1984 No. 278

SOCIAL SECURITY

The Supplementary Benefit (Requirements and Resources) (Amendment) Regulations (Northern Ireland) 1984

Made	*6th August 1984*
Coming into operation . . .	
Except for regulations 2(8), (9)(a), (11)(b), (c), (d) and (e)(ii) and 3(6)(a), (7)(c) and (9)	*6th August 1984*
Regulations 2(8), (9)(a), (11)(b), (c), (d) and (e)(ii) and 3(6)(a), (7)(c) and (9)	*26th November 1984*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 2(2) and 4(2) of, and paragraphs 1 and 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 which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(**c**) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (Requirements and Resources) (Amendment) Regulations (Northern Ireland) 1984 and shall come into operation on 6th August 1984, except for regulations 2(8), (9)(*a*), (11)(*b*), (*c*), (*d*) and (*e*)(ii) and 3(6)(*a*), (7)(*c*) and (9) which shall come into operation on 26th November 1984.

Amendment of the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983

2.—(1) The Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983(**d**) 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 "as their home" there shall be inserted ", being accommodation in Northern Ireland".

(3) In regulation 5(5)(*a*) (normal requirements of relevant persons and householders), before "is responsible for" there shall be inserted "in respect of a home or, as the case may be, a household in Northern Ireland".

(a) S.I. 1977/2156 (N.I. 27); *see* definitions of "prescribed" and "regulations" in Article 2(2); 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) 1980 c. 30

(d) S.R. 1983 No. 61; the relevant amending regulations are S.R. 1983 Nos. 215, 247, 291 and S.R. 1984 Nos. 79 and 174

(4) In regulation 9(2) (modification of normal requirements of boarders), for "rent allowance under the Housing Benefits Order" there shall be substituted "housing benefit".

(5) In regulation 10(6)(*b*) (modification of normal requirements in special cases)—

(*a*) "only" shall be omitted,

(*b*) after "limited leave" there shall be inserted "(as defined in section 33(1) of the Immigration Act 1971)(**a**)",

(*c*) after "remained" there shall be inserted "without further leave under that Act".

(6) In regulation 12(2)(*g*) (heating), for "the necessary heating of the home" there shall be substituted "the heating required by the assessment unit in the home".

(7) In regulation 16 (mortgage payments)—

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

"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 "unmarried couple, A" there shall be inserted "either solely or jointly with B" and "his interest in" shall be omitted,

(ii) after "the amount of the interest on that mortgage" there shall be added "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 "of interest on that mortgage calculated as if it were a mortgage to which paragraph (1) applied".

(8) In regulation 17(1) (maintenance and insurance), for "costs of maintenance and insurance exceed" there shall be substituted "cost of insurance exceeds".

(9) In regulation 19 (miscellaneous outgoings)—

(*a*) after "shall" there shall be inserted ", except, in respect of those outgoings specified in sub-paragraphs (*a*) to (*dd*) of this paragraph where, in the opinion of the adjudication officer, it is impracticable to estimate the likely amount of the outgoings,";

(*b*) the following sub-paragraph shall be inserted after sub-paragraph (*d*)—

"(*dd*) where the home is a tent, payments in respect of the tent or the site on which it stands;".

(10) In regulation 20(7) (special cases), 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.".

(**a**) 1971 c. 77
(**b**) 1982 c. 39

(11) In regulation 22 (reduction in amounts applicable for certain occupants of the home)—

(*a*) in paragraph (2), after "the amount" there shall be inserted "ascertained in accordance with paragraph (10) and";

(*b*) in paragraph (4)—

(i) in sub-paragraph (*c*)—

(*aa*) for head (i) there shall be substituted the following head—

"(i) where he is aged 16 or 17, £2·35,",

(*bb*) in head (ii) for "21" there shall be substituted "18",

(ii) in sub-paragraph (*d*), for the words from "the amounts" to the end of that sub-paragraph there shall be substituted "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 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*) for paragraph (7), there shall be substituted the following paragraph—

"(7) Where the Department 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 conditions 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*).";

(*e*) in paragraph (10)—

(i) in sub-paragraph (*a*)(i), for "regulation (4)(*a*)" there shall be substituted "paragraph (4)(*a*)",

(ii) in sub-paragraph (*a*)(ii), for "regulation 4(*b*)" there shall be substituted "paragraph (4)(*b*)", and after "be payable" there shall be added "or his partner",

(iii) 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 paragraph (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, 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;".

(12) In Schedule 2 (Modification of Normal Requirements in Special Cases)—

(*a*) in paragraph 7, in column (1) for "further" there shall be substituted "as";

(*b*) the following paragraph shall be added at the end of Schedule 2—

"Certain married or unmarried couples

11. 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 as defined in section 10(1) of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971(**a**) or in a private hospital within the meaning of Part IV of the Mental Health Act (Northern Ireland) 1961(**b**) so, however, that this sub-paragraph shall not apply to a patient as defined in regulation 2(1); (*b*) resident in a home registered in accordance	11. Paragraphs 1 and 2 of the Table.	11. 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**) 1971 c. 32 (N.I.)
(**b**) 1961 c. 15 (N.I.)

with Article 35 of, and Schedule 5 to, the Health and Personal Social Services (Northern Ireland) Order 1972(a) (registration of homes for persons in need);		
(*c*) resident in accommodation provided by the Department under Article 7 (prevention of illness, care or after-care), 8 (care of mothers and young children), 15 (general social welfare) or 36 (accommodation for persons in need in premises maintained by certain persons) of the Health and Personal Social Services (Northern Ireland) Order 1972;		
(*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		

(a) S.I. 1972/1265 (N.I. 14); as amended by Article 11 of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26))