1982 No. 239

SOCIAL SECURITY

The Supplementary Benefit (Requirements and Resources) (Amendment) Regulations (Northern Ireland) 1982

Made	*3rd August 1982*
Coming into operation . . .	
Except for regulation 2(7)(b) and (14)(b)	*9th August 1982*
Regulation 2(7)(b) and (14)(b)	*22nd November 1982*

The Department of Health and Social Services, in exercise of the powers conferred on it by 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 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) 1982 and shall come into operation on 9th August 1982 except for regulation 2(7)(*b*) and (14)(*b*) which shall come into operation on 22nd November 1982.

Amendment of the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1980

2.—(1) The Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1980(**d**) shall be amended in accordance with the following provisions of this regulation.

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

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

(3) In regulation 5(2) (meaning of householder)—

(*a*) for "person, other than a partner," there shall be substituted "single claimant";

(*b*) in sub-paragraph (*a*) after "is treated" there shall be inserted ", otherwise than by reason only of regulation 20(4),".

(4) For regulation 6(1) (normal requirements of persons other than partners and householders) there shall be substituted the following paragraph—

(a) S.I. 1977/2156 (N.I. 27): Schedule 1 was substituted by Article 7(1) of, and paragraph 29 of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8))

(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. 1980 No. 347; as amended by S.R. 1980 No. 422 and S.R. 1981 Nos. 105, 241, 275 and 282

"(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.".

(5) In regulation 7 (conditions for long-term rates of normal requirements)—

(*a*) in paragraph (2)(*b*)—

(i) after "person who" there shall be inserted ", 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),",

(ii) "because, due to disability and long unemployment, he has no prospects of further employment" shall be omitted,

(iii) for "pursuant to Article 7" there shall be substituted "pursuant to regulation 8(*b*)(ii) of the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981(**b**) (attendance at social security office where condition of availability applies)";

(*b*) in paragraph (4)—

(i) for "paragraph 3(1)" there shall be substituted "paragraph 3",

(ii) "of married and unmarried couples" shall be omitted,

(iii) after "an end" there shall be inserted "and the condition in paragraph (4A) is satisfied";

(*c*) after paragraph (4) the following paragraph shall be inserted—

"(4A) The condition mentioned in paragraph (4) is that the requirements and resources of A were aggregated with and treated as those of B either—

(*a*) under paragraph 3(1) of Schedule 1 to the Order (aggregation of married and unmarried couples); or

(*b*) under paragraph 3(2) of Schedule 1 to the Order (aggregation of dependants) and there are now so aggregated with A's requirements and resources those of another person which were previously so aggregated with B's.".

(6) In regulation 9(1) (modification of normal requirements of boarders) after "so however that" there shall be inserted ", except where paragraph (7) applies,".

(7) In regulation 12 (heating)—

(*a*) in paragraph (2)(*g*)—

(i) for "an amount is applicable under" there shall be substituted "a separate charge is payable as mentioned in column (1) of",

(ii) in each of heads (i) and (ii) "referred to in column (1) of that paragraph" shall be omitted;

(*b*) in each of sub-paragraphs (*a*) and (*b*) of paragraph (4) before "of Schedule 3" there shall be inserted "or 6".

(8) In regulation 15(3) (deductions from inclusive rent) after "thirteen weeks" there shall be inserted ", or for a shorter period if (for example because of the application of paragraph 1 or 2 of Schedule 2) a householder rate of normal requirements is no longer applicable,".

(**a**) S.R. 1981 No. 371; as amended by S.R. 1982 No. 240
(**b**) S.R. 1981 No. 368; as amended by S.R. 1982 No. 240

(9) In regulation 16 (mortgage payments)—

(*a*) in paragraph (1)—

(i) for "charged on and" there shall be substituted "or other loan",

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

(*b*) in paragraph (2)—

(i) in sub-paragraph (*b*) for "mortgage" there shall be substituted "loan",

(ii) for "mortgagee" there shall be substituted "lender",

(iii) for the words from "regulations" to the end of the paragraph there shall be substituted "regulation 4(4) of the Supplementary Benefit (Determination of Questions) Regulations (Northern Ireland) 1980(a) so provides.".

(10) Paragraph (2A) of regulation 20 (special cases) shall be omitted.

(11) In regulation 21(2)(*b*) (restriction where amounts excessive) after "regulation 15," there shall be inserted "otherwise than by virtue of regulation 15(7)(*a*),".

(12) In regulation 22(2)(*c*) (reduction in amounts applicable for certain occupants of the home) "mortgage" wherever it appears shall be omitted, and for "mortgagee" there shall be substituted "lender".

(13) In Schedule 2 (modification of normal requirements in special cases)—

(*a*) in column (1) of paragraph 2 (patients)—

(i) in sub-paragraph (*a*) after "patient" there shall be inserted "but, where he has a dependant, only if both he and his partner have been patients for a continuous period of more than 8 weeks",

(ii) in sub-paragraph (*b*) after "patient" there shall be inserted "(whether or not his partner is also a patient)";

(*b*) in paragraph 3(*c*) of column (1) for "who, pursuant to Article 7" to the end of the sub-paragraph there shall be substituted "to whom regulation 6(*j*) of the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981 (exemption of unmarried students from condition of availability in certain circumstances) applies.".

(14) In Part I of Schedule 3 (additional requirements for heating)—

(*a*) for paragraph 5 in column (2) there shall be substituted the following paragraph—

"5. Where the home, excluding any bathroom, lavatory or hall, consists of—

(*a*) not more than four rooms, £3·30;

(*b*) five or more rooms, £6·60.",

so however that where , after the coming into operation of this sub-paragraph, the amount applicable to a claimant under the said paragraph 5 as amended by this sub-paragraph ("the new amount") is less than the amount which was so applicable under paragraph 5 immediately prior to its being so amended ("the old amount"), there shall be payable to the claimant an additional amount of pension or allowance (an "addition") equal to the difference between the new amount and the old amount, and that addition shall on any increase in the aggregate amount of the normal, additional and housing requirements applicable to the claimant which is attributable to a change of circumstances which occurs after 21st November 1982 be reduced by an amount equal to half the amount of such increase;

(a) S.R. 1980 No. 423; as amended by S.R. 1982 No. 240

(*b*) for paragraph 6 in column (1) there shall be substituted the following paragraph—

"6. Person in respect of whom—

(*a*) any of the following is payable—

(i) mobility allowance or attendance allowance under the Act,

(ii) increase under section 61 of the Act of the weekly rate of disablement pension where constant attendance is needed,

(iii) constant attendance allowance under Article 14 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978(**a**),

(iv) a grant under Article 30(3) of the Health and Personal Social Services (Northern Ireland) Order 1972(**b**) (costs of vehicles for disabled persons) towards the cost of maintaining a vehicle belonging to a person referred to in Article 30(1) of that Order, or

(v) an amount pursuant to Article 26 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978 (provision of expenses in respect of appropriate aids for disabled living) in respect of the cost of providing a vehicle for, or maintaining a vehicle belonging to, a disabled person; or

(*b*) an invalid carriage or other vehicle has been provided pursuant to Article 30 of the Health and Personal Social Services (Northern Ireland) Order 1972.".

Amendment of the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1981

3.—(1) The Supplementary Benefit (Resources) Regulations (Northern Ireland) 1981(**c**) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation)—

(*a*) in the definition of "liable relative" after "such a father" there shall be inserted ", and includes a person liable to maintain a member of the assessment unit under Article 22(1)(*c*) (sponsored immigrants)";

(*b*) in the definition of "occupational pension scheme" for the words from "shall be construed" to the end of the definition there shall be substituted "means any pension or other periodical payment under such a scheme, except that any reference to an occupational pension shall not include a reference to—

(*a*) any element of that pension payable by way of compensation for injury, disease, disablement or death suffered by a person by reason of the service or employment in which he was engaged; or

(*b*) any discretionary payment out of a fund established for relieving hardship in particular cases;".

(3) In regulation 3(2) (calculation of resources)—

(*a*) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(*b*) any sum, including any instalment of a capital payment which falls to be paid by instalments, made, whether in pursuance of a court order or otherwise, by or derived from a liable relative, shall be treated in accordance with the provisions of regulation 13;";

(*b*) for sub-paragraph (*c*) there shall be substituted the following sub-paragraph—

(**a**) S.I. 1978/1525
(**b**) S.I. 1972/1265 (N.I. 14)
(**c**) S.R. 1981 No. 370