1986 No. 240

SOCIAL SECURITY

The Supplementary Benefit (Requirements and Resources) (Amendment) Regulations (Northern Ireland) 1986

Made	*24th July 1986*
Coming into operation . . .	*28th July 1986*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 3(3), 4(1A) and 41(3) and (4) of, and paragraphs 1(2) and 2(1), (3) and (4) 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 and Resources) (Amendment) Regulations (Northern Ireland) 1986 and shall come into operation on 28th July 1986.

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

Amendment of regulation 2(1) of the Requirements Regulations

2. In regulation 2(1) of the Requirements Regulations (interpretation) after the definition of ''blind'' there shall be inserted the following definition—

'' ''board and lodging area'' means the area, determined in accordance with the provisions of regulation 9A, in which the accommodation provided for the claimant is situated;''.

Amendment of regulation 9 of the Requirements Regulations

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

(*a*) in paragraph (5) at the beginning of sub-paragraph (*b*) there shall be inserted ''in respect of a claimant aged 25 or over or, if under that age, to whom, immediately before 28th July 1986, this sub-paragraph applied or to whom regulation 23(2A) applied on or after that date,'';

(*b*) for paragraph (6) (maximum amounts) there shall be substituted the following paragraph—

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

(**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 No. 291, S.R. 1984 Nos. 79 and 278 and S.R. 1985 Nos. 207 and 336

"(6) Subject to paragraph (6A), the maximum amount in respect of the assessment unit as a whole referred to in paragraph (1)(*a*) shall be the aggregate of the following amounts—

(*a*) in respect of each member of the assessment unit who is a dependant aged less than 11, 1½ times the amount referred to in paragraph (5)(*c*); and

(*b*) subject to paragraph (13) or (14) or both, in respect of each other member of the assessment unit the appropriate amount specified in, or determined in accordance with, Schedule 1A.";

(*c*) in paragraph (6A), for "Subject to paragraph (13)," there shall be substituted "This paragraph shall apply"; and for "£17·30", and "£34·60" in both places where it occurs, there shall be substituted "£17·50" and "£35·00" respectively.

(*d*) in paragraph (6B), "or a partner calculated in the manner referred to in paragraph 5(2) of Schedule 1A," shall be omitted;

(*e*) in paragraph (13) (protected amounts)—

(i) in sub-paragraphs (*b*) and (*c*) after "for the purposes of paragraph (6) shall" there shall be inserted "subject to paragraph (14),",

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

"(*d*) where—

(i) the accommodation is a home for persons in need or a nursing home, and

(ii) the claimant is in receipt of an attendance allowance which by virtue of regulation 11(4A) of the Resources Regulations(**a**) does not fall to be disregarded, and

(iii) immediately prior to 29th April 1985 the claimant was able to meet out of the resources disregarded under regulation 11(4)(*b*) of the Resources Regulations, in whole or in part, the then balance of the actual charge for such accommodation over the maximum amount determined under paragraph (6), and

(iv) on and after 29th April 1985 the actual charge has continuously exceeded the maximum amount under paragraph (6), and

(v) the claimant was entitled immediately prior to 28th July 1986 to an increase in the appropriate amount by virtue of the provisions of this sub-paragraph then in operation,

the appropriate amount for the purposes of paragraph (6) shall, subject to paragraph (14), be the protected amount plus so much of the resources used as aforesaid immediately prior to 29th April 1985 to meet the then balance, except where such a calculation results in a smaller amount than that which would otherwise be the appropriate amount under Schedule 1A.",

(iii) in sub-paragraph (*i*) for "paragraph (1)(*a*)" there shall be substituted "paragraph (1)",

(iv) after sub-paragraph (*i*) there shall be added the following sub-paragraph—

"(*j*) notwithstanding the provisions of paragraphs (6) to (11) where—

(i) the claimant's partner has died, and

(ii) immediately before the death of the partner the claimant and partner were boarders and the partner was a person to whom any of sub-paragraphs (*b*) to (*f*) or (*i*) applied, and

(a) S.R. 1984 No. 54; the relevant amending regulations are S.R. 1985 No. 336

(iii) after the partner's death the claimant has continued, subject to sub-paragraph (*h*), to be a boarder in the same accommodation within the meaning of sub-paragraph (*a*),

then for the purposes of paragraph (6), the appropriate amount shall subject to paragraph (14), be one-half of the amount determined to be the appropriate amount in respect of the claimant and his partner immediately before the death so long as that amount exceeds the amount that would otherwise be the appropriate amount in respect of the claimant under paragraph (6); and, where sub-paragraph (*e*) applied to the claimant's partner, for the purposes of paragraph (9) the allowance for personal expenses shall be one-half of the amount to which the claimant and his partner were entitled so long as that amount exceeds the amount otherwise payable to the claimant.''.

(*f*) after paragraph (13) there shall be added the following paragraph—

''(14) Where—

(*a*) immediately before 28th July 1986 the claimant was a boarder in a home for persons in need or a nursing home and since that date he has continued, subject to sub-paragraph (*h*) of paragraph (13), to be a boarder in the same accommodation within the meaning of sub-paragraph (*a*) of that paragraph; and

(*b*) either—

(i) immediately before that date any of sub-paragraphs (*b*), (*c*), (*d*) or (*i*) of paragraph (13) applied to him, or

(ii) on or after that date sub-paragraph (*i*) (except where that sub-paragraph previously applied) or (*j*) of paragraph (13) applied to him; and

(*c*) the actual charge for the accommodation exceeds the maximum amount determined under paragraph (6),

the amount determined as appropriate by virtue of paragraph (13) or, as the case may be, Schedule 1A shall be increased by the amount, not exceeding £10, of the current excess except where the amount determined as appropriate in accordance with Schedule 1A, or which would be so determined but for the provisions of paragraph (13), exceeds the amount determined on the relevant date as appropriate in respect of the claimant plus £10; and, in this paragraph, ''relevant date'' means in the case of a claimant to whom sub-paragraph (*b*)(ii) refers, the date on which sub-paragraph (*i*) or (*j*) of paragraph (13) first applied to him and, in any other case, 28th July 1986.''.

Insertion of new regulation 9A of the Requirements Regulations

4. After regulation 9 of the Requirements Regulations there shall be inserted the following regulation—

''*Board and Lodging Areas*

9A.—(1) For the purpose of determining the board and lodging areas in Northern Ireland, there shall be 14 such areas, as specified in column 1 of Schedule 1AA (board and lodging areas, maximum amounts and initial periods) comprising the social security office areas specified in column (2) thereof and described in the publication entitled ''Supplementary Benefit Board and Lodging Areas in Northern Ireland'' published by Her Majesty's Stationery Office in 1986(**a**).

(a) International standard book number ISBN 0 337 07369 4

(2) Any place which is not included in the description of a board and lodging area in the said publication shall be treated for the purposes of this regulation as forming part of the board and lodging area nearest to it.''.

Amendment of regulation 10 of the Requirements Regulations

5. In regulation 10(4) of the Requirements Regulations (modification of normal requirements in special cases) for all the words after sub-paragraph (*b*) there shall be substituted the following—

''

or

(*c*) he is absent for a period of at least one week from that accommodation being accommodation either in a home for persons in need or a nursing home as defined in paragraph 6(1) of Schedule 1A and he is not required to be available for employment,

the amount applicable for his normal requirements may be increased to take account of the retaining fee by an amount not exceeding 80 per cent. of the weekly amount for board and lodging referred to in regulation 9(1)(*a*) except that, in the case of a person to whom sub-paragraph (*c*) applies, any such increase shall not be for a continuous period of more than 4 weeks.''.

Amendment of regulation 22 of the Requirements Regulations

6. In regulation 22 of the Requirements Regulations (reduction in amounts applicable for certain occupants of the home)—

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

''(3) Subject to paragraphs (4) and (5) where the home is occupied by a non-dependant, the following reductions shall be made—

(*a*) in respect of each non-dependant who is not in receipt of a pension or allowance and in respect of whom the conditions specified in paragraph (6) are not fulfilled—

(i) where he is aged 16 or 17, £2·80,

(ii) where he is aged 18 or more but is under pensionable age, £7·80,

(iii) where he is of pensionable age, £2·80;

(*b*) in respect of each non-dependant who is not in receipt of a pension or allowance but in respect of whom the conditions specified in paragraph (6) are fulfilled, £2·80;

(*c*) where the claimant was, immediately before 28th July 1986, in receipt of a pension or allowance in the calculation of which a reduction was made in respect of a non-dependant who was, at that time, in receipt of an allowance, in respect of each such non-dependant who is aged under 25, £2·80;

(*d*) in respect of each non-dependant who is aged 25 or more and is in receipt of a pension or allowance, £2·80;

(*e*) in respect of each group of non-dependants who—

(i) form an assessment unit for the purposes of a current entitlement to a pension or allowance, or

(ii) would, if a pension or allowance were payable to one of them, be members of a single assessment unit,

the amount which would be applicable to the head of the group, or where it would be a lesser amount, to his partner, under sub-paragraphs (*a*) to (*d*) if the reference in those sub-paragraphs were a reference to the head of the group or, as the case may be, his partner.

(4) Subject to paragraph (5), a reduction under paragraph (3)(*c*) shall cease to be made if, at any time on or after 28th July 1986—

(*a*) the claimant ceases to be in receipt of a pension or allowance; or

(*b*) the person in respect of whom the reduction was made ceases to be—

(i) in receipt of an allowance, or

(ii) a member of the household,

or, in the case of a person who immediately before that date, was a boarder in the household, ceases to be a boarder.'';

(*b*) in paragraph (6), for ''paragraph (4)(*c*) and (*e*)'' there shall be substituted ''paragraph (3)(*b*)'';

(*c*) in paragraph (10)(*a*), for ''paragraph (4)(*a*)'' in head (i) and ''paragraph (4)(*b*)'' in head (ii) there shall be substituted ''paragraph (3)(*e*)(i)'' and ''paragraph (3)(*e*)(ii)'' respectively.

Amendment of regulation 23 of the Requirements Regulations

7. In regulation 23 of the Requirements Regulations (non-householder's contribution)—

(*a*) in paragraph (2), for ''21'' there shall be substituted ''25'';

(*b*) after paragraph (2) there shall be inserted the following paragraphs—

''(2A) Notwithstanding paragraph (2), but subject to paragraph (2B), this regulation shall apply to a claimant aged under 25 who, immediately before 28th July 1986, was aged 21 or more and entitled to an allowance in the calculation of which—

(*a*) an amount was applicable to him in accordance with the provisions of this regulation as then in operation; or

(*b*) his requirements were assessed in accordance with the provisions of regulation 9(5) as then in operation,

for so long as, after that date, he remains continuously entitled to an allowance and continues to satisfy the provisions of this regulation other than the requirement as to age.

(2B) For the purposes of paragraph (2A), in determining whether a claimant continues to satisfy the provisions of this regulation any period during which his requirements fall to be assessed in accordance with regulation 9(5) shall be disregarded but nothing in this paragraph shall make an amount applicable to him under this regulation during such a period.''.

Amendment of Schedule 1A to the Requirements Regulations

8. In Schedule 1A to the Requirements Regulations (maximum amounts for boarders)—

(*a*) in paragraph 1 (homes for persons in need)—

(i) in sub-paragraph (1) for ''Subject to paragraph 3'' there shall be substituted ''Subject to sub-paragraph (3) and to paragraph 3'',

(ii) for ''£120·00'', wherever it appears, there shall be substituted ''£125·00'',

(iii) after sub-paragraph (2) there shall be added the following sub-paragraph—

''(3) Where the claimant is over pensionable age and either—

(*a*) he is blind; or