1982 No. 240

SOCIAL SECURITY

The Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1982

Made	*3rd August 1982*
Coming into operation . . .	*9th August 1982*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 4(1A)(*a*), 5, 6(1), 7, 9, 13(2), 14(5) and 19(1) and (2)(*a*), (*d*), (*g*) and (*i*) of the Supplementary Benefits (Northern Ireland) Order 1977(**a**) and Article 9(1) of the Social Security (Northern Ireland) Order 1980(**b**) and of all other powers enabling it in that behalf, 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, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1982 and shall come into operation on 9th August 1982.

(2) In these regulations—

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

"Conditions of Entitlement Regulations" means the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981(**e**);

"Determination of Questions Regulations" means the Supplementary Benefit (Determination of Questions) Regulations (Northern Ireland) 1980(**f**);

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

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

"Transitional Regulations" means the Supplementary Benefit (Transitional) Regulations (Northern Ireland) 1980(**i**);

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

(a) S.I. 1977/2156 (N.I. 27); as amended by Article 7(1) of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)) and Article 5 of the Social Security (Northern Ireland) Order 1981 (S.I. 1981/1118 (N.I. 25))
(b) S.I. 1980/870 (N.I. 8)
(c) 1980 c.30
(d) S.R. 1981 No. 368; as amended by S.R. 1982 No. 140
(e) S.R. 1981 No. 371
(f) S.R. 1980 No. 423; as amended by S.R. 1981 No. 215
(g) S.R. 1981 No. 369
(h) S.R. 1980 No. 417; as amended by S.R. 1981 No. 215
(i) S.R. 1980 No. 349; as amended by S.R. 1980 No. 415
(j) S.R. 1981 No. 372

Amendment of the Trade Disputes Regulations

2.—(1) This regulation shall amend the Trade Disputes Regulations.

(2) In regulation 3(3) (urgent cases) in sub-paragraph (*a*) after "regulation 6(1)(*b*)" there shall be inserted "or(*g*)".

(3) In regulation 16 (effect of deduction notice) after paragraph (3) there shall be inserted the following paragraph—

"(3A) Where on a relevant pay-day earnings are payable to the claimant in respect of more than one pay-day the amount of the protected earnings and the figure of £1 referred to in the preceding paragraph, adjusted where appropriate in accordance with the provisions of that paragraph, shall be multiplied by the number of pay-days to which the earnings relate.".

Amendment of the Determination of Questions Regulations

3.—(1) This regulation shall amend the Determination of Questions Regulations.

(2) In regulation 1(2) (interpretation) after the definition of "Commissioner" there shall be inserted the following definition—

""determining authority" means, as the case may require, a benefit officer, an Appeal Tribunal or a Commissioner;".

(3) In regulation 4 (review of determinations)—

(*a*) in paragraph (4)—

(i) for "mortgage capital" there shall be substituted "loan capital",

(ii) for "mortgage interest" there shall be substituted "interest on the loan", and

(iii) for "mortgagee" there shall be substituted "lender";

(*b*) paragraph (8) shall be omitted.

(4) In regulation 5 (reference of questions)—

(*a*) in paragraph (1)—

(i) in sub-paragraph (*c*) after "regulation 8(1)(*b*)" there shall be inserted "or (*f*)",

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

"(*d*) whether for the purposes of regulation 10 of the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981(**a**) (circumstances in which persons are to be treated as receiving relevant education) a person—

(i) is, by virtue of paragraph (1)(*a*) of that regulation, receiving full-time education, not being advanced education, by attendance at a recognised educational establishment, for the purposes of Article 4(1)(*b*) of the Child Benefit (Northern Ireland) Order 1975(**b**), or

(ii) has, for the purposes of paragraph (1)(*b*) of that regulation, ceased to receive such education;";

(*b*) in paragraph (2)(*a*) for "sub-paragraphs (*b*) to (*e*)" there shall be substituted "sub-paragraphs (*b*) to (*g*)".

(**a**) S.R. 1981 No. 371
(**b**) S.I. 1975/1504 (N.I. 16)

Amendment of the Claims and Payments Regulations

4.—(1) This regulation shall amend the Claims and Payments Regulations.

(2) In regulation 3 (manner in which claims are to be made)—

(*a*) in paragraph (1)—

(i) in sub-paragraph (*a*) before "on a form" there shall be inserted "in the case of a claim for a pension or allowance,",

(ii) in sub-paragraph (*b*) before "in such manner" there shall be inserted "in the case of any claim,";

(*b*) in paragraph (5)(*b*) the words from ", but paragraph (2)" to the end of the sub-paragraph shall be omitted.

(3) In regulation 5(2) (time for claiming pension or allowance) in sub-paragraph (*d*) for the words from "relating to" to "regulation 9" there shall be substituted "relating to the charge for board and lodging to which regulation 9(2)".

(4) After regulation 5 there shall be inserted the following regulation—

"*Circumstances in which claims may be deemed to have been withdrawn*

5A. Where, before the determination of any claim, the Department, pursuant to regulation 4, requires the claimant—

(*a*) to furnish the information requested on a form given to him for that purpose; or

(*b*) to attend at an office or place in the manner directed,

and the claimant fails to furnish such information within 21 days of being so required or, as the case may be, fails to attend as directed, the Department may, unless it is satisfied that such failure was reasonable in all the circumstances, treat the claim as having been withdrawn.".

(5) In regulation 6 (time and manner of payment of pension and allowance)—

(*a*) after paragraph (1) there shall be inserted the following paragraph—

"(1A) Where the amount of the allowance to which a beneficiary to whom paragraph (1)(*a*)(i) and (ii) applies is entitled is less than 50 pence, the Department may defer payment of that allowance until the aggregate amount to which the beneficiary is entitled exceeds 49 pence.";

(*b*) for paragraph (3) there shall be substituted the following paragraph—

"(3) Paragraph (2) shall not apply to a review for the sole purpose of giving effect to any change in any amount specified in Schedule 1 to the Order or in the Requirements Regulations in connection with the determination of requirements.".

(6) In regulation 21 (payment of certain accommodation charges) for "shall be paid" there shall be substituted "may, with the consent of the organisation concerned, be paid".

(7) In regulation 23(*b*) (payment of pension or allowance to third parties) "in circumstances to which that regulation applies" shall be omitted.

Amendment of the Conditions of Entitlement Regulations

5.—(1) This regulation shall amend the Conditions of Entitlement Regulations.

(2) In regulation 6 (persons not subject to condition of registration and availability for employment)—

(*a*) for paragraph (*c*) there shall be substituted the following paragraph—

"(*c*) he is a person—

(i) to whom regulation 9(2)(*b*) applies, or

(ii) who, by reason of some specific disease or bodily or mental disablement, is incapable of work, or

(iii) who is engaged in work for the number of hours a week (being, in the case of a person to whom regulation 9(1)(*a*)(i) applies, less than 35 hours or, in any other case, less than 30 hours) which, having regard to some such disease or disablement suffered by him, he is usually capable of working;";

(*b*) in paragraph (*e*) the words from "and it is unlikely" to the end of the paragraph shall be omitted;

(*c*) in paragraph (*f*) for sub-paragraph (ii) there shall be substituted the following sub-paragraph—

"(ii) he has not been in employment in the previous 10 years,";

(*d*) after paragraph (*j*) there shall be inserted the following paragraph—

"(*jj*) he is a person aged 19 but less than 20—

(i) who is attending a course which would, if he were aged less than 19, be relevant education, and

(ii) to whom one or more of paragraphs (*a*) to (*d*) of regulation 11 apply;";

(*e*) after paragraph (*q*) there shall be inserted the following paragraph—

"(*qq*) he is a person remanded in custody or committed in custody for trial or to be sentenced;";

(*f*) in paragraph (*s*)—

(i) for "one of" there shall be substituted "either of",

(ii) for sub-paragraphs (ii) and (iii) there shall be substituted the following sub-paragraph—

"(ii) regulation 11(*a*), (*b*), (*c*) or (*d*) (person receiving relevant education who is a parent, or is severely handicapped, or has no, or is estranged from his, parents or guardian);".

(3) In regulation 7 (circumstances in which persons are to be treated as available for employment) for paragraph (2) there shall be substituted the following paragraphs—

"(2) A claimant who satisfies either of the conditions in paragraph (3) and who is attending—

(*a*) a part-time course of education at an establishment recognised by the Department as being, or as comparable to, a college or school; or

(*b*) a part-time course of training or instruction analogous to a course for which a training allowance would be payable,

shall, if he is prepared to terminate the course immediately a suitable vacancy becomes available to him, be treated as available for employment.

(3) The conditions mentioned in paragraph (2) are—

(*a*) that for a continuous period of not less than 3 months falling immediately before the commencement date the claimant was in receipt of qualifying benefit; or

(*b*) that during the 6 months falling immediately before the commencement date—

(i) the claimant was in receipt of qualifying benefit for periods in aggregate of not less than 3 months, and

(ii) after the first period during which he was in receipt of qualifying benefit, throughout any period or periods during which he was not in receipt of qualifying benefit he was engaged in appropriate work.

(4) For the purposes of this regulation—

(*a*) "a part-time course" means a course in the pursuit of which the time spent receiving instruction or tuition, undertaking supervised study, examination or practical work or taking part in any exercise, experiment or project for which provision is made in the curriculum of the course, does not exceed 21 hours a week, so however that in calculating the time spent in pursuit of the course no account shall be taken of time occupied by meal breaks or spent on unsupervised study, whether undertaken on or off the premises of the educational establishment or place of instruction or training;

(*b*) "commencement date" means the date on which the claimant first attended the part-time course;

(*c*) a claimant shall be treated as being in receipt of qualifying benefit for any period during which he is—

(i) in receipt of an allowance and required to be available for employment pursuant to Article 7 of the Order, or not so required by virtue only of regulation 6(*c*),

(ii) in receipt of unemployment benefit under the Act, or

(iii) in receipt of sickness benefit under the Act;

(*d*) "appropriate work" means remunerative full-time work or other work the emoluments from which are such as to disentitle the person engaged in it from qualifying benefit.

(5) Any person who, on 9th August 1982, is attending a course—

(*a*) which commenced prior to that date; and

(*b*) in respect of which he was treated as available for employment by virtue of the provisions of this regulation which were in force immediately before that date,

shall, if he is prepared to terminate the course immediately a suitable vacancy becomes available to him, continue to be treated as available for employment for the duration of that course, notwithstanding the preceding provisions of this regulation.".

(4) In regulation 8 (circumstances in which persons are not to be treated as available for employment)—

(*a*) in paragraph (1)—

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

"(*d*) he has failed without good cause to comply with a written notice given or sent to him by the Department requesting him to report to an officer of the Department or of the Department of Manpower Services at a time and place and on a day specified in the notice for an interview in connection with his prospects of employment, and either—

(i) at the time when that notice was given or sent to him he was a person to whom regulation 8 of the Requirements Regulations (modification of normal requirements in certain cases of actual or notional unemployment benefit disqualification) applies, or