1983 No. 61

SOCIAL SECURITY

The Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983

Made . . . . . *23rd March 1983*

Coming into operation . . . *2nd May 1983*

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The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 3(3) and 4(1A) of, and paragraph 2(1), (3), (4) and (5) of Schedule 1 to, the Supplementary Benefits (Northern Ireland) Order 1977(**a**) and of all other powers enabling it in that behalf, and for the purpose only of consolidating regulations hereby revoked, and with the consent of the Department of Finance and Personnel(**b**), hereby makes the following regulations:

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983 and shall come into operation on 2nd May 1983.

Interpretation

2.—(1) In these regulations—

"the Order" means the Supplementary Benefits (Northern Ireland) Order 1977;

"the Act" means the Social Security (Northern Ireland) Act 1975(**c**);

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

"allowance" means a supplementary allowance under Article 3(1)(*b*) of the Order;

"assessment unit" means the claimant and any partner and dependant of the claimant;

"available capital", in relation to a claimant, means capital which falls to be disregarded under regulation 6(2) of the Resources Regulations;

"blind" means 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 6 months at a time when a pension or allowance was payable in respect of him;

(**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**) 1975 c. 15

(**d**) S.R. 1981 No. 370; amended by S.R. 1982 Nos. 239, 242 and 295

"boarder" has the meaning assigned to it in regulation 9(10);

"claimant" means a claimant for supplementary benefit;

"close relative" means a parent, child, step-parent, step-child, brother or sister;

"the Department" means the Department of Health and Social Services;

"dependant" means a person whose requirements and resources are by virtue of paragraph 3(2) of Schedule 1 to the Order aggregated with and treated as those of the claimant;

"Health and Social Services Board" means a Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(a);

"the home" means the accommodation, with any garage, garden and outbuildings, normally occupied by the assessment unit and any other members of the same household as their home and it includes also any premises and land not so occupied which it would be impracticable or unreasonable to expect to be sold separately;

"non-dependant" means a person, other than a boarder, who is a member of the same household as the member or members of the assessment unit but is neither a member of the unit nor a person who satisfies, or if he were a member of the unit would satisfy, the condition of sub-paragraph (*a*) of paragraph (5) of regulation 5;

"partner" means one of a married or unmarried couple;

"patient" means a person, other than a prisoner, who is being maintained free of charge while undergoing medical or other treatment as an in-patient—

(*a*) in a hospital or similar institution maintained or administered under the Health and Personal Social Services (Northern Ireland) Order 1972, or by or on behalf of the Secretary of State, or by or on behalf of the Defence Council; or

(*b*) pursuant to arrangements made, or having effect as if made, by a Health and Social Services Board, by the Secretary of State, or by the Defence Council in a hospital or similar institution not so maintained or administered;

"pension" means a supplementary pension under Article 3(1)(*a*) of the Order;

"person affected by a trade dispute" means a person whose requirements fall to be disregarded to any extent by virtue of Article 12 of the Order;

"prisoner" means any person whose detention in a prison, remand centre or young offenders centre is for the time being authorised by law;

"relevant person" means that one of a married or unmarried couple whose requirements and resources include those of the other by virtue of paragraph 3(1) of Schedule 1 to the Order;

"rent" includes corresponding payments in respect of a licence or permission to occupy the home and "let", "letting" and "tenancy" shall be correspondingly construed;

"single claimant" means a claimant who is not a partner;

"the Table" means the Table of the normal requirements of relevant persons and householders in paragraph 2(3) of Schedule 1 to the Order.

(2) References in these regulations to the long-term and ordinary rates for couples are to the amounts for the time being specified in paragraphs 1 and 2 respectively of the Table, for householders to the amounts for the time being specified in paragraphs 3 and 4 respectively of the Table and for non-householders to the amounts for the time being specified in paragraphs 1 and 2 of Schedule 1.

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

(3) A person shall be treated as being, or not being, a member of the same household as another person for the purposes of these regulations if he would be so treated for the purposes of the Supplementary Benefit (Aggregation) Regulations (Northern Ireland) 1981(a).

(4) Any reference in these regulations to a numbered Article is to the Article of the Order bearing that number.

Determination of requirements

3.—(1) For the purposes of Schedule 1 to the Order and subject to paragraph 2 of that Schedule, a person's requirements shall be determined in accordance with these regulations.

(2) Where any amount applicable under these regulations, or in the case of Part IV the aggregate of any amounts applicable, would otherwise include a fraction of a penny that fraction shall be treated as a penny.

PART II

NORMAL REQUIREMENTS

Normal requirements

4.—(1) The category of normal requirements shall relate to all items of normal expenditure on day-to-day living, other than items within Part IV, including in particular food, household fuel, the purchase, cleaning, repair and replacement of clothing and footwear, normal travel costs, weekly laundry costs, miscellaneous household expenses such as toilet articles, cleaning materials, window-cleaning and the replacement of small household goods (for example crockery, cutlery, cooking utensils, light bulbs) and leisure and amenity items such as television licence and rental, newspapers, confectionery and tobacco.

(2) The weekly amount of a person's normal requirements shall be determined in accordance with the Table and with regulations 5 to 7 but subject, where applicable, to the modifications of those provisions made by regulations 8 to 10.

Normal requirements of relevant persons and householders

5.—(1) Paragraphs 2 and 4 of the Table (ordinary rate for couples and householders) shall have effect as if at the end of the second column of those paragraphs there were inserted—

'(*a*) in paragraph 2, ''increased by £1·25''; and

(*b*) in paragraph 4, ''increased by £0·70''.

(2) Paragraph 1 of the Table (long-term rate for couples) shall have effect as if in the second column—

(*a*) after ''The aggregate of the'' there were inserted ''higher of the two'';

(*b*) after ''Social Security Pensions (Northern Ireland) Order 1975 and'' there were inserted ''of the sum for the time being specified in''; and

(*c*) at the end there were inserted ''reduced by £0·25''.

(3) Paragraph 3 of the Table (long-term rate for householders) shall have effect as if in the second column for ''The sum'' there were substituted ''The higher of the two sums'' and as if at the end there were inserted ''reduced by £0·15''.

(4) The amounts specified in the second column of paragraphs 1 to 4 of the Table as modified by paragraphs (1) to (3) are shown in paragraphs A and B of Schedule 1.

(5) For the purposes of the Table a householder is a single claimant who—

(*a*) under Part IV (housing requirements) is treated, otherwise than by reason only of regulation 20(4), as responsible for expenditure on items to which any

(a) S.R. 1981 No. 373

of the regulations in Part IV, other than regulation 23 (non-householder's contribution) relates, or, if the household incurs no such expenditure, is the member of the household with major control over household expenditure;

(*b*) does not share such responsibility or control with another member of the same household; and

(*c*) is not absent from the home or whose absence is for a period which has not yet continued for more than 13 weeks.

Normal requirements of persons other than relevant persons and householders

6.—(1) Subject to paragraphs (2) and (3), the weekly amount of the normal requirements of a single claimant who is not a householder and of a dependant (not being a partner) shall be determined in accordance with Schedule 1, paragraph 1 or 2 of that Schedule applying in the case of a single claimant and paragraph 3 in that of a dependant.

(2) Subject to paragraph (3), where a person to whom paragraph (1) applies is a claimant who satisfies the conditions of paragraph (5) of regulation 5 except that, contrary to sub-paragraph (*b*) of that paragraph, he shares responsibility for, or control of, the expenditure there referred to with another member of the same household, the weekly amount of his normal requirements applicable under paragraph 1 or 2 of Schedule 1 shall be increased by the difference between that amount and the corresponding rate (long-term or ordinary as the case may be) for householders divided by the number of persons in the household satisfying the condition of regulation 5(5)(*c*) who share responsibility or control.

(3) Paragraph (2) shall not apply to any person to whom regulation 9 (normal requirements of boarders) or regulation 10 and Schedule 2 (normal requirements in special cases) applies or to any person aged not less than 18, or aged not less than 16 with a dependant, who is blind.

Long-term rates for normal requirements

7.—(1) The conditions for the purposes of paragraphs 1(*b*) and 3(*b*) of the Table (conditions for long-term rate for couples and householders not of pensionable age) are that the person—

(*a*) is eligible for an allowance not subject to the condition of availability; and

(*b*) subject to paragraphs (2) to (4), has already been in receipt of an allowance not subject to the condition of availability for a continuous period of not less than 52 weeks.

(2) For the purposes of paragraph (1)(*b*) a person shall be treated as having been in receipt of an allowance not subject to the condition of availability during the following periods—

(*a*) any period in respect of which, while aged less than 18, he was in receipt of a non-contributory invalidity pension under the Act;

(*b*) in the case of a person aged not less than 60, any period during which, while aged not less than 59, he was in receipt of an allowance subject to the condition of availability;

(*c*) in the case of a person who, by reason of regulation 6(*e*) of the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981(a) (exemption from condition of availability where no further prospect of employment due to physical or mental disablement), has become eligible for an allowance not subject to the condition of availability, any period in respect of which while in receipt of an allowance he was subject to the condition of availability but was required, pursuant to regulation 8(*b*)(ii) of the

(a) S.R. 1981 No. 371; the relevant amending regulations are S.R. 1982 Nos. 240 and 295