
STATUTORY INSTRUMENTS

1980 No. 983

SOCIAL SECURITY

**The Supplementary Benefit
(Deductions and Payments to Third Parties)
Regulations 1980**

<i>Made - - - -</i>	<i>14th July 1980</i>
<i>Laid before Parliament</i>	<i>17th July 1980</i>
<i>Coming into Operation</i>	<i>24th November 1980</i>

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The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 14(1) and (2)(h) and (i) of the Supplementary Benefits Act 1976(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Deductions and Payments to Third Parties) Regulations 1980 and shall come into operation on 24th November 1980.

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

“the Act” means the Supplementary Benefits Act 1976(a);

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

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

(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).

“claimant” means a claimant for supplementary benefit;

“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;

“mortgage payment” means a payment attributable to interest on a mortgage to which regulation 15 of the Requirements Regulations (mortgage payments) applies; and for the purposes of these regulations includes interest payable on loans to which regulation 17 of those regulations (interest on loans for repairs and improvements) applies;

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

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

“rent” has the meaning assigned to it in the Requirements Regulations and, for the purposes of these regulations, where in a particular case a claimant’s rent includes elements which would not otherwise fall to be treated as rent, references to rent shall include those elements;

“Requirements Regulations” means the Supplementary Benefit (Requirements) Regulations 1980;

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

“single householder rate” means the weekly amount for the time being applicable for the normal requirements of a person to whom paragraph 4 of the table in paragraph 2 of Schedule 1 to the Act (certain householders under pensionable age) applies.

(3) Except in so far as the context otherwise requires any reference in these regulations to a numbered regulation is to the regulation bearing that number and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number.

(4) In their application to Scotland these regulations shall have effect where appropriate with the substitution of a reference to heritable security for a reference to mortgage wherever the latter occurs.

Circumstances in which payment of benefit is postponed

2.—(1) Where a claimant—

(a) has been awarded pension or allowance; and

(b) in the opinion of a benefit officer, has failed to budget for items to which the category of normal requirements relates but for which the need arises at irregular or extended intervals,

the benefit officer may determine that payment of so much of that pension or allowance as he considers appropriate in the circumstances is withheld weekly for the duration of the award.

(2) Where—

(a) the benefit officer has made such a determination; and

(b) he is satisfied that the need for any item to which paragraph (1)(b) relates has arisen,

he shall direct that the amount which has been withheld in accordance with that determination, or so much of it as he considers appropriate in the circumstances, is paid to the claimant.

Regular payments to third parties for housing and fuel requirements

3.—(1) Where a claimant—

- (a) has been awarded a pension or allowance, and
- (b) is in debt, other than in circumstances to which paragraph (6) applies, for any item of expenditure—
 - (i) to which the category of housing requirements relates (in this regulation referred to as a “housing item”), or
 - (ii) on gas or electricity to which the category of normal or additional requirements relates (in this regulation referred to as a “fuel item”),

and, in the opinion of a benefit officer, has failed to budget for it, the benefit officer may, if in his opinion it would be in the interests of the assessment unit to do so, make a determination in accordance with paragraph (2).

(2) In a case to which paragraph (1) applies, the benefit officer shall determine that the amount of the award of pension or allowance calculated in accordance with the following paragraphs shall be paid at such intervals as the Secretary of State may direct to the person or body to whom payment is due on behalf of the claimant in discharge of an obligation of his.

(3) Subject to the following paragraphs, the amount to which the determination applies shall be such weekly aggregate of the following as is appropriate:—

- (a) in respect of any debt to which paragraph (1)(b) applies, a weekly amount equal to 5 per cent. of the single householder rate (that 5 per cent. being, where it is not a multiple of 5 pence, rounded to the next higher such multiple) for such a period as is necessary to discharge that debt; and
- (b) in respect of any such debt, so much as is for the time being necessary to meet continuing needs for the relevant item, being in the case of a housing item the actual weekly cost, and in the case of a fuel item the estimated average weekly cost.

(4) Where—

- (a) in respect of a fuel item, the aggregate amount calculated under paragraph (3) but excluding any increase in that amount by virtue of sub-paragraph (b) below exceeds a sum equal to 25 per cent. of the total weekly requirements applicable to the assessment unit under Part II of the Requirements Regulations (normal requirements), a determination in accordance with paragraph (2) shall be made only with the consent of the claimant;
- (b) in a case to which paragraph (1)(b)(ii) applies, the amount of the claimant's earnings or other income falling to be taken into account for the purpose of calculating his resources is reduced by regulation 10(5) or 11(5) of the Resources Regulations (partial disregard of earnings or other income respectively), the weekly amount applicable to the debt under paragraph (3)(a) may be increased by an amount not exceeding the sum for the time being specified in the said regulation 11(5);
- (c) in respect of a housing item, either the amount which would be applicable under paragraph (3) exceeds the award of pension or allowance, or that award exceeds the amount by—

(i) where the claimant is also entitled to payment of any benefit under the Social Security Acts 1975 which is paid weekly and, under arrangements made by the Secretary of State either throughout or in any part of Great Britain, that pension or allowance is payable together with such a benefit, less than 5 pence ,

(ii) in any other case, less than 10 pence,

that amount shall be adjusted so that 5 pence or, as the case may be, 10 pence of the award is payable to the claimant;

(d) subject to sub-paragraph (e), where, in any one week, more than one amount would fall to be paid in respect of the claimant under paragraph (3)(a), the total amount thus payable shall not exceed a weekly amount equal to three times the five per cent. mentioned in paragraph (3)(a);

(e) where in any one week—

(i) any one amount, or more than one such amount, falls to be paid in respect of the claimant under paragraph (3)(a), and

(ii) any payment falls to be recovered from the claimant by deduction from an award of pension or allowance in pursuance of section 20(4) of the Act (recovery from prescribed benefits in cases of misrepresentation or non-disclosure) (in this regulation referred to as a “payment to be recovered”),

the aggregate of any such amount and any such payment shall not exceed a weekly amount equal to 3 times the 5 per cent. mentioned in paragraph (3)(a),

and for the purposes of sub-paragraphs (c), (d) and (e) priority shall be given in accordance with paragraph (5).

(5) For the purposes of this regulation—

(a) any debt which is in respect of rent or mortgage payments shall have priority over any other debt or any payment to be recovered;

(b) any debt for a fuel item shall have priority over any debt for a housing item, other than one to which sub-paragraph (a) applies, or any payment to be recovered;

(c) as between debts for fuel items of gas or electricity, the benefit officer shall give priority to whichever debt he considers it would, having regard to the circumstances and to any requests of the claimant, be appropriate to discharge;

(d) any debt for a housing item other than one to which sub-paragraph (a) applies shall have priority over any payment to be recovered.

(6) Paragraph (1) shall not apply to any debt—

(a) which is—

(i) in respect of rent or mortgage payments and the claimant has in the preceding 12 weeks paid sums equal to his rent for 6 weeks or, as the case may be, in the preceding 12 weeks sums equal to 2 mortgage payments due in that period,

(ii) for any other housing item and is less than half the annual amount due to be paid by the claimant in respect of that item,

unless, in either case, in the opinion of the benefit officer it is in the overriding interests of the assessment unit to make a determination under paragraph (2);

(b) which is for a fuel item and—

- (i) the debt is for less than the single householder rate rounded, where it is not expressed in whole pounds, to the next higher whole pound,
- (ii) the claimant or his partner have any capital resources calculated in accordance with Part II of the Resources Regulations which exceed the debt,
- (iii) there is in the claimant's household a person other than a partner or dependant who could reasonably be expected to help the claimant pay the debt at least to the extent of bringing the debt below the sum mentioned in head (i) above, or
- (iv) if it were for a housing item, paragraph (4) would apply.

Regular payments to landlords on behalf of boarders

4. Where a claimant—

- (a) has been awarded a pension or allowance;
- (b) is a person to whom regulation 9 of the Requirements Regulations (boarders) applies; and
- (c) in the opinion of a benefit officer, has failed to budget for charges for his board and lodging to which paragraph (1)(a) of the said regulation applies,

the benefit officer may, if it is in the interests of the assessment unit to do so, determine that the amount of the award of pension or allowance equal to the amount applicable under the said regulation for such charges shall be paid at such intervals as the Secretary of State may direct to the person to whom such charges are due, on behalf of the claimant in discharge of his obligation.

Payments to local authorities in respect of residential accommodation

5. Where—

- (a) the claimant has been awarded a pension or allowance;
- (b) in determining the requirements of the assessment unit, regulation 10 of and paragraph 1 of Schedule 2 to the Requirements Regulations (requirements for persons in accommodation provided by a local authority) has applied to any member; and
- (c) that member fails to pay any sum due from him under section 22 of the National Assistance Act 1948(a) (charges to be made for accommodation under Part III of that Act),

a benefit officer may determine that the amount of the award of pension or allowance equal to the amount to which the said regulation and said paragraph 1 relate shall be paid to the local authority concerned on behalf of that member in discharge of his liability under the said section 22.

(a) 1948 c. 29; section 22 was amended by section 20 of and paragraph 2(1) of Schedule 4 to the Social Security Act 1980 (c. 30).

Payment of certain accommodation charges

6.—(1) This regulation shall apply to a claimant who has been awarded a pension or allowance and to whom any of the following paragraphs of Schedule 2 to the Requirements Regulations (modifications of normal requirements in special cases) applies:—

- (a) paragraph 5 (certain persons for whom accommodation is provided pursuant to the Polish Resettlement Act 1947(a));
- (b) paragraph 6 (persons attending re-establishment courses provided pursuant to section 30 of the Act for whom temporary board and lodging is provided);
- (c) paragraph 7 (persons afforded temporary board and lodging in a resettlement unit pursuant to section 30 of the Act).

(2) In a case to which this regulation applies the benefit officer may determine that the weekly amount of the accommodation charge mentioned in column (3) of the said paragraphs 5, 6 and 7 of the said Schedule 2 shall be paid to the person or body to whom payment is due on behalf of the claimant in discharge of an obligation of his.

Payment of supplementary benefit to third parties

7. Where a claimant—

- (a) has been awarded a pension or allowance;
- (b) is not a claimant to whom regulations made pursuant to section 14(2)(b) of the Act (claimant unable to act in relation to his claim) apply; and
- (c) in the opinion of a benefit officer is incapable of budgeting, or wilfully refuses to budget, for any item of expenditure to which Part II, III or IV of the Requirements Regulations (normal, additional or housing requirements) applicable to him relates,

the benefit officer may, if in his opinion it would be in the interests of the assessment unit to do so, determine that all or part of the award of pension or allowance should be paid to such person as the Secretary of State may appoint.

Payments to be made when entitlement to supplementary benefit ends

8. Where a claimant to whom regulation 2, 3, 4, 5, 6 or 7 applies ceases to be entitled to a pension or allowance—

- (a) any payment withheld from the award by virtue of regulation 2 shall be paid to him as soon as is practicable;
- (b) any amount payable out of the award to a third party by virtue of regulation 3, 4, 5, 6 or 7 shall be paid to that third party as soon as is practicable.

Payment of single payments to third parties

9. Where a claimant is entitled to—

- (a) any amount of supplementary benefit by way of a single payment under section 3 of the Act (supplementary benefit to meet exceptional need); or
- (b) any sum payable by virtue of section 4 of the Act (provision for cases of urgent need),

(a) 1947 c.19.

for the provision of a specific item, the Secretary of State may direct that that amount or sums shall be paid to the person who or the body which supplied that item, on behalf of the claimant in discharge of an obligation of his.

Patrick Jenkin

Secretary of State for Social Services

14th July 1980.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the manner and circumstances in which supplementary benefit may be either deducted and subsequently paid to a claimant or paid direct to a third party.

Regulation 2 provides for part payment of a supplementary pension or allowance ("pension or allowance") to be withheld on a weekly basis where a claimant has failed to budget for items which are needed only occasionally, and payment to him of the sums withheld when the need arises. Regulation 3 relates to the circumstances in which housing costs and fuel costs are to be met regularly by direct payment out of the pension or allowance on behalf of the claimant. The regulation contains provisions for the calculation, on a weekly basis, of the amount payable direct, the maximum amount deductible, and for priority of debts and continuing needs. Regulations 4 and 5 provide for direct payment out of a pension or allowance to landlords for board and lodging charges and to local authorities for charges for residential accommodation. Regulation 6 provides for direct payment of amounts specified in the Supplementary Benefit (Requirements) Regulations 1980 for accommodation for certain persons to whom the Polish Resettlement Act 1947 applies, persons attending re-establishment courses and resettlement units. Regulation 7 provides for the whole or part payment of a pension or allowance to a third party where a claimant is incapable of budgeting or refuses to budget for any requirement. Under regulation 8, when entitlement to a pension or allowance ends any payment deducted under the preceding regulations is to be paid to the claimant or the third party as soon as is practicable. Regulation 9 provides for a single payment of supplementary benefit for a specific item to be payable direct to the supplier of the item.

