1987 No. 173

SOCIAL SECURITY

The Supplementary Benefit (Requirements) (Amendment) and Up-rating Regulations (Northern Ireland) 1987

Made	*6th April 1987*
Coming into operation—	
regulations 1, 2(c), 3 and 7	*6th April 1987*
regulations 2(a), 2(b) and 4 to 6	*13th April 1987*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 3(3) of, and paragraph 2 of Schedule 1 to the Supplementary Benefits (Northern Ireland) Order 1977(**a**) and of all other powers enabling it in that behalf, and with the consent of the Department of Finance and Personnel(**b**), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Requirements) (Amendment) and Up-rating Regulations (Northern Ireland) 1987 and shall come into operation as follows—

(*a*) regulations 1, 2(*c*), 3 and 7 on 6th April 1987;

(*b*) regulations 2(*a*), 2(*b*) and 4 to 6 on 13th April 1987.

(2) In these regulations "the Requirements Regulations" means the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983(**c**).

Amendment of regulation 9 of the Requirements Regulations

2. In regulation 9 of the Requirements Regulations (modification of normal requirements of boarders)—

(*a*) in paragraph (1)(*a*) for "paragraph (4)" there shall be substituted "paragraphs (4) and (4A)"; and

(*b*) after paragraph (4) there shall be inserted the following paragraph—

"(4A) Where in addition to the weekly amount for board and lodging in a nursing home or a home for persons in need, as calculated in accordance with paragraph (4), a separate charge is made for the provision of heating, attendance, extra baths, laundry, any special diet

(a) S.I. 1977/2156 (N.I. 27); provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), are set out in Part II of that Schedule

(b) Formerly the Department of Finance: *see* S.I. 1982/338 (N.I. 6), Article 3. *See* also Article 41(1) of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by the Social Security (Northern Ireland) Order 1980

(c) S.R. 1983 No. 61; the relevant amending regulations are S.R. 1983 Nos. 215, 247 and 291, S.R. 1984 Nos. 278 and 348, S.R. 1985 Nos. 207 and 336, S.R. 1986 Nos. 223 and 240 and S.R. 1987 No. 15

within the meaning of paragraph 13 of Schedule 3 or domestic assistance, the weekly amount for board and lodging shall be increased by the amount of that charge.''; and

(*c*) in paragraph (14) after the words ''as appropriate'' where they first occur there shall be inserted ''as at the relevant date''.

Amendment of regulation 10 of the Requirements Regulations

3. In regulation 10(5) of the Requirements Regulations (modification of normal requirements in special cases) for sub-paragraphs (*a*) and (*b*) there shall be substituted the following sub-paragraphs—

''(*a*) pursuant to Article 15 or 36 of the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) other than—

(i) such accommodation where full board is not available to the person, or

(ii) accommodation in premises registered under Article 35 of, and Schedule 5 to, that Order (registration of homes for persons in need) where the premises are used for the rehabilitation of alcoholics or drug addicts, or

(iii) a hostel within the meaning of paragraph 6(1) of Schedule 1A; or

(*b*) in residential accommodation by the Department pursuant to Article 7 or 8 of the Health and Personal Social Services (Northern Ireland) Order 1972 (prevention of illness, care and after-care or care of mothers and young children) other than—

(i) such accommodation where full board is not available to the person, or

(ii) accommodation provided under the said Article 7 which is registered under Article 35 of, and Schedule 5 to, that Order (registration of homes for persons in need) where the premises are used for the rehabilitation of alcoholics or drug addicts, or

(iii) a hostel within the meaning of paragraph 6(1) of Schedule 1A.''.

Amendment of regulation 12 of the Requirements Regulations

4. In regulation 12 of the Requirements Regulations (heating)—

(*a*) in paragraph (2) after sub-paragraph (*j*) there shall be added the following sub-paragraph—

''(*k*) no amount shall be applicable under Part I of Schedule 3 in relation to a person to whom regulation 9 applies and who is resident in either a nursing home or a home for persons in need unless—

(i) an amount was applicable in relation to him under paragraph 2, 3, 5, 6A or 7 of that Schedule immediately before he became resident in such a home, and

(**a**) S.I. 1972/1265 (N.I. 14)

(ii) he is absent from his normal home, and

(iii) the period of absence referred to in sub-paragraph (*c*) has not expired in his case.''; and

(*b*) in paragraph (4) for all the words preceding sub-paragraph (*a*) there shall be substituted ''Except as provided in paragraph (2)(*k*), the amount applicable in relation to a person to whom regulation 9 (normal requirements of boarders) or regulation 10(2) or any of paragraphs 1 to 8 of Schedule 2 (normal requirements in special cases) applies shall be as follows—''.

Amendment of regulation 13 of the Requirements Regulations

5. In regulation 13 of the Requirements Regulations (items other than heating)—

(*a*) at the beginning of paragraph (7) there shall be inserted ''Subject to paragraph (8)''; and

(*b*) after paragraph (7) there shall be added the following paragraph—

''(8) No amount shall be applicable under paragraphs 9, 10, 13, 14 or 16 of Part II of Schedule 3 in relation to a person to whom regulation 9 applies and who is resident in either a nursing home or a home for persons in need.''.

Insertion of regulation 13A in the Requirements Regulations

6. After regulation 13 of the Requirements Regulations there shall be inserted the following regulation—

''*Transitional provisions relating to persons resident in nursing homes or homes for persons in need*

13A.—(1) This regulation shall apply in respect of any person who immediately before 13th April 1987 was in receipt of a pension or an allowance as a boarder within the meaning of regulation 9 and—

(*a*) was resident in or, if not resident would but for his temporary absence be resident in, either a nursing home or a home for persons in need; and

(*b*) in the calculation of his requirements an amount was applicable in respect of him or, but for his temporary absence, would have been applicable in respect of him, under any paragraph in Part I of or, paragraphs 9, 10, 13, 14 or 16 of Part II of Schedule 3 (additional requirements); and

(*c*) as of 13th April 1987 the amount is or, as the case may be, those amounts referred to in sub-paragraph (*b*) are no longer applicable in relation to him; and

(*d*) the conditions specified in any of the paragraphs of Schedule 3 referred to in sub-paragraph (*b*) as are applicable in relation to the person continue to be satisfied; and

(*e*) the person continues to be resident in, other than for any temporary absence, either a nursing home or a home for persons in need.