

## 1984 No. 1102

## SOCIAL SECURITY

**The Supplementary Benefit (Requirements and Resources) Amendment Regulations 1984**

*Laid before Parliament in draft*

Made - - - - - 25th July 1984

Coming into operation  
 Except for regulations 2(9), (10)(a)(i),  
 (12)(b), (c), (d), (e)  
 and (f)(i) and 3(6)(a),  
 (7)(b) and (9)

6th August 1984

Regulations 2(9),  
 (10)(a)(i), (12)(b),  
 (c), (d), (e) and (f)(i)  
 and 3(6)(a),  
 (7)(b) and (9)

26th November 1984

The Secretary of State for Social Services, with the consent of the Treasury, in exercise of the powers conferred upon him by sections 2(2) and 34(1) of and paragraphs 1 and 2 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 except insofar as it has agreed that the proposal to make regulation 2(12)(e) should not be referred to it (b), hereby makes the following regulations, a draft of which has, in accordance with section 33(3) of that Act, been laid before Parliament and approved by resolution of each House of Parliament:—

*Citation and commencement*

1. These regulations, which may be cited as the Supplementary Benefit (Requirements and Resources) Amendment Regulations 1984, shall come into operation on 6th August 1984 except for regulations 2(9), (10)(a)(i), (12)(b), (c), (d), (e) and (f)(i), and 3(6)(a), (7)(b) and (9), which shall come into operation on 26th November 1984.

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

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

*Amendment of the Supplementary Benefit (Requirements) Regulations 1983*

2.— (1) The Supplementary Benefit (Requirements) Regulations 1983(a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation), in the definition of “the home” after the words “as their home” there shall be inserted the words “, being accommodation in Great Britain,”.

(3) In regulation 3(2) (determination of requirements), after the words “Part IV” there shall be inserted the words “other than regulation 18(1)(a)”.

(4) In regulation 5(6)(a) (householder), before the words “is responsible for” there shall be inserted the words “in respect of a home or, as the case may be, a household in Great Britain”.

(5) In regulation 9(2) (boarders), for the words “rent allowance under the Housing Benefits Act” there shall be substituted the words “housing benefit”.

(6) In regulation 10(6)(b) (special cases)—

(a) the word “only” shall be omitted;

(b) after the words “limited leave” there shall be inserted the words “(as defined in section 33(1) of the Immigration Act 1971)”;

(c) after the word “remained” there shall be inserted the words “without further leave under that Act”.

(7) In regulation 12(2)(g) (heating), for the words “the necessary heating of the home” there shall be substituted the words “the heating required by the assessment unit in the home”.

(8) In regulation 15 (mortgage payments)—

(a) in paragraph (1), for the words from “the home” to the end there shall be substituted the following words—

“the home—

(a) where section 26 of the Finance Act 1982(b) applies to payments of interest on the loan, the amount attributable to the interest which is payable after deduction of income tax at the basic rate, or

(b) where that section 26 does not apply to those payments, the amount attributable to the interest which is payable without deduction of income tax,

and in either case the amount shall be calculated on a weekly basis.”;

(b) in paragraph (3)—

(i) in sub-paragraph (a), after the words “unmarried couple, A” there shall be inserted the words “either solely or jointly with B” and the words “his interest in” shall be omitted,

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(a) S.I. 1983/1399, as amended by S.I. 1984/282.

(b) 1982 c. 39.

- (ii) after the words “the amount of the interest on that mortgage” there shall be added the words “calculated as if it were a mortgage to which paragraph (1) applied”;
  - (c) in paragraph (4) for the words from “calculated” to “that mortgage” there shall be substituted the words “of interest on that mortgage calculated as if it were a mortgage to which paragraph (1) applied”.
- (9) In regulation 16(1) (maintenance and insurance), for the words “costs of maintenance and insurance exceed” there shall be substituted the words “cost of insurance exceeds”.
- (10) In regulation 18 (miscellaneous outgoings)—
  - (a) in paragraph (1)—
    - (i) after the word “shall” there shall be inserted the words “, except, in respect of those outgoings specified in sub-paragraphs (b) to (ff) of this paragraph where, in the opinion of the adjudication officer, it is impracticable to estimate the likely amount of the outgoings.”;
    - (ii) the following sub-paragraph shall be inserted after sub-paragraph (f)—
      - “(ff) where the home is a tent, payments in respect of the tent or the site on which it stands;”;
  - (b) in paragraphs (3) to (6), after the reference to sub-paragraph (f) of paragraph (1) wherever it appears there shall be inserted a reference to sub-paragraph (ff).
- (11) In regulation 20(2) (special cases of housing requirements), the following sub-paragraph shall be added after sub-paragraph (b)—
  - “(c) shall cease to apply where a pension or allowance ceases to be payable in respect of the assessment unit except that it shall reapply wherever a pension or an allowance again becomes payable within a period of 8 weeks or less.”.
- (12) In regulation 22 (reduction for certain occupants of the home)—
  - (a) in paragraph (2), after the words “the amount” there shall be inserted the words “ascertained in accordance with paragraph (10) and”;
  - (b) in paragraph (4)—
    - (i) in sub-paragraph (c), the following head shall be inserted as head (i) immediately before head (ii)—
      - “(i) where he is aged 16 or 17, £2.35,”;
    - (ii) in sub-paragraph (d), for the words from “the amounts” to the end of that sub-paragraph there shall be substituted the words “the amount which would be applicable under sub-paragraph (c) to the head of that group or, where it would be a lesser amount, to his partner if the reference in that sub-paragraph were a reference to the head of the group or, as the case may be, his partner;”;
  - (c) in paragraph (5), the following sub-paragraph shall be added after sub-paragraph (g)—
    - “(h) for a non-dependant aged 16 or 17 who is in receipt of a non-contributory invalidity pension under section 36 of the Social

Security Act, or, for a group of non-dependants of which the head of the group is a person so aged and in receipt of such a pension.”;

- (d) in paragraph (6), in sub-paragraph (a), head (iv) shall be omitted and, in sub-paragraph (b)(i), for the words “heads (i) to (iv)” there shall be substituted the words “heads (i) to (iii)”;
- (e) for paragraph (7), there shall be substituted the following paragraph—
- “(7) Where the Secretary of State has, in accordance with sub-paragraph (c) of paragraph (6), been furnished with a statement signed by a non-dependant in the claimant’s home to the effect that the non-dependant fulfils the conditions set out in sub-paragraphs (a) and (b) of paragraph (6), the condition set out in that sub-paragraph (c) shall be treated as having been fulfilled from the date when the non-dependant first satisfied the conditions set out in those sub-paragraphs (a) and (b).”;
- (f) in paragraph (10)—
- (i) in sub-paragraph (a)(ii) after the words “be payable” there shall be added the words “or his partner”,
- (ii) after sub-paragraph (a) the following sub-paragraph shall be inserted—
- “(aa) in paragraph (2) the amount receivable from the letting is the amount, if any, by which the rent in respect of that letting exceeds the aggregate of all or any of the following amounts:—
- (i) the amount of the claimant’s eligible rent for the purposes of the Housing Benefits Regulations as ascertained in accordance with paragraph (2) of regulation 16 of those regulations as if sub-paragraph (d) of that paragraph were omitted,
- (ii) the amount, if any, by which the rent in respect of that letting is reduced by virtue of paragraphs 10 and 11 of Schedule 3 to those regulations for the purpose of regulation 16(2)(d) thereof,
- (iii) in a case to which regulation 21(2) or (3) of those regulations applies, the amount by which the claimant’s rate rebate is reduced by virtue of paragraphs (2) or (3) of that regulation,
- (iv) where no amounts fall to be aggregated under heads (i) to (iii) of this sub-paragraph, such amounts, if any, as, in the opinion of the adjudication officer, are fairly attributable to rates, water, sewerage or allied environmental services, the provision of board, the provision of heating (other than hot water), hot water, lighting or cooking, and other services provided by the claimant in respect of which he does not himself pay rent, the amounts in respect of such other services being £2.70 where one of the services is the use of furniture, £1.35 in any other case, and £0.35 in respect of any garage or outbuilding for which rent is payable by the claimant;”.

- (13) In Schedule 3 (modification of normal requirements in special cases)—
- (a) in paragraph 10, in column (1) for the word “further” there shall be substituted the word “as”;
- (b) the following paragraph shall be added at the end of Schedule 3—

*“Certain married or unmarried couples*

14. Person who is a relevant person and who is temporarily separated from his partner where one partner is living in the home while the other partner is—

(a) resident in a nursing home or mental nursing home as defined in section 1 or 2 of the Nursing Homes Act 1975(a), or in a nursing home as defined in section 10 of the Nursing Homes Registration (Scotland) Act 1938(b) or in a private hospital within the meaning of Part III of the Mental Health (Scotland) Act 1960(c) so, however, that this subparagraph shall not apply to a patient as defined in regulation 2(1);

(b) resident in the type of accommodation provided in a home which satisfies the provisions of the Residential Homes Act 1980(d) or of section 61 of the Social Work (Scotland) Act 1968(e);

14. Paragraphs 1 and 2 of the table.

14. Either—

(a) their requirements assessed in accordance with paragraphs 1 and 2 of the table, or

(b) the total of their requirements assessed as if each of them were a single person and, in the case of a partner who is temporarily resident in accommodation of a kind specified in regulation 10(5), as if his requirements were further modified in accordance with paragraph 1 of this Schedule, whichever is the greater.

(a) 1975 c. 37.

(b) 1938 c. 73.

(c) 1960 c. 61.

(d) 1980 c. 7.

(e) 1968 c. 49.

(c) resident in accommodation provided by a local authority under Part III of the National Assistance Act 1948(a), under section 21 of and paragraph 2 of Schedule 8 to the National Health Service Act 1977(b) or under section 59 of the Social Work (Scotland) Act 1968;

(d) resident in premises used for the rehabilitation of alcoholics or drug addicts;

(e) attending a course of training or instruction provided or approved by the Manpower Services Commission where the course requires him to reside away from home;

(f) living away from home in order to start new employment during the first 15 days of that employment or until his first receipt of earnings from that employment, whichever is the shorter period; or

(g) in a probation or bail hostel approved for the purpose by the Secretary of State.

(14) In Schedule 4, Part I, paragraph 7, in column (1) (additional requirements for heating)—

(a) in sub-paragraph (a)(iii) after the words “Pensions Order 1983” there shall be added the words “or under article 14 of the Personal Injuries (Civilians) Scheme 1983(c)”,

(b) the following paragraph shall be added at the end of sub-paragraph (a)—

“(vi) mobility supplement under article 26A of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 (including such a supplement under that Order by virtue of any other Scheme or Order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983; or”.

(a) 1948 c. 29.

(b) 1977 c. 49.

(c) S.I. 1983/686, as amended by S.I. 1983/1164 and 1540.

(15) In Schedule 4, Part II (additional requirements other than heating)—

(a) in paragraph 17, column (1)—

(i) in head (i) of sub-paragraph (a) for the words from “were members” to “close relatives” there shall be substituted the words “they are close relatives, or they are related but not closely related and there is no other relative of B who has visited him recently and who intends to continue visiting, or A and B were members of the same household prior to the hospitalisation of B”;

(ii) after sub-paragraph (e) but not so as to form part of that sub-paragraph there shall be added the following words—

“and in this paragraph references to a patient in a hospital or similar institution include a reference to a person who is resident, either temporarily or permanently, in a nursing home as defined in section 1 or 2 of the Nursing Homes Act 1975(a), accommodation registered under the Residential Homes Act 1980(b) or accommodation provided by an authority under Part III of the National Assistance Act 1948(c), section 21 of and paragraph 2 of Schedule 8 to the National Health Service Act 1977(d) or section 12 or 59 of the Social Work (Scotland) Act 1968(e) and references to a patient, hospital or hospitalisation shall be construed accordingly.”;

(b) in paragraph 18, in column (1), after sub-paragraph (b) but not so as to form part of that sub-paragraph there shall be inserted the words “but, in a case to which only sub-paragraph (a) applies, no amount shall be allowed under this paragraph if a single payment for a washing machine has been made under any of the provisions of the Supplementary Benefit (Single Payments) Regulations 1981(f) and the circumstances surrounding that single payment have not changed”;

(c) in paragraph 21, in column (1)—

(i) in sub-paragraph (b) after the words “and the” there shall be inserted the words “cost of”,

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

“(d) the person is not a person—

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

(ii) who is being removed from temporary accommodation into permanent accommodation by a housing authority pursuant to the exercise of its duties under any of the provisions referred to in head (i) of this sub-paragraph;”.

(a) 1975 c. 37.

(b) 1980 c. 7.

(c) 1948 c. 29.

(d) 1977 c. 49.

(e) 1968 c. 49.

(f) S.I. 1981/1528; the relevant amending instrument is S.I. 1984/938.

(g) 1977 c. 48.

*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 (interpretation), after the definition of “partner” there shall be inserted the following definition:—

““payment” includes payment in kind and references to periodical payments or lump sum payments shall be construed accordingly;”.

(3) In regulation 3(2) (calculation of resources), after sub-paragraph (g) there shall be added the following sub-paragraph:—

“(h) any refund of tax relief under section 26 of the Finance Act 1982(b) due on a payment of interest on a loan for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home shall not be treated as a resource.”.

(4) In regulation 4 (notional resources)—

(a) in paragraph (7), for the words “12 months” there shall be substituted the words “2 years”;

(b) in paragraph (9)—

(i) after the words “partner, is a seasonal worker” there shall be inserted the words “or both of them are seasonal workers” and after the words “weeks in his” there shall be inserted the words “or their”,

(ii) in sub-paragraph (a), after the word “his” there shall be inserted the words “or their”,

(iii) in the sub-paragraph (b), after the word “his” on both occasions where it appears there shall be inserted the words “or their” and for the words “applicable to him” there shall be substituted the words “applicable to the assessment unit”.

(5) In regulation 6(1)(k) (disregard of certain capital resources), for the words “12 months” there shall be substituted the words “2 years” and for the words “fail to be taken into account” there shall be substituted the words “fall to be taken into account”.

(6) In regulation 9 (calculation of income resources)—

(a) in paragraph (1)(a), the word “and” shall be omitted and for the words “the earnings of any dependant being disregarded” there shall be substituted the words “and, subject to regulation 12, the earnings from remunerative full-time work of any dependant to whom regulation 10(1)(b) of the Supplementary Benefit (Conditions of Entitlement) Regulations 1981(c) applies, any other earnings of any dependant being disregarded”;

(b) in paragraph (2)(d), for the word “earnings” on both occasions where it appears there shall be substituted the word “income” and for the words “are averaged” there shall be substituted the words “is averaged”.

(a) S.I. 1981/1527, as amended by S.I. 1982/1125, 1126 and 1983/505, 1240.

(b) 1982 c. 39.

(c) S.I. 1981/1526; the relevant amending instruments are S.I. 1982/907 and 1984/938.



- (7) In regulation 10 (calculation of earnings)—
- (a) in paragraph (3)(d)(iv), after the words “training expenses” there shall be inserted the words “or, if not in respect of training expenses, up to a maximum of £4 a week”;
  - (b) in paragraph (5), after the word “shall” there shall be inserted the words “, subject to regulation 12,”.
- (8) In regulation 11 (calculation of other income)—
- (a) in paragraph (2)—
    - (i) in sub-paragraph (k) for the words “in respect of an industrial injury made in the first 6 months after such an injury” there shall be substituted the words “analogous to sickness benefit or invalidity benefit under the Social Security Act in respect of incapacity for work as a result of an industrial injury” and for the words “the Social Security Act” there shall be substituted the words “that Act”,
    - (ii) the following sub-paragraph shall be added at the end—
      - “(r) any payment by way of compensation for loss of unemployment benefit under the Social Security Act.”;
  - (b) in paragraph 5(d), after the word “exceeds” there shall be inserted the words “the aggregate of” and for heads (i) and (ii) there shall be substituted the following heads:—
    - “(i) the aggregate of all or any of the amounts specified in heads (i) to (iv) of paragraph (10)(aa) of regulation 22 of the Supplementary Benefit (Requirements) Regulations 1983(a),
    - (ii) the amount, if any, attributable to capital repayments by which the amount receivable from the letting falls to be reduced by virtue of paragraph (2) of that regulation 22, and
    - (iii) the amount, if any, by which the claimant’s housing requirements fall to be reduced by virtue of that regulation 22(2)”.
- (9) In regulation 12(1) (income resources of dependants)—
- (a) in sub-paragraph (a), for the reference to regulation 11 there shall be substituted a reference to regulation 10 or 11;
  - (b) in sub-paragraph (b), after the words “application of” there shall be inserted the words “regulation 10(3), (4) and (5) or, as the case may be,”.
- (10) In regulation 13 (liable relative payments)—
- (a) in paragraph (3) for the words “paragraph (4)” there shall be substituted the words “paragraph (3A) or (4)”;
  - (b) the following paragraph shall be inserted after paragraph (3)—
    - “(3A) Where an instalment of a capital payment which falls to be paid by instalments is less than the weekly rate at which the capital payment as a whole would otherwise be attributable under paragraph (3), the instalment shall be taken into account in full as income for the week in which it is paid.”;

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(a) S.I. 1983/1399, as amended by S.I. 1984/1103.

(c) the following paragraph shall be substituted for paragraph (5)—

“(5) In this regulation “lump sum” means any sum except a periodical payment of income.”.

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

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

24th July 1984.

We consent,

*Alastair Goodlad,*  
*T. Garel-Jones,*  
Two of the Lords Commissioners  
of Her Majesty's Treasury.

25th July 1984.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations amend the Supplementary Benefit (Requirements) Regulations 1983 (“the Requirements Regulations”) and the Supplementary Benefit (Resources) Regulations 1981 (“the Resources Regulations”).

Amendments to the Requirements Regulations are made by regulation 2 and the main changes made to those regulations are as follows:—

- regulations 2 and 5 are amended so that “home” and “householder” are confined to accommodation and households in Great Britain;
- the calculation of a person's housing requirements in regulation 15 is revised to take account of mortgage interest paid net of tax;
- regulation 16 is amended so that any increase in the weekly amount for maintenance and insurance is payable only where the cost of insurance exceeds the prescribed amount;
- regulation 18 is amended in two ways: (1) to provide expressly for outgoings relating to a tent which is the claimant's home and (2) to provide that weekly amounts in respect of outgoings are not applicable where, in the adjudication officer's opinion, it is not practicable to estimate the likely amount of those outgoings;
- regulation 20 is amended so that the limit on housing requirements set by paragraph (1) of that regulation comes back into operation on the resumption of benefit after a gap of less than 8 weeks;

- regulation 22 is amended so as to provide (1) for an amount to be deducted in certain circumstances from a claimant's housing requirements in respect of a 16 or 17 year old occupant of the home; (2) for only the balance, if any, of the rent received from a sub-tenant after various deductions to be set against a claimant's housing requirements; (3) for a change in the arrangements for determining in certain circumstances the amount of the deduction from a claimant's housing requirements;
- Schedule 3 is amended so as to make further provision for the requirements of a couple where one partner only is living in the home;
- Schedule 4 is amended in three ways: (1) to provide for the payment of a heating addition to persons in receipt of mobility supplement to a war pension; (2) to provide for an additional requirement for visiting a relative in a hospital where that person has no other relatives visiting and (3) to extend the provision relating to additional requirements for hospital visiting to include visiting persons in homes or other institutions.

Amendments to the Resources Regulations are made by regulation 3 and the major changes made to those regulations are as follows:—

- the definition of payment in regulation 2 is clarified so as expressly to include payments in kind;
- a refund of tax relief under the provisions relating to payment of mortgage interest net of tax is to be ignored as a resource for the purposes of regulation 3;
- the period for which a trust fund consisting of damages for personal injury may be ignored as a notional resource for the purposes of regulation 4 is increased from 12 months to 2 years;
- the position of a couple both of whom are seasonal workers is clarified for the purposes of regulation 4;
- the earnings of a dependant in full-time work prior to the terminal date when he is no longer treated as receiving full-time education under the provisions of the Supplementary Benefit (Conditions of Entitlement) Regulations 1981 are to be taken into account, for the purposes of regulation 9, up to the amount of his requirements;
- £4 of a person's weekly earnings from the territorial or reserve forces are to be ignored for the purposes of regulation 10;
- payments made as compensation for loss of unemployment benefit are to be taken into account in full for the purposes of regulation 11;
- the rent received from a sub-tenant is to be taken into account as a resource for the purposes of regulation 11 only to the extent that it exceeds amounts already taken into account for the purposes of calculating the claimant's housing benefit or assessing his housing requirements;
- for the purpose of calculating liable relative payments under regulation 13, the term "lump sum" is defined as any sum except a periodical payment of income.

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

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