1986 No. 262

SOCIAL SECURITY

The Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1986

Made	*6th August 1986*
Coming into operation . . .	*11th August 1986*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 4(1) and (1A), 5, 6, 15, 19(1) and (2)(*a*), (*c*) and (*g*) and 41(4) of the Supplementary Benefits (Northern Ireland) Order 1977(**a**) and of all other powers enabling it in that behalf, without having referred any proposals on the matter to the Social Security Advisory Committee since it appears to the Department by reason of urgency that it is inexpedient to do so(**b**), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1986 and shall come into operation on 11th August 1986.

(2) In these regulations—

"the Adjudication Regulations" means the Social Security (Adjudication) Regulations (Northern Ireland) 1984(**c**);

"the Single Payments Regulations" means the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981(**d**);

"the Trade Disputes Regulations" means the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980(**e**); and

"the Urgent Cases Regulations" means the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1981(**f**).

Amendment of regulation 2 of the Single Payments Regulations

2. In regulation 2 of the Single Payments Regulations (interpretation)—

(*a*) after the definition of "assessment unit" there shall be inserted the following definition—

" "chronically sick or mentally or physically disabled" means, in relation to a person to whom that expression refers, a person—

(**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: Articles 4(1) and (1A) were substituted by paragraph 11 of Schedule 1 to the Social Security Adjudications (Northern Ireland) Order 1983 (S.I. 1983/1524 (N.I. 17))

(**b**) *See* section 10(2)(*a*) of the Social Security Act 1980 (c. 30)

(**c**) S.R. 1984 No. 144; to which there are amendments not relevant to the subject matter of these regulations

(**d**) S.R. 1981 No. 369; the relevant amending regulations are S.R. 1982 No. 240, S.R. 1983 Nos. 191, 215, 290 and 349, S.R. 1984 No. 266 and S.R. 1985 No. 207

(**e**) S.R. 1980 No. 417; the relevant amending regulations are S.R. 1981 No. 215

(**f**) S.R. 1981 No. 372; the relevant amending regulations are S.R. 1983 No. 191

(*a*) in respect of whom invalidity benefit or severe disablement allowance under the Act or a payment specified in paragraph 6(*a*) of Schedule 3 to the Requirements Regulations is payable, or in respect of whom an invalid carriage or other vehicle has been provided under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972(**a**); or

(*b*) who is so blind as to be unable to perform any work for which eyesight is essential and a person shall be treated as blind if he regained his eyesight within the previous six months at a time when a pension or allowance was payable in respect of him; or

(*c*) who is suffering from a severe illness and has been so suffering for a continuous period of 28 weeks or more; or

(*d*) who is substantially and permanently disabled;'';

(*b*) after the definition of ''prisoner'' there shall be inserted the following definition—

'' ''relevant enactment'' means the Guardianship of Infants Act 1886(**b**), the Army Act 1955(**c**), the Air Force Act 1955(**d**), the Naval Discipline Act 1957(**e**), the Adoption Act (Northern Ireland) 1967(**f**), the Children and Young Persons Act (Northern Ireland) 1968(**g**), the Health and Personal Social Services (Northern Ireland) Order 1972, the Family Law Reform (Northern Ireland) Order 1977(**h**), the Matrimonial Causes (Northern Ireland) Order 1978(**i**) and the Domestic Proceedings (Northern Ireland) Order 1980(**j**);'';

(*c*) in the definition of ''tenant'' after ''regulation 9'' there shall be inserted ''or 23''.

Amendment of regulation 3 of the Single Payments Regulations

3. In regulation 3 of the Single Payments Regulations (meaning of single payment and determination of amount payable) in paragraph (2)(*b*)—

(*a*) in head (i) the words from ''subject'' to ''equipment),'' shall be deleted; and

(*b*) at the end of head (iii) there shall be added—

''and

(iv) has not failed to exercise reasonable care to preserve or protect such an item.''.

Amendment of regulation 7 of the Single Payments Regulations

4. In regulation 7 of the Single Payments Regulations (maternity needs)—

(*a*) in paragraph (1) for the words after sub-paragraph (*a*) there shall be substituted—

''(*b*) has within 13 weeks of the claim either given birth to a child or adopted a child aged not more than one year at the date of claim;

a single payment to meet the immediate needs of the child shall be made for the purchase of any of the items mentioned in paragraph (2) such as are

(**a**) S.I. 1972/1265 (N.I. 14)
(**b**) 1886 c. 27
(**c**) 1955 c. 18; as amended by the Armed Forces Act 1976 (c. 52) and the Armed Forces Act 1981 (c. 55)
(**d**) 1955 c. 19; as amended by the Armed Forces Act 1976 (c. 52) and the Armed Forces Act 1981 (c. 55)
(**e**) 1957 c. 53; as amended by the Armed Forces Act 1976 (c. 52) and the Armed Forces Act 1981 (c. 55)
(**f**) 1967 c. 35
(**g**) 1968 c. 34
(**h**) S.I. 1977/1250 (N.I. 17)
(**i**) S.I. 1978/1045 (N.I. 15)
(**j**) S.I. 1980/563 (N.I. 5)

necessary to bring that item up to the quantity specified in relation thereto in column 2 of Schedule 1.'';

(*b*) for paragraph (2) there shall be substituted the following paragraph—

''(2) The items in respect of which a single payment may be made under this regulation are—

(*a*) any item of clothing specified in column 1 of Schedule 1;

(*b*) napkins;

(*c*) feeding bottles and teats;

(*d*) a cot;

(*e*) a cot mattress;

(*f*) a pram or carry-cot;

(*g*) cot sheets and cot blankets;

(*h*) a baby bath.'';

(*c*) for paragraphs (3) and (4) there shall be substituted the following paragraphs—

''(3) Subject to the following paragraphs, the amount payable by virtue of paragraph (1) shall be the amount specified in relation to that item in column 3 of Schedule 1 multiplied by the number necessary to bring the assessment unit's stock of that item up to the quantity specified in column 2 of Schedule 1.

(4) Subject to paragraph (5), the amount of a single payment which would but for this paragraph be payable under this regulation shall be reduced by the sum of £25 in respect of each child to whom the claim relates or, in a case under paragraph (1)(*a*), in respect of each child which is expected.

(5) Where the claimant produces evidence that there is no entitlement to a maternity grant in respect of a child to whom the claim relates or, in a case under paragraph (1)(*a*), there is no entitlement to a maternity grant (both before and after confinement) in respect of each child which is expected—

(*a*) no reduction shall be made under paragraph (4); or

(*b*) if a reduction has been made, the amount so reduced or, where that reduction results in the amount payable being nil, then the amount which would but for that reduction have been payable, shall be paid.''.

Substitution of regulations 9 and 10 of the Single Payments Regulations

5. For regulations 9 (meaning of essential furniture and household equipment) and 10 (purchase, repair and installation of essential furniture and household equipment) of the Single Payments Regulations there shall be substituted the following regulations—

''*Essential furniture and household equipment*

9. In this Part ''essential furniture and household equipment'' means the following items—

(*a*) sufficient single or, where appropriate, double bed bases and mattresses for the use of each member of the assessment unit;

(*b*) a waterproof protective sheet where it is required to preserve or protect a bed in use by a member of the assessment unit;

(*c*) a cooker;

(*d*) space-heating appliances, but excluding items which are part of a central heating system within the meaning of paragraph 3 of Schedule 3 to the Requirements Regulations;

(*e*) fire-guards;

(*f*) a washing machine where the conditions of paragraph 16(*a*) of Schedule 3 to the Requirements Regulations are satisfied but no additional requirement under that paragraph is appropriate because either—

(i) there is no laundry or launderette which the assessment unit can reasonably be expected to use, or

(ii) where there is such a laundry or launderette it cannot be used for the assessment unit's laundry because the claimant or his partner is mentally or physically ill or disabled or because there is no public transport to it;

(*g*) a vacuum cleaner where a member of the assessment unit is allergic to house dust;

(*h*) a refrigerator where a member of the assessment unit requires, for medical reasons, a diet for which it is necessary to keep special foodstuffs at refrigerated temperatures;

(*i*) a hot water cylinder jacket where the claimant or his partner is the tenant or owner of the accommodation;

(*j*) safety gates;

(*k*) a pushchair;

(*l*) a high chair.

Purchase, repair and installation of essential furniture and household equipment

10.—(1) Subject to the further conditions of paragraph (2) a single payment for the purchase, repair and installation of an item of essential furniture and household equipment which the assessment unit either does not possess or which it does possess, but which is defective or unsafe, shall be made where—

(*a*) the claimant or his partner has within the 28 days immediately preceding the date of claim become the tenant or owner of an unfurnished or partly furnished home, notwithstanding that he is not yet in actual occupation of that new home, and one or more of the following applies—

(i) immediately before he became such a tenant or owner he was either a prisoner or had been a patient for a continuous period of more than one year or was in the care of the Department under the provisions of a relevant enactment, or

(ii) the move to the new home was undertaken as part of a planned programme of resettlement or rehabilitation and immediately before he became such a tenant or owner he was living in accommodation under guidance from the Department, any other government department or voluntary organisation or the probation and after-care service, or was living in accommodation provided by a statutory authority as a group home or hostel which provides special care and attention for the mentally ill, the mentally handicapped, the disabled, alcoholics, drug addicts or ex-offenders or in accommodation provided for an analogous purpose by a voluntary organisation, or

(iii) one of sub-paragraphs (*a*) to (*g*) of regulation 13(1) applied to or in respect of his previous home, or

(iv) he is a person who has applied to be recognised as, or is recognised by the Secretary of State for the Home Department as, or is a person whose application has been refused but nevertheless has been granted leave to remain in the United Kingdom, whether or not in accordance with any immigration rule, by the Secretary of State for the Home Department as, a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th

July 1951(**a**) as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967(**b**), or

(v) the move to the new home was due to the claimant having left his previous home due to fear of domestic violence from his former partner, or

(vi) the move to the new home was due to the claimant having left his previous home due to actual or reasonably apprehended intimidation by or from a person other than—

(*aa*) a person ordinarily resident in the previous home of the claimant; or

(*bb*) a close relative of the claimant; or

(*cc*) a former partner of the claimant; or

(*b*) within the 28 days immediately preceding the date of claim the assessment unit has increased in size because of the arrival of a dependant who has not previously been a member of the assessment unit or who has been absent for more than 56 days and for whose use the item is required; or

(*c*) the item is required for a member of the assessment unit who is currently using a cot or equivalent and now requires the provision of a bed of his own, but a single payment under this sub-paragraph shall be limited to the payment for a bed base, mattress and, where required to preserve or protect that bed, a protective waterproof sheet; or

(*d*) the item required is one mentioned in regulation 9(*b*) or (*e*) to (*j*); or

(*e*) the item is required for a member of the assessment unit who is either over pensionable age or chronically sick or mentally or physically disabled; or

(*f*) in any other case the claimant either has been a person in receipt of an allowance for a continuous period of 12 months or has, within the preceding 12 months, been the partner of such a person.

(2) The further conditions mentioned in paragraph (1) are that—

(*a*) neither the claimant nor his partner has within the 3 years immediately preceding the date of claim—

(i) other than in a case to which head (ii) applies, received a single payment for the purchase of such an item or a reasonably suitable alternative item,

(ii) in a case to which paragraph (1)(*a*)(v) applies, received a single payment under this regulation or regulation 10A or 12 by virtue of the circumstances mentioned in that paragraph for the purchase of any item of essential furniture and household equipment, or miscellaneous furniture and household equipment, or bedding, or received a single payment in similar circumstances under regulation 10 or 12 as in operation before the commencement of this regulation,

unless the item is required for a member of the assessment unit who is either over pensionable age or chronically sick or mentally or physically disabled; and

(*b*) where paragraph (1)(*a*) applies and the claimant is one of a married or unmarried couple, neither partner was the tenant or owner of the new home at a date more than 28 days immediately preceding the date of claim; and

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(**a**) Cmnd. 9171
(**b**) Cmnd. 3906