
 STATUTORY INSTRUMENTS

1982 No. 1125

SOCIAL SECURITY

**The Supplementary Benefit (Requirements and Resources)
Amendment Regulations 1982**
Laid before Parliament in draft

Made - - - 3rd August 1982

Coming into Operation

Except for regulation 2(5)(a) and (e), (6), (8)(b) and (15)(b) 9th August 1982

Regulation 2(5)(a) and (e) and (6) 18th October 1982

Regulation 2(8)(b) and (15)(b) 22nd November 1982

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 paragraphs 1(2) and 2(1), (3) and (4) of Schedule 1 to the Supplementary Benefits Act 1976(a) and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (Requirements and Resources) Amendment Regulations 1982 and shall come into operation on 9th August 1982 except for regulations 2(5)(a) and (e) and (6) which shall come into operation on 18th October 1982 and regulations 2(8)(b) and (15)(b) which shall come into operation on 22nd November 1982.

Amendment of the Supplementary Benefit (Requirements) Regulations 1980

2.—(1) The Supplementary Benefit (Requirements) Regulations 1980(b) shall be amended in accordance with the following provisions of this regulation.

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

(b) S.I. 1980/1299; relevant amending instruments are S.I. 1980/1774, 1981/1016, 1197.

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

“‘single claimant’ means a claimant who is not a partner;”.

(3) In regulation 5(2) (meaning of householder)—

- (a) for the words “person, other than a partner,” there shall be substituted the words “single claimant”;
- (b) in sub-paragraph (a) after the words “is treated” there shall be inserted the words “, otherwise than by reason only of regulation 20(4),”.

(4) For regulation 6(1) (normal requirements of persons other than partners and householders) there shall be substituted the following paragraph:—

“(1) Subject to paragraphs (2) and (3), the weekly amount of the normal requirements of a single claimant who is not a householder and of a dependant (not being a partner) shall be determined in accordance with Schedule 1, paragraph 1 or 2 of that Schedule applying in the case of a single claimant and paragraph 3 in that of a dependant.”

(5) In regulation 7 (conditions for long-term rates of normal requirements)—

- (a) in paragraph (2)(a) the words “who is not registered with the Manpower Services Commission” shall be omitted;
- (b) in paragraph (2) (b)—
 - (i) after the words “person who” there shall be inserted the words “, by reason of regulation 6(e) of the Supplementary Benefit (Conditions of Entitlement) Regulations 1981(a) (exemption from condition of availability where no further prospect of employment due to physical or mental disablement),”;
 - (ii) the words “because, due to disability and long unemployment, he has no prospects of further employment” shall be omitted,
 - (iii) for the words “pursuant to section 5” there shall be substituted the words “pursuant to regulation 8(b)(ii) of the Supplementary Benefit (Claims and Payments) Regulations 1981(b) (information to be given in connection with payment of benefit where condition of availability applies)”;
- (c) in paragraph (4)—
 - (i) for the reference to “paragraph 3(1)” there shall be substituted a reference to “paragraph 3”,
 - (ii) the words “of married and unmarried couples” shall be omitted,
 - (iii) after the words “an end” there shall be inserted the words “and the condition in paragraph (4A) is satisfied”;

(d) after paragraph (4) the following paragraph shall be inserted—

“(4A) The condition mentioned in paragraph (4) is that the requirements and resources of A were aggregated with and treated as those of B either—

(a) under paragraph 3(1) of Schedule 1 to the Act (aggregation of married and unmarried couples); or

(b) under paragraph 3(2) of Schedule 1 to the Act (aggregation of dependants) and there are now so aggregated with A’s requirements and resources those of another person which were previously so aggregated with B’s.”;

(e) for the definition of “subject to registration” in paragraph (6)(b) there shall be substituted the following definition:—

“‘subject to the condition of availability’ in relation to an allowance means subject to the condition of availability for employment under section 5(1)(a);”,

and for all other references in regulation 7 to “subject to registration” there shall be substituted references to “subject to the condition of availability”.

(6) In regulation 8(1) (modification of normal requirements in certain cases of unemployment benefit disqualification) for the reference to “section 5” there shall be substituted a reference to “section 5(1)(a)” and the words “registration and” shall be omitted.

(7) In regulation 9 (boarders)—

(a) in paragraph (1) after the words “so however that” there shall be inserted the words “, except where paragraph (7) applies,”;

(b) in paragraph (5)—

(i) for the words “Except to the extent that the claimant” there shall be substituted the words “Where the claimant is not a person who is being accommodated by a housing authority pursuant to the Housing (Homeless Persons) Act 1977 (a) or by a local authority pursuant to section 1 of the Child Care Act 1980 (b) (promotion of welfare of children) or, in Scotland, section 12 of the Social Work (Scotland) Act 1968 (c) (general social welfare services of local authorities), except to the extent that he”,

(ii) in sub-paragraph (b) the words from “and he is not” to the end of the sub-paragraph shall be omitted.

(8) In regulation 12 (heating)—

(a) in paragraph (2)(g)—

(i) for the words “an amount is applicable under” there shall be substituted the words “a separate charge is payable as mentioned in column (1) of”,

(ii) in each of heads (i) and (ii) the words “referred to in column (1) of that paragraph” shall be omitted;

(a) 1977 c.48.

(b) 1980 c.5.

(c) 1968 c.49.

- (b) in each of sub-paragraphs (a) and (b) of paragraph (4) before the words “of Schedule 3” there shall be inserted a reference to “or 6”.

(9) In regulation 15(3) (deductions from inclusive rent) after the words “thirteen weeks” there shall be inserted the words “, or for a shorter period if (for example because of the application of paragraph 1 or 2 of Schedule 2) a householder rate of normal requirements is no longer applicable,”.

(10) In regulation 16 (mortgage payments)—

(a) in paragraph (1)—

- (i) for the words “charged on and” there shall be substituted the words “or other loan”,
- (ii) for the words “mortgage interest” there shall be substituted the words “interest on the loan”;

(b) in paragraph (2)—

- (i) in sub-paragraph (b) for the word “mortgage” there shall be substituted the word “loan”,
- (ii) for the word “mortgagee” there shall be substituted the word “lender”,
- (iii) for the words from “regulations” to the end of the paragraph there shall be substituted the words “regulation 4(4) of the Supplementary Benefit (Determination of Questions) Regulations 1980(a) so provides.”.

(11) Paragraph (2A) of regulation 20 (special cases) shall be omitted.

(12) In regulation 21(2)(b) (restriction where amounts excessive) after the reference to “regulation 15” there shall be inserted the words “otherwise than by virtue of regulation 15 (7)(a),”.

(13) In regulation 22(2)(c) (reduction in amounts applicable for certain occupants of the home) the word “mortgage” wherever it appears shall be omitted, and for the word “mortgagee” there shall be substituted the word “lender”.

(14) In Schedule 2 (modification of normal requirements in special cases)—

(a) in column (1) of paragraph 2 (patients)—

- (i) in sub-paragraph (a) after the word “patient” there shall be inserted the words “but, where he has a dependant, only if both he and his partner have been patients for a continuous period of more than 8 weeks”,
- (ii) in sub-paragraph (b) after the word “patient” there shall be inserted the words “(whether or not his partner is also a patient)”;

- (b) in paragraph 3(c) of column (1) for the words from “who, pursuant to section 5” to the end of the sub-paragraph there shall be substituted the words “to whom regulation 6(j) of the Supplementary Benefit (Conditions of Entitlement) Regulations 1981 (exemption of unmarried students from condition of availability in certain circumstances) applies.”.

(15) In Part I of Schedule 3 (additional requirements for heating)—

- (a) for paragraph 5 in column (2) there shall be substituted the following paragraph:—

“5. Where the home, excluding any bathroom, lavatory or hall consists of—

(a) not more than four rooms, £3.30;

(b) five or more rooms, £6.60;”

so however that where, after the coming into operation of this sub-paragraph, the amount applicable to a claimant under the said paragraph 5 as amended by this sub-paragraph (“the new amount”) is less than the amount which was so applicable under paragraph 5 immediately prior to its being so amended (“the old amount”), there shall be payable to the claimant an additional amount of pension or allowance (an “addition”) equal to the difference between the new amount and the old amount, and that addition shall, on any increase in the aggregate amount of the normal, additional and housing requirements applicable to the claimant which is attributable to a change of circumstances which occurs after 21st November 1982 be reduced by an amount equal to half the amount of such increase;

- (b) for paragraph 6 in column (1) there shall be substituted the following paragraph:—

“6. Person in respect of whom—

(a) any of the following is payable:—

(i) mobility allowance or attendance allowance under the Social Security Act,

(ii) increase under section 61 of the Social Security Act of the weekly rate of disablement pension where constant attendance is needed,

(iii) constant attendance allowance under article 14 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1978(a),

(iv) a grant under paragraph 2 of Schedule 2 to the National Health Service Act 1977(b) (costs of vehicles for disabled persons) or, in Scotland, section 46(3) of the National Health Service (Scotland) Act 1978(c) (provision of vehicles for disabled persons) towards the cost of maintaining a vehicle belonging to a person referred to in that paragraph or, as the case may be, section, or

(a) S.I. 1978/1525.

(b) 1977 c.49.

(c) 1978 c.29.

- (v) an amount pursuant to article 26 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1978 (provision of expenses in respect of appropriate aids for disabled living) in respect of the cost of providing a vehicle for, or maintaining a vehicle belonging to, a disabled person; or
- (b) an invalid carriage or other vehicle has been provided pursuant to section 5(2)(a) of the National Health Service Act 1977 (provision of vehicles for disabled persons) or, in Scotland, section 46(1) of the National Health Service (Scotland) Act 1978.”.

Amendment of the Supplementary Benefit (Resources) Regulations 1981

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

- (2) In regulation 2(1) (interpretation)—
 - (a) in the definition of “liable relative” after the words “such a father” there shall be inserted the words “, and includes a person liable to maintain a member of the assessment unit under section 17(1)(c) (sponsored immigrants)”;
 - (b) in the definition of “occupational pension scheme” for the words from “shall be construed” to the end of the definition there shall be substituted the words “means any pension or other periodical payment under such a scheme, except that any reference to an occupational pension shall not include a reference to:—
 - (a) any element of that pension payable by way of compensation for injury, disease, disablement or death suffered by a person by reason of the service or employment in which he was engaged; or
 - (b) any discretionary payment out of a fund established for relieving hardship in particular cases.”.
- (3) In regulation 3(2) (calculation of resources)—
 - (a) for sub-paragraph (b) there shall be substituted the following sub-paragraph:—

“(b) any sum, including any instalment of a capital payment which falls to be paid by instalments, made, whether in pursuance of a court order or otherwise, by or derived from a liable relative, shall be treated in accordance with the provisions of regulation 13;”;
 - (b) for sub-paragraph (c) there shall be substituted the following sub-paragraph:—

“(c) any instalment of a capital payment (other than a payment to which sub-paragraph (b) applies) which falls to be paid by instalments shall be treated—

(a) S.I. 1981/1527.

- (i) in a case where, if the instalment were treated as a capital resource, the amount of the claimant's capital resources would not exceed the amount mentioned in regulation 7 unless the amount of the outstanding instalments were also treated as a capital resource, as an income resource,
 - (ii) in any other case, as a capital resource,";
- (c) in head (i) of sub-paragraph (d) after the words "affected by a trade dispute" there shall be inserted the words "or to whom section 9 (return to full-time employment following a trade dispute) applies".
- (4) In regulation 4 (notional resources) after paragraph (10) there shall be added the following paragraphs:—
 - "(11) In the case of a person to whom section 9 (return to full-time employment following a trade dispute) applies any sum mentioned in regulation 10(1)(c) which is offered to him shall be treated as if it were possessed by him.
 - (12) Where the claimant is a student in receipt of a mandatory grant or award by an education authority he shall, for the duration of the Christmas and Easter vacations, be treated as being in receipt of an income resource at a weekly rate equal to the aggregate of the ordinary rate specified in column (2) of paragraph 1 of Schedule 1 to the Requirements Regulations and the sum specified in regulation 23(1)(a) of those regulations."
- (5) In regulation 6(1) (capital resources to be disregarded)—
 - (a) in sub-paragraph (a)—
 - (i) in head (iv) after the words "assessment unit" there shall be added the words "or by the spouse of a claimant who, by virtue only of paragraph (3)(a) or (b) of regulation 2 of the Aggregation Regulations (one member of a married couple in residential accommodation or in hospital) is not to be treated as being a member of the same household as that spouse,"
 - (ii) for the words "practicable or reasonable" there shall be substituted the words "practicable and reasonable";
 - (b) after sub-paragraph (f) there shall be added the following sub-paragraphs:—
 - "(g) for a period not normally exceeding 6 months from the date of receipt, any sum which—
 - (i) has been paid to the claimant or his partner in consequence of damage to, or the loss of, the home or any personal possession and which is to be used for its repair or replacement, or
 - (ii) has been given or loaned to the claimant or his partner on the condition that it is to be used for effecting essential repairs or improvements to the home and which is to be used for that purpose,
 and which, in the opinion of the benefit officer, it is reasonable in all the circumstances to disregard;
 - (h) in a case where a capital payment falls to be paid by instalments, the value of any outstanding instalments."

(6) In regulation 10 (calculation of earnings)—

- (a) in paragraph (1)(c) for the words “ex gratia payment” there shall be substituted the words “, in the case only of a person to whom section 8 or 9 (persons affected by, or returning to full-time employment following, a trade dispute) applies, any ex gratia payment”;
- (b) in sub-paragraph (e)(ii) of paragraph (2) for the words from “earnings” to “requirements” there shall be substituted the words “earnings for the last complete week in which, pursuant to that regulation, he is treated as being in remunerative full-time work is more than the amount equal to twice the normal and housing requirements”;
- (c) in head (iii) of paragraph (4)(c) the words from “for which” to the end shall be omitted;
- (d) in paragraph (6) for the words from “and any sum” to the end of the paragraph there shall be substituted the words “or of any sum treated as possessed by him in accordance with regulation 4(11).”.

(7) In regulation 11 (calculation of other income)—

- (a) in paragraph (2)—
 - (i) for sub-paragraph (h) there shall be substituted the following sub-paragraph:—
 - “(h) any allowance payable pursuant to arrangements made by the Manpower Services Commission under section 2 of the Employment and Training Act 1973(a) and paid by or on behalf of that Commission to or in respect of any member of the assessment unit—
 - (i) for his maintenance for any period during which a course of training or instruction provided or approved by that Commission is being undertaken, or
 - (ii) for the purpose of assisting him in the carrying on of a business;”,
 - (ii) after sub-paragraph (o) there shall be added the following sub-paragraph:—
 - “(p) any payment made otherwise than in accordance with the Act under arrangements made by the Secretary of State with the consent of the Treasury, pending the making or, as the case may be, determination of a claim for supplementary benefit, any benefit under the Social Security Act, child benefit or war disablement pension, or pending the payment of any sum pursuant to such a determination.”;
- (b) in paragraph (4)—
 - (i) in sub-paragraph (d) after head (ii) there shall be added the following head:—
 - “(iii) to or in respect of a student or person receiving relevant education or person to whom regulation 3(5) of the Aggregation Regulations (person aged 19 treated as receiving relevant

- education) applies, and which is intended and used for meeting expenses reasonably incurred by him while living in accommodation away from the home for the purpose of attending a course at an educational establishment;”,
- (ii) in sub-paragraph (i) for the words from “excess shall” to the end of the sub-paragraph there shall be substituted the words “excess shall—
- (i) where the payment has been made by or derived from a liable relative, be treated in accordance with the provisions of regulation 13,
- (ii) in any other case, be taken into account in full;”;
- (c) in paragraph (6)(a)—
- (i) after the words “income tax” there shall be inserted the words “or any contribution to which regulation 10(4)(b)(i) applies”,
- (ii) in head (i) for the word “tax” there shall be substituted the words “that tax or contribution”,
- (iii) for head (ii) there shall be substituted the following head:—
- “(ii) where that tax or contribution is not so deducted, is a reference to the gross payment, save that, at such time as that tax or contribution is paid on it, the payment shall be treated for the purposes of review pursuant to regulation 4 of the Determination of Questions Regulations as a net payment;”.
- (8) In regulation 13 (payments made by or derived from liable relatives)—
- (a) for paragraph (1) there shall be substituted the following paragraph:—
- “(1) Any periodical payment, including any arrears paid periodically, and, subject to paragraph (4)(a), any lump sum payment, including any arrears paid by way of a lump sum, made, whether in pursuance of a court order or otherwise, to a member of the assessment unit, by or derived from a liable relative shall be taken into account in full as income.”;
- (b) after paragraph (4) there shall be added the following paragraph:—
- “(5) In this regulation ‘lump sum’ means any sum which is not —
- (a) paid periodically; or
- (b) an instalment of a capital payment which falls to be paid by instalments.”.

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

30th July 1982.

We consent.

3rd August 1982.

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

Geoffrey Howe,
John Selwyn Gummer,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the regulations made under the Supplementary Benefits Act 1976 ("the Act"), as extensively amended by the Social Security Act 1980, which govern the determination of requirements and resources. A number of minor amendments are made consequential upon the amendment of section 5 of the Act by section 38 of the Social Security and Housing Benefits Act 1982.

Regulation 2 amends the Supplementary Benefit (Requirements) Regulation 1980. In regulation 2 of those regulations the definition of "single claimant" is inserted in consequence of the substitution of that term elsewhere in the regulations for the purposes of clarification. Regulation 5 is amended to exclude from the definition of "householder" a person who is treated as responsible for items of housing expenditure by reason only of the assessment unit having changed its home, and an amendment is made to regulation 6 to make clear that the rates of normal requirements for non-householders and dependants are to be found in Schedule 1. In regulation 7 amendments are made in consequence of the amendment of section 5 of the Supplementary Benefits Act 1976 to remove the condition that a claimant to supplementary benefit should be registered for employment and so as to adjust the conditions for entitlement to the long-term rate of normal requirements, in particular where there has been a break in the qualifying period of entitlement and where the claimant has a dependant. Regulation 9 is amended to make provision that the modified normal requirements applicable to a boarder are not to be subject to a minimum amount where the board and lodging is provided wholly or partly in return for services. Regulation 12 is amended so as to clarify the provisions which regulate the circumstances in which more than one additional requirement for heating may be awarded, and to remove the additional requirement for heating for disabled persons where those persons are resident in certain accommodation. Amendment is made to regulation 15 to extend the circumstances in which deductions are not to be made from the amount applicable for rent which is inclusive of heating, lighting, cooking or hot water in circumstances where the householder's rate of normal requirements is no longer applicable to the claimant. Regulation 16 is amended to provide for the payment of interest on loans other than a mortgage taken out to acquire an interest in the home, and regulations 20 and 22 are consequentially amended. Amendment is made to regulation 21 so that the restriction imposed on housing requirements which are considered to be excessive shall not apply to rent payable under a co-ownership scheme. Schedule 2 is amended in particular to make adjustments to the calculation of the modified normal requirements of patients. In Schedule 3 amendment is made to the amounts applicable to a claimant whose home is on an estate built with a heating system the operation of which is recognised to be disproportionately expensive and a transitional provision included to protect the position of existing claimants; in addition an extension is made to the categories of disabled persons who are eligible for certain additional requirements for heating.

Regulation 3 amends the Supplementary Benefit (Resources) Regulation 1981. In regulation 2 amendment is made to extend the definition of "liable relative" and to exclude from the definition of "occupational pension" certain payments of

compensation and sums paid in cases of hardship. Regulation 3 is amended to adjust the provision for the treatment of payments made by or derived from liable relatives and of capital payments which fall to be paid by instalments; amendment is also made so that a repayment of income tax made to a person who has returned to full-time employment following a trade dispute is to be taken into account as income in the week in which it is received. In regulation 4 two further paragraphs are added to provide that a person who has returned to full-time employment following a trade dispute is to be treated as possessing certain payments which have been offered to him, and to effect that a student in receipt of a mandatory grant or award is to be treated as receiving an income resource during the Christmas and Easter vacations. The provisions of regulation 6 relating to the calculation of resources are amended to make provisions for disregarding in certain circumstances the value of premises occupied by a spouse from whom the claimant is separated, as well as for disregarding certain payments to be used for the repair or replacement of the home or personal possessions or for essential improvements to the home, and for disregarding outstanding instalments of sums which fall to be paid by instalments. Regulation 10 is amended to provide for the treatment as earnings of certain sums paid to persons who are affected by a trade dispute or who have returned to full-time employment following such a dispute.

The provisions of regulation 11 are amended to make provision for certain payments from the Manpower Services Commission and certain extra statutory payments under arrangements made by the Secretary of State to be taken into account in full as income resources, and also to provide for the disregard of certain sums paid to students living away from home. Amendment is also made to the provisions relating to the treatment of gifts from liable relatives and the treatment of payments on which a contribution under Part I of the Social Security Act 1975 (c.14) is payable. In regulation 13 amendment is made to the provision governing the treatment of payments to a member of the assessment unit by or derived from a liable relative.

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

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