rent for different periods in the year is of different amounts, the weekly amount applicable shall be the rent payable for the year divided by 52.

(5) Where for a specific purpose, such as to meet or contribute to redecoration costs or in compensation for disturbance while improvements are carried out, payment of rent is waived, the rent shall, for a period not exceeding 8 weeks, be treated as still payable.

(6) Where any amount of the rent is met by a rent rebate or rent allowance under Part II of the Housing Finance Act 1972(d) or Part II of the Housing (Financial Provisions) (Scotland) Act 1972(e) the amount so met shall be deducted from the amount applicable under paragraphs (1) and (2).

(7) There shall be treated as rent for the purposes of this regulation the amount payable in respect of the home—

- (a) under a co-ownership scheme, that is to say a scheme under which the home is let by a housing association (as defined in section 189(1) of the Housing Act 1957(f) and, in Scotland, in section 208(1) of the Housing (Scotland) Act 1966(g)) and the tenant (or his personal representative)

(a) 1977 c. 42.
(e) 1972 c. 46.

(b) 1976 c. 80.
(f) 1957 c. 56.

(c) 1971 c. 28.
(g) 1966 c. 49.

(d) 1972 c. 47.

will, under the terms of the tenancy agreement or of the agreement under which he became a member of the association, be entitled, on his ceasing to be a member and subject to any conditions stated in either agreement, to a sum calculated by reference directly or indirectly to the value of the home;

- (b) under a rental purchase agreement, that is to say where the home is being acquired through payments for a fixed period of rent which includes a capital element attributable to the landlord's interest in the home.

Mortgage payments

16.—(1) There shall be applicable under this regulation in respect of any mortgage charged on and taken out for the purpose of acquiring an interest in the home, the amount, calculated on a weekly basis, which is payable and attributable to mortgage interest.

- (2) Where after an amount has been allowed under paragraph (1)—

- (a) interest rates fall; or

- (b) the amount of the mortgage capital outstanding is reduced,

but the amount of the instalments payable to the mortgagee remains constant, the amount applicable shall not be adjusted to take account of such a fall or reduction except where regulations made pursuant to section 14(2)(d) (review of determinations) so provide.

- (3) Where—

- (a) of two persons, A and B, who were formerly a married or unmarried couple, A has, for a purpose other than that specified in paragraph (1), taken out a mortgage charged on his interest in the home;

- (b) A has left the home and either cannot or will not pay the interest on that mortgage; and

(c) B has to pay the interest in order to continue living in the home, there shall be applicable under this regulation the amount of the interest on that mortgage.

- (4) Where—

- (a) a person has taken out a mortgage for business purposes which is charged on his interest in the home; and

- (b) he intends to sell his interest in the home to discharge his business liabilities,

the amount, calculated on a weekly basis, attributable to interest on that mortgage shall be applicable under this regulation for a period not exceeding 6 months where this is essential to enable the interest in the home to be realised on reasonable terms.

(5) In its application to Scotland this regulation shall have effect with the substitution of references to a heritable security for those to a mortgage.

Maintenance and insurance

- 17.—**(1) Where a person is—

- (a) an owner-occupier;

- (b) a person in respect of whom an amount is applicable by reason of regulation 15(7)(b) (rental purchaser); or

- (c) any other person who, as a condition of the lease or agreement under which the home is occupied, is liable to undertake either or both of maintenance and insurance,

there shall be applicable under this regulation the weekly amount of £1.25 for maintenance and insurance or, where the actual costs of maintenance and insurance exceed that amount, such higher amount, if any, as is reasonable having regard to any special circumstances (for example a high fire risk) justifying higher than average expenditure.

(2) For the purposes of this regulation “maintenance and insurance” means essential routine minor maintenance of the home and insurance of the structure of the home.

Interest on loans for repairs and improvements

18.—(1) Subject to paragraph (2), there shall be applicable under this regulation the amount of any interest payable on sums borrowed, with or without security, for repairs and improvements to the home.

(2) Where the claimant has available capital in excess of £300, the excess shall be set against the amount borrowed and interest allowed only by reference to any balance.

(3) In this regulation “repairs and improvements” means major repairs necessary to maintain the fabric of the home and any of the following measures undertaken with a view to improving its fitness for occupation—

- (a) installation of any of a fixed bath or shower, wash basin, sink and lavatory and necessary associated plumbing;
- (b) damp-proofing measures;
- (c) provision or improvement of ventilation and natural lighting;
- (d) provision of electric lighting and sockets;
- (e) provision or improvement of drainage facilities;
- (f) improvements to the structural condition of the home;
- (g) improvements to the facilities for storing, preparing and cooking food;
- (h) provision of heating, including central heating;
- (i) provision of storage facilities for fuel and refuse;
- (j) improvements to the insulation of the home;
- (k) other improvements which are reasonable in the circumstances.

Miscellaneous outgoings

19. The amounts, calculated on a weekly basis, of the following miscellaneous outgoings payable in respect of the home shall be applicable under this regulation—

- (a) general rates, less any rate rebate;
- (b) charges or rates in respect of water, sewerage and allied environmental services;
- (c) recurring charges for the emptying of cess-pits and septic tanks and the cost of fluid and materials to service a chemical toilet;
- (d) ground rent or, in Scotland, feu duty;
- (e) service charges (for example for maintenance, insurance, management and the cleaning of common areas) but subject to deduction, where the charges provide for any item which is identified in regulation 4(1) (meaning of normal requirements) or referred to in sub-paragraphs (a)

- to (d) of regulation 14(3) (deductions from inclusive rent), of the amount which in the opinion of the benefit officer is attributable to that item;
- (f) contributions to the cost of improvements (including redecoration) made by a squatters' organisation or association, provided that the home is occupied with the permission of the owner;
- (g) outgoings analogous to those mentioned in the preceding paragraphs.

Special cases

20.—(1) Amounts shall be applicable in respect of expenditure on the home in special cases in accordance with the following provisions of this regulation.

(2) Where amounts are not applicable under any of regulations 15 to 19 because of the special character of the accommodation occupied as the home, for example where the home is a caravan or a houseboat, an amount shall be applicable under this regulation calculated by reference to any expenditure analogous to that for which amounts are allowable under those regulations.

(3) A garage rented separately from the home shall be treated as part of the home for the purposes of regulations 15 to 19 provided that all reasonable efforts are being made to terminate the liability.

(4) Where the assessment unit changes its home amounts shall be applicable under regulations 15 to 19 in respect of both the old and the new home—

- (a) for a period of overlap not exceeding four weeks where the overlap of liability is unavoidable;
- (b) where this is reasonable because the old home was left through fear of domestic violence.

(5) Where the assessment unit moves into accommodation for which an amount is applicable under regulation 15 (rent) and—

- (a) there were reasonable grounds for the assessment unit not to remain in the previous accommodation (for example because it was unsuited to the needs of the assessment unit or because the move was made for the purpose of improving employment prospects); and
- (b) the rent is payable to a landlord, other than a local authority, for a period in advance,

the amount applicable for rent, and for any items to which regulation 19 relates which are similarly payable, may, for a single week, be increased up to a maximum of four times the amount which would otherwise be applicable subject to compensating adjustments in the following weeks.

Restriction where amounts excessive

21.—(1) Where the amounts applicable under regulations 15 to 20 are excessive they shall be subject to restriction in accordance with this regulation.

(2) Subject to paragraphs (3) and (4), the amounts so applicable shall be regarded as excessive and shall be restricted, and the excess not allowed, if and to the extent that—

- (a) in the case of an amount applicable under any of those regulations, the home, excluding any part which is let or is normally occupied by boarders, is unnecessarily large for the assessment unit and any non-dependants or is located in an unnecessarily expensive area; or
- (b) in the case of an amount applicable under regulation 15, the rent is excessive by comparison with that for similar available accommodation in the area.

(3) Where, having regard to the relevant factors, it is not reasonable to expect the assessment unit to seek alternative cheaper accommodation no restrictions shall be made under this regulation.

(4) Where paragraph (3) does not apply and—

(a) the claimant (or other member of the assessment unit) was able to meet the financial commitments for the home when these were entered into; and

(b) the claimant is, in the opinion of the benefit officer, unlikely to continue to receive a pension or allowance for more than six months,

no restriction shall be made under this regulation during the first six months of any period of entitlement to a pension or allowance nor during the next six months if and so long as the claimant uses his best endeavours to obtain cheaper accommodation.

(5) In this regulation “the relevant factors” are—

(a) the availability of suitable accommodation and the level of housing costs in the area; and

(b) the circumstances of the assessment unit including in particular the age and state of health of its members, the employment prospects of the claimant and the effect on the education of any dependants were a change in accommodation to result in a change of school.

Reduction in amounts applicable for certain occupants of the home

22.—(1) The amounts applicable under regulations 15 to 21 shall be reduced in accordance with the following paragraphs where any part of the home is let or is occupied by non-dependants.

(2) Where any part of the home is let the reduction shall be by the amount calculated on a weekly basis receivable from the letting less—

(a) in respect of incidental expenses of the letting—

(i) £2 where the letting is on a furnished basis,

(ii) half that amount where it is on an unfurnished basis,

(iii) £0.25 in the case of any other letting (for example of a garage or outbuildings);

(b) where any part of the amount receivable is attributable to an item specified in any of sub-paragraphs (a) to (d) of regulation 15(3), such amount in respect of that item as may be reasonable in the circumstances;

(c) any amount, calculated on a weekly basis, attributable to mortgage capital repayments, excluding any amount applicable by virtue of regulation 16(2), of a payment for which an amount is applicable under regulation 16(1) or (3) or 18 provided that—

(i) any possible reduction or suspension has been obtained from the mortgagee in the amount of the capital repayments,

(ii) the claimant's available capital does not exceed the outstanding mortgage capital by more than £300.

(3) Subject to paragraph (5), where the home is also occupied by a non-dependant the reduction shall be by the amount of a housing contribution calculated in accordance with paragraph (4).

(4) For the purposes of paragraph (3) a housing contribution shall be assumed in respect of each non-dependant, or group of non-dependants, who—

(a) form an assessment unit for the purposes of a current entitlement to a pension or allowance; or

- (b) are not members of such a unit but would if a pension or allowance were payable, or were payable to one of them, be members of a single assessment unit,
- and the amount of the reduction shall be—
- (c) in respect of—
 - (i) an assessment unit within sub-paragraph (a),
 - (ii) an assessment unit within sub-paragraph (b) where the person to whom the pension or allowance would be payable is aged less than 18,
 - (iii) an assessment unit within sub-paragraph (b), where on the assumption that a claim was duly made and the requirements applicable under this Part of these regulations were set at the figure specified in sub-paragraph (d), a pension or allowance would be payable to a person aged not less than 18,
- the sum of £2·15;
- (d) in any other case, the sum of £4·60.
- (5) No reduction shall be made under paragraph (3)—
- (a) where the claimant, or the partner of the claimant, is blind or has regained his eyesight within the previous 6 months;
 - (b) where an amount is applicable to the claimant under paragraph 14(1) in column (2) of Schedule 3 (additional requirements, domestic assistance).

Non-householder's contribution

23.—(1) There shall be applicable to a person to whom this regulation applies, in respect of his contribution to the housing expenses of the household of which he is a member—

- (a) the weekly amount of £2·15; or
 - (b) where he establishes—
 - (i) that the amount is insufficient having regard to his actual contribution to the housing expenses of the household,
 - (ii) that, having regard to the resources of the household as a whole, hardship would otherwise occur, and
 - (iii) that his entry into the household was on the clear understanding that a contribution to the housing expenses of the household in excess of that amount would be required,
- such additional weekly amount as may be reasonable up to a maximum, in aggregate, of £4·60.

(2) This regulation applies to a claimant where neither he nor any other member of the assessment unit satisfies the condition of sub-paragraph (a) of paragraph (2) of regulation 5 (meaning of householder).

Patrick Jenkin,
Secretary of State for Social Services.

6th August 1980.

We consent,

Carol Mather,
David Waddington,
Two of the Lords Commissioners of
Her Majesty's Treasury.

29th August 1980.

SCHEDULE 1

Regulation 6

NORMAL REQUIREMENTS OF PERSONS OTHER THAN RELEVANT PERSONS AND
HOUSEHOLDERS

Description of person (not being a relevant person or a householder) (1)	Weekly amount (2)
1. Claimant aged— (a) not less than 18; (b) less than 18 with a dependant.	1. Long-term rate £21·70 Ordinary rate..... £17·05 (the appropriate rate being determined in accordance with regulation 7).
2. Claimant aged less than 18 without a dependant.	2. Long-term rate £16·65 Ordinary rate..... £13·10 (the appropriate rate being determined in accordance with regulation 7).
3. Dependant aged— (a) not less than 18; (b) less than 18 but not less than 16; (c) less than 16 but not less than 11; (d) less than 11.	3. (a) £17·05; (b) £13·10; (c) £10·90; (d) £7·30.

SCHEDULE 2

Regulation 10

MODIFICATION OF NORMAL REQUIREMENTS IN SPECIAL CASES

Cases (1)	Provisions modified (2)	Modified amount (3)
<i>Persons in residential accommodation</i>		
1. Person in, or only temporarily absent from, residential accommodation who is— (a) a relevant person whose partner is also in, or only temporarily absent from, residential accommodation; (b) a claimant who is not a relevant person.	1. (a) Paragraphs 1 and 2 of the table; (b) paragraphs 3 and 4 of the table and 1 and 2 of Schedule 1.	1. (a) Twice the amount specified in sub-paragraph (b) in this column; (b) the sum for the time being specified in section 6(1)(a) of the Social Security Pensions Act 1975(a) (of which amount 80 per cent. is in respect of the cost of the residential accommodation and 20 per cent. for personal expenses).
<i>Patients</i>		
2. Patient who is— (a) a relevant person whose partner is also a patient; (b) either a relevant person or his partner and has been a patient for a continuous period of more than eight weeks provided that sub-paragraph (a) does not apply; (c) a claimant who is not a partner and is not a person to whom sub-paragraph (e) applies and, if he has a dependant, has been a patient for a continuous period of more than eight weeks;	2. (a) Paragraphs 1 and 2 of the table; (b) paragraphs 1 and 2 of the table; (c) paragraphs 3 and 4 of the table and 1 and 2 of Schedule 1;	2. (a) Twice the amount specified in sub-paragraph (c) in this column; (b) the amount applicable under paragraph 1 or 2 of the table less 20 per cent. of the long-term rate for householders; (c) 20 per cent. of the long-term rate for householders;

SCHEDULE 2—*continued*

Cases (1)	Provisions modified (2)	Modified amount (3)
<p>(d) a dependant who has been a patient for a continuous period of more than 12 weeks;</p> <p>(e) a claimant who is not a partner and has been a patient for a continuous period of more than one year in respect of whom—</p> <p>(i) a person has been appointed to act pursuant to section 14(2)(b),</p> <p>(ii) his pension or allowance is paid to an administrative officer of the hospital or other institution either as, or at the request of, the person so appointed, and</p> <p>(iii) a registered medical practitioner treating him certifies that all or part of his pension or allowance cannot be used by him or on his behalf.</p> <p><i>Certain unmarried students</i></p> <p>3. Student, as defined in the Resources Regulations, and any other member of the assessment unit where the student—</p> <p>(a) is one of an unmarried couple;</p> <p>(b) if he and his partner were a married couple would, in respect of the student's partner or of a dependant, satisfy the conditions for payment of the allowance specified in sub-paragraph (1) in column (3); and</p> <p>(c) is a claimant who, pursuant to section 5, is not required to register by reason only that his partner is prevented from working for a reason specified pursuant to that section.</p>	<p>(d) paragraph 3 of Schedule 1;</p> <p>(e) paragraphs 1 and 2 of Schedule 1.</p> <p>3.—(1) In relation to the student, paragraphs 1 and 2 of the table.</p> <p>(2) In relation to dependants of the student, paragraph 3 of Schedule 1.</p>	<p>(d) 20 per cent. of the long-term rate for householders;</p> <p>(e) nil or such amount as the benefit officer considers reasonable having regard to the views of the hospital staff and the patient's relatives if available.</p> <p>3.—(1) The weekly amount of the allowance for which he, or he and his partner, are not but would, if they had been a married couple, have been eligible under the Students' Dependants Allowances Regulations 1979(a), other than regulation 6(5), or the Students' Allowances (Scotland) Regulations 1971(b).</p> <p>(2) Nil.</p>
<p>(a) S.I. 1979/900. (b) S.I. 1971/124.</p>		

SCHEDULE 2—*continued*

Cases (1)	Provisions modified (2)	Modified amount (3)
<i>Single claimants without accommodation</i>		
4. Claimant, not being a relevant person, who is without accommodation.	4. Paragraphs 1 and 2 of Schedule 1.	4. The ordinary rate for non-householders.
<i>Polish Resettlement</i>		
5. Person for whom accommodation is provided pursuant to section 3 of, and Part II of the Schedule to, the Polish Resettlement Act 1947(a) if— (a) a relevant person; (b) any other person other than the partner of a relevant person.	5. Paragraphs 1 to 4 of the table and 1 to 3 of Schedule 1.	5. The weekly amount of the charge payable in respect of the person, and any partner, pursuant to section 3(6) of, and Part II of the Schedule to, the Polish Resettlement Act 1947 increased, in respect of personal expenses, by 30 per cent. of the long-term rate for householders or, where sub-paragraph (a) in column (1) applies, twice that amount.
<i>Persons attending residential re-establishment courses</i>		
6. Person attending a course provided by the Secretary of State pursuant to section 30 of, and paragraph 1 of Schedule 5 to, the Act, whether in consequence of a direction under section 10(1) of the Act or otherwise, or a course for similar purposes approved by him, for which temporary board and lodging is provided.	6. Paragraphs 3 and 4 of the table and 1 to 3 of Schedule 1.	6. The weekly amount of any charge for board and lodging made by the Secretary of State pursuant to section 30(2) increased, in respect of personal expenses, by 30 per cent. of the ordinary rate for householders.

(a) 1947 c. 19.

SCHEDULE 2—*continued*

Cases (1)	Provisions modified (2)	Modified amount (3)
<i>Persons in resettlement units</i>		
7. Person being afforded temporary board and lodging in a resettlement unit pursuant to section 30 of, and paragraph 2 of Schedule 5 to, the Act.	7. Paragraphs 3 and 4 of the table and 1 to 3 of Schedule 1.	7. The weekly amount of any charge for board and lodging made by the Secretary of State pursuant to section 30(2) increased, in respect of personal expenses, by 20 per cent. of the long-term rate for householders, reduced as to the latter amount, where applicable, by one-seventh in respect of each of the first two days of the stay in the resettlement unit.
<i>Members of religious orders</i>		
8. Person who is a member of and fully maintained by a religious order.	8. Paragraphs 3 and 4 of the table and 1 to 3 of Schedule 1.	8. Nil.
<i>Prisoners</i>		
9. Person who is a prisoner.	9. Paragraphs 3 and 4 of the table and 1 to 3 of Schedule 1.	9. Nil.
<i>Persons affected by trade dispute</i>		
10. Where either (but not both) of a relevant person and his partner is a person affected by a trade dispute.	10. Paragraphs 1 and 2 of the table.	10. The ordinary rate for non-householders.

SCHEDULE 3
ADDITIONAL REQUIREMENTS

Regulations 11 to 13

PART I
HEATING

Items and cases applicable (1)	Weekly amount (2)
<i>Heating</i>	
1.—(1) Person for whom extra warmth needs to be provided— (a) because he suffers from chronic ill health, due for example to bronchitis, rheumatism, arthritis or anaemia; or (b) because of restricted mobility due to some physical reason, for example, general frailty.	1.—(1) £1·40.
(2) Person for whom extra warmth needs to be provided because he suffers from— (a) physical illness or physical disability to the extent that he is confined to the home or unable to leave it alone; or (b) a serious physical illness.	(2) £3·40.
(3) Person who suffers from— (a) a serious physical illness such that a constant temperature must be maintained; or (b) a physical illness or physical disability to the extent that he is confined to bed or cannot walk unaided within the home, and needs extra heating day and night.	(3) £3·40.
2. Person who is a householder where, having regard in particular to whether the rooms are draughty or damp or exceptionally large— (a) the home is difficult to heat adequately; (b) the home is exceptionally difficult to heat adequately, for example because it is very old or in a very exposed situation.	2. (a) £1·40; (b) £3·40.
3. Person who is a householder where the home, excluding any bathroom, lavatory or hall, consists of— (a) not more than four rooms, (b) five or more rooms; and is centrally heated by a single system, including night storage heaters, which (notwithstanding that individual parts of the system may be operated independently of each other) is operated from a central point and is the normal means of heating the living and dining areas.	3. (a) £1·40; (b) £2·80.

SCHEDULE 3—*continued*

Items and cases applicable (1)	Weekly amount (2)
4. Person who is a householder where, as a condition of the tenancy of the home, a separate charge is payable for any of the items specified in sub-paragraphs (a) to (d) of regulation 15(3) (deductions from inclusive rent for items of fuel costs) the amount of which, as determined on a weekly basis, exceeds the amount there specified for that item.	4. The amount of the excess referred to in column (1) of this paragraph.
5. Person who is a householder where the home is part of an estate built with a heating system of which the Secretary of State has in his discretion recognised the running costs to be disproportionately high.	5. The amount by which the weekly amount of the necessary expenditure on the heating of the home, as estimated by the benefit officer, exceeds £4.35.
6. Person in respect of whom any of the following is payable— (a) mobility allowance or attendance allowance under the Social Security Act; (b) increase under section 61 of the Social Security Act of weekly rate of disablement pension where constant attendance is needed; or (c) constant attendance allowance under article 14 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978(a).	6. £3.40.
7. Person who is a householder and he, or any other member of the assessment unit, is aged— (a) not less than 70; or (b) less than 5.	7. £1.40.

SCHEDULE 3—*continued*

PART II

ITEMS OTHER THAN HEATING

Items and cases applicable (1)	Weekly amount (2)
<i>In respect of age</i>	
8. Person aged not less than 80.	8. 25p.
<i>Attendance needs</i>	
<p>9. Where—</p> <p>(a) in the opinion of the benefit officer a member of the assessment unit who is aged not less than three needs—</p> <p>(i) frequent attention in connection with his bodily functions, or</p> <p>(ii) continual supervision in order to avoid substantial danger to himself or others, throughout the day or night, and is likely to continue to do so for at least six months; and</p> <p>(b) either—</p> <p>(i) a claim by or in respect of him has not been made for attendance allowance under section 35 of the Social Security Act because he has not satisfied the condition in subsection (2)(b) of that section (six months qualifying period), but the benefit officer is satisfied that he will make such a claim within six months of any amount being allowed under this paragraph, or</p> <p>(ii) such a claim has been made but it has not yet been determined by an insurance officer appointed under section 97(1) of that Act,</p> <p>but this paragraph shall cease to apply to that member if no claim is made within that six months or, as the case may be, when the claim is so determined, unless it is disallowed on the grounds only that conditions as to residence and presence prescribed pursuant to section 35(1) of that Act are not met.</p>	<p>9. The actual cost of attendance, calculated on a weekly basis, up to the amount of the lower rate of attendance allowance specified in the second column of paragraph 1 of Part III of Schedule 4 to the Social Security Act.</p>
<i>Baths</i>	
10. Person who on medical grounds needs more than one bath a week.	10. 20p for each additional bath needed.

SCHEDULE 3—*continued*

Items and cases applicable (1)	Weekly amount (2)
<p style="text-align: center;"><i>Blindness</i></p> <p>11. Person aged not less than 16 who is blind or has regained his eyesight within the previous 6 months.</p>	<p>11. £1·25 increased, if he is a person to whom paragraph 1 of Schedule 1 (normal requirements of certain claimants) applies, by the difference between the amount so applicable and the corresponding (long-term or ordinary as the case may be) rate for householders.</p>
<p style="text-align: center;"><i>Boarding-out fees</i></p> <p>12. Person whose child, being a member of the assessment unit, is being boarded out prior to adoption; but this paragraph shall apply only to the first eight weeks after the commencement of the boarding-out or for such longer period as the benefit officer may allow for completion of the adoption arrangements.</p>	<p>12. The weekly amount of the boarding-out fees, not exceeding the maximum amount of the fees payable by the appropriate local authority for a child of the age in question who is boarded out under the Boarding-Out of Children Regulations 1955(a) or the Boarding-Out of Children (Scotland) Regulations 1959(b) less the amount applicable in respect of the normal requirements of the child under paragraph 3 of Schedule 1.</p>
<p style="text-align: center;"><i>Diet</i></p> <p>13. Person who needs a special diet because he—</p> <p>(a) suffers from diabetes; a peptic, including stomach and duodenal, ulcer; a condition of the throat which causes serious difficulty in swallowing; ulcerative colitis; a form of tuberculosis for which he is being treated with drugs; or from some illness for which he requires a diet analogous to that required for the other illnesses specified in this sub-paragraph;</p> <p>(b) is convalescing from a major illness or operation or suffering from an illness not specified in sub-paragraph (a), and the diet involves extra cost;</p> <p>(c) is a dependant and is living in the same accommodation as a person suffering from a form of respiratory tuberculosis for which he is being treated with drugs;</p> <p>(d) suffers from renal failure for which he is treated by dialysis; or</p>	<p>13. (a) £2·80;</p> <p>(b) £1·20;</p> <p>(c) £1·20;</p> <p>(d) £8·00;</p>
(a) S.I. 1955/1377.	(b) S.I. 1959/835.

SCHEDULE 3—*continued*

Items and cases applicable (1)	Weekly amount (2)
<p>(e) suffers from a condition, other than one specified in sub-paragraph (a), for which he has to follow a diet which involves extra cost, substantially in excess of the amount specified in sub-paragraph (a) in column (2).</p>	<p>(e) the weekly extra cost of the diet except in so far as it consists of proprietary foods or substances available under the National Health Service Act 1977(a) or, in Scotland, the National Health Service (Scotland) Act 1978(b).</p>
<i>Domestic assistance</i>	
<p>14. Where—</p> <p>(a) a charge is made for assistance with the ordinary domestic tasks (for example, cleaning and cooking but excluding window cleaning and errands) of the assessment unit;</p> <p>(b) such assistance is essential because adult members of the assessment unit are unable to carry out all those tasks by reason of old age, ill health, disability or heavy family responsibilities; and</p> <p>(c) the assistance is not provided by a local authority, nor by a close relative who incurs only minimal expenses.</p>	<p>14.—(1) Where, exceptionally, residential assistance is needed, for example where the person assisted is very severely disabled, the weekly amount of the charge for assistance provided this does not exceed twice the ordinary rate for non-householders; and</p> <p>(2) in any other case, the weekly amount of the charge for assistance provided that it is reasonable in the circumstances.</p>
<i>Hire purchase</i>	
<p>15. Person who has entered into a hire purchase agreement where—</p> <p>(a) the agreement relates to items of essential furniture or household equipment, as defined pursuant to section 3 (supplementary benefit to meet exceptional need), which are not used solely or primarily by persons who are not members of the assessment unit;</p> <p>(b) the person entered into the agreement before a pension or allowance began to be paid in respect of him;</p> <p>(c) there are substantial grounds for believing that during the term of the agreement the pension or allowance will cease to be so payable;</p> <p>(d) the claimant's available capital in excess of £300 is not sufficient to pay the balance of the outstanding instalments in a lump sum; and</p> <p>(e) payment of those instalments is not, in the events which have happened, provided for by an insurance provision (for example in respect of unemployment) in the agreement.</p>	<p>15. The amount of any instalments falling due (excluding any arrears) postponement of payment of which is not acceptable to the other party to the agreement, calculated on a weekly basis, or so much of that amount as relates to items within sub-paragraph (a) in column (1).</p>

(a) 1977 c. 49.

(b) 1978 c. 29.

SCHEDULE 3—*continued*

Items and cases applicable (1)	Weekly amount (2)
<p><i>Hospital fares</i></p> <p>16. Person, A, who regularly visits another person, B, who is a patient in any hospital or similar institution where—</p> <p>(a) A and B are not members of the same assessment unit but—</p> <p>(i) were members of the same household prior to the hospitalisation of B; or</p> <p>(ii) are close relatives;</p> <p>(b) either—</p> <p>(i) A and B are partners, or</p> <p>(ii) A is a dependant of a relevant person who is either B or B's partner, and B has been a patient for a continuous period of not more than eight weeks;</p> <p>(c) either—</p> <p>(i) A and B are partners, or</p> <p>(ii) A is a dependant of a relevant person who is either B or B's partner, and B has been a patient for a continuous period of more than eight weeks;</p>	<p>16. (a) The amount of estimated—</p> <p>(i) weekly average cost of second class public transport by whichever method (excluding air travel) is used by A and also, where A is incapable of undertaking the journey alone and needs to be accompanied, by a companion of A, or</p> <p>(ii) where private transport is used—</p> <p>(aa) where public transport is available, weekly average cost of the petrol not exceeding the public transport cost,</p> <p>(bb) in any other case, weekly average cost of the petrol, except that no amount shall be allowed under this sub-paragraph in respect either of journeys undertaken by taxi, unless A is unable to use other transport by reason of physical disability, or of costs incurred in travel outside Great Britain;</p> <p>(b) an amount determined in accordance with sub-paragraph (a) in this column less the whole of the difference, except for an amount equal to 20 per cent. of the long-term rate for householders, between the long-term or ordinary rate for couples applicable to B or B's partner and the corresponding rate (long-term or ordinary as the case may be) for householders.</p> <p>(c) an amount determined in accordance with sub-paragraph (b) in this column less 20 per cent. of the long-term rate for householders;</p>

SCHEDULE 3—*continued*

Items and cases applicable (1)	Weekly amount (2)
<p>(d) A and B are members of the same assessment unit and B is a dependant who has been a patient for a continuous period of— (i) not more than 12 weeks, (ii) more than 12 weeks;</p> <p>(e) A is a dependant of B who is a claimant, is not a relevant person and has been a patient for a continuous period of— (i) not more than eight weeks, (ii) more than eight weeks.</p>	<p>(d) an amount determined in accordance with sub-paragraph (a) in this column but, in a case falling within sub-paragraph (d)(i) in column (1), that amount less the difference between the amount applicable to B under paragraph 3 of Schedule 1 (normal requirements of dependants) and 20 per cent. of the long-term rate for householders;</p> <p>(e) an amount determined in accordance with sub-paragraph (a) in this column but, in a case falling within sub-paragraph (e)(i) in column (1), that amount less the difference between the householder or non-householder rate for normal requirements applicable to B and 20 per cent. of the long-term rate for householders.</p>
<i>Laundry</i>	
<p>17. Where— (a) the laundry of the assessment unit cannot be done at home because all adult members of the household are ill, disabled or infirm or because there are no suitable washing or drying facilities; or (b) the quantity is substantially greater, for example because of incontinence, than the amount which would normally be generated by an assessment unit of the same composition.</p>	<p>17. The amount by which the estimated average weekly laundry costs exceed 40p.</p>
<i>Special wear and tear on clothing</i>	
<p>18. Person who suffers from a physical or mental condition which has the consequence that his clothing or footwear wears out unusually quickly.</p>	<p>18. The estimated extra cost, calculated on a weekly basis, of repairing or replacing the clothing or footwear.</p>

SCHEDULE 3—*continued*

Items and cases applicable (1)	Weekly amount (2)
<i>Storage of furniture</i>	
19. Where— (a) a person has stored essential household effects belonging to and intended for the use of the assessment unit; (b) storage of the items is necessary and the cost of storage is reasonable; (c) the person is using his best endeavours to obtain accommodation which will remove the necessity for storage; and (d) the person is not a person to whom section 4(3), (4) or (5) of the Housing (Homeless Persons) Act 1977(a) (duties of housing authorities to persons who are homeless or threatened with homelessness) applies, but an amount shall not be allowed under this paragraph for those items for more than 12 months.	19. The weekly amount of the cost of storage.

(a) 1977 c. 48.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the determination of requirements for the purposes of determining the right to and amount of supplementary benefit under the Supplementary Benefits Act ("the 1976 Act") as extensively amended by the Social Security Act 1980.

Part I contains general provisions affecting the interpretation of the Regulations. Regulations 1 and 2 relate to citation, commencement and definitions. Regulation 3 provides that, for the purposes of Schedule 1 to the 1976 Act (and subject to provisions in that Schedule), requirements shall be determined in accordance with these regulations.

Part II relates to the determination of normal requirements and contains provisions specifying the items to which the category of normal requirements relates (regulation 4); varying the ordinary rates set out in the 1976 Act for the normal requirements of couples and householders and providing for the meaning of householder (regulation 5); providing for the amounts of the normal requirements of other persons, including children (regulation 6 and Schedule 1); setting out the conditions for the long-term rates for normal requirements (regulation 7); and modifying the amounts otherwise applicable for normal requirements, in certain cases of disqualification for unemployment benefit (regulation 8), for boarders (regulation 9) and in special cases (regulation 10 and Schedule 2).

Part III relates to the determination of additional requirements. Regulation 12 and Part I of Schedule 3 contain provision for heating and regulation 13 and Part II of Schedule 3 for the other items of additional requirements.

Part IV relates to the determination of housing requirements and contains provisions specifying the items to which the category of housing requirements relates (regulation 14) and providing for the determination of amounts applicable for those items, namely, rent (regulation 15), mortgage payments (regulation 16), maintenance and insurance (regulation 17), interest on loans for repairs and improvements (regulation 18), miscellaneous outgoings (regulation 19) and items in special cases (regulation 20). The amounts applicable under regulations 15 to 20 are subject to restriction where they are excessive (regulation 21) and to reduction in respect of lettings and housing contributions of non-dependants (regulation 22). Separate provision is made for a non-householder's contribution to housing expenses (regulation 23).

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