1981 No. 372

SUPPLEMENTARY BENEFITS

The Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1981

Made . . . . . 11th November 1981

Coming into operation . . . 21st December 1981

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The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 6 and 19(1) and (2)(*c*) of 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, hereby makes the following regulations:

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1981 and shall come into operation on 21st December 1981.

Interpretation

2.—(1) In these regulations—

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

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

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

"benefit week" has the meaning assigned to it in regulation 7 of the Determination of Questions Regulations (date of commencement, change and termination of entitlement to pensions and allowances);

"capital otherwise disregarded" means any capital which falls, or would fall, to be disregarded under regulation 6(1)(*b*) and (2) of the Resources Regulations which can readily be converted into a liquid asset;

(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

"claimant" means a claimant for supplementary benefit;

"close relative" means a partner, spouse, 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, by virtue of paragraph 3(2) of Schedule 1 to the Order, are or would be aggregated with and treated as those of the claimant;

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

"disaster" means the disaster in respect of which a claim is made for emergency relief;

"Duplication and Overpayment Regulations" means the Supplementary Benefit (Duplication and Overpayment) Regulations (Northern Ireland) 1980(**b**);

"employment" means remunerative full-time work, other than self-employment, within the meaning of Article 9(1);

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

"home" means the accommodation, with any garage, garden and out-buildings, 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;

"income otherwise disregarded" means any income which falls, or would fall, to be disregarded by virtue of any provision of Part III of the Resources Regulations;

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

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

"Requirements Regulations" means the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1980(**d**);

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

"Single Payments Regulations" means the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981(**f**).

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

Urgent cases

3.—(1) For the purposes of Article 6 (provision for cases of urgent need) urgent cases shall be, except in so far as Part II of the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980(**g**) provides otherwise, only those cases to which Parts II, III and IV of these regulations apply where the item in question, or funds for that item, or, except in any circumstances to which regulation 23 applies, funds to meet the expenses in question are not readily available to the assessment unit from its own resources or from any other source (for example, friends, relatives, credit facilities, a voluntary organisation) or in particular

(**a**) S.R. 1980 No. 423
(**b**) S.R. 1980 No. 396
(**c**) S.I. 1972/1265 (N.I. 14)
(**d**) S.R. 1980 No. 347
(**e**) S.R. 1981 No. 370
(**f**) S.R. 1981 No. 369
(**g**) S.R. 1980 No. 417

in a case to which Part II applies, from a Health and Social Services Board, under an approved scheme or from a relief fund; and—

(*a*) in determining whether funds are readily available to the assessment unit, regard shall be had to its requirements determined in accordance with regulation 5(2)(*a*) and (3)(*a*) and (*b*) (but not regulation 5(2)(*c*));

(*b*) in determining the assessment unit's own resources for the purposes of this paragraph, regard shall be had to any capital, including any capital otherwise disregarded, and income resources calculated in accordance with regulation 5(2)(*b*).

(2) In an urgent case there shall be payable in accordance with these regulations supplementary benefit by way of a single payment or pension or allowance, and accordingly—

(*a*) Article 5 (supplementary benefit to meet exceptional need) shall be modified in accordance with regulation 4(1);

(*b*) Article 7 (entitlement to allowance subject to registration and availability for employment) shall not apply;

(*c*) Article 8 (exclusion from supplementary benefit of persons not resident in the United Kingdom for a qualifying period) shall not apply;

(*d*) Article 9(1) (exclusion from supplementary benefit of persons in employment) shall not apply;

(*e*) Article 14(4) (exclusion from allowance of persons who fail to comply with directions to attend courses) shall not apply;

(*f*) Schedule 1 to the Order (provisions for determining right to and amount of benefit) shall be modified in accordance with regulation 5, and in a case to which regulation 23 applies, in accordance with regulation 23(2).

(3) In this regulation "an approved scheme" means a scheme approved by the Department of the Environment.

Single Payments

4.—(1) In a case to which regulation 8(1) (items needed in emergency relief cases), 9(*a*) (items needed in other urgent cases) or 24 (discretionary amounts) applies by virtue of which an amount of supplementary benefit is payable in accordance with this regulation—

(*a*) Article 5(1) shall be modified so that there shall be payable in such a case supplementary benefit by way of a single payment;

(*b*) except in so far as sub-paragraph (*c*) provides that a reduced amount shall be payable, the amount of that single payment shall be—

(i) the amount specified for that item in column 2 of Schedule 1 (emergency relief) or of Schedule 2 (other urgent cases),

(ii) where the payment is in respect of the purchase of an item, it shall be such amount as is necessary to purchase an item of reasonable quality,

(iii) where the payment is in respect of costs of services provided, it shall be the amount of such costs to the extent that they are reasonable;

(*c*) where funds mentioned in regulation 3(1) are available to the assessment unit, but are insufficient to meet the cost of the item or services in question, the amount of the single payment payable shall be the difference between those funds and the amount which would, but for those funds, be payable by virtue of sub-paragraph (*b*).

(2) Nothing in these regulations shall be construed as precluding the payment of two or more single payments payable by virtue of one or more regulations by means of a single instrument of payment.

Pensions and allowances

5.—(1) The amount of any pension or allowance to which a claimant is entitled under these regulations shall, except in a case to which regulation 23 applies, be the amount by which his resources fall short of his requirements.

(2) For the purposes of ascertaining that amount—

(*a*) the claimant's requirements shall be determined in accordance with paragraph 2 of Schedule 1 to the Order except in so far as it is modified by paragraph (3) of this regulation;

(*b*) the claimant's resources shall be calculated pursuant to paragraph 1(2) and (3) of Schedule 1 to the Order except in so far as it is modified by paragraph (4) of this regulation;

(*c*) paragraph 3 of Schedule 1 to the Order shall apply except in so far as regulation 22 provides otherwise.

(3) The modifications mentioned in paragraph (2)(*a*) shall be as follows—

(*a*) for 14 days beginning on the first day of the period to which paragraph (7) applies, and for any day thereafter falling before the first day of the benefit week beginning next after the 14th day, the weekly amount applicable for normal requirements shall be—

(i) in respect of a claimant who is a relevant person, the rate for the time being applicable to a person to whom paragraph 2 of the Table in paragraph 2(3) of Schedule 1 to the Order (ordinary rate for relevant persons) applies less 25 per cent.,

(ii) in respect of a claimant who is a householder or a person to whom paragraph 1 or 2 of Schedule 1 to the Requirements Regulations (non-householders other than dependants) applies, the ordinary rate for the time being applicable to that householder or other person less 25 per cent.,

(iii) in respect of a claimant to whom regulation 9 of the Requirements Regulations (boarders) applies, the allowance for personal expenses at the ordinary rate applicable under paragraph (8) of that regulation less 25 per cent., the increase, if applicable, for meals specified in paragraph (2) of that regulation and, if the charge for board and lodging falls due during the period to which this head applies, the amount applicable for that charge under paragraph (1)(*a*) of that regulation,

(iv) in respect of a claimant to whom regulation 10(4A) of the Requirements Regulations (persons from abroad) applies for the purposes of paragraph 6A of Schedule 2 to those regulations, the ordinary rate which would, but for those provisions, be applicable to that person less 25 per cent.,

(v) in respect of the partner of a claimant to whom paragraph 2 of Schedule 2 to the Requirements Regulations (patients) applies, the amount specified in column (3) in paragraph 2(*b*) of that Schedule less 25 per cent.,

(vi) in respect of a claimant to whom paragraph 3 of Schedule 2 to the Requirements Regulations (certain unmarried students) applies, the ordinary rate for the time being applicable to a person to whom paragraph 2 of the Table in paragraph 2(3) in Schedule 1 to the Order applies less 25 per cent.,

(vii) in respect of a claimant to whom paragraph 4 of Schedule 2 to the Requirements Regulations (single claimants without accommodation) applies, the rate specified in that paragraph less 25 per cent.,

(viii) in respect of any dependant, notwithstanding any of the preceding heads, the rate applicable to a dependant to whom paragraph 3(*d*) of Schedule 1 to the Requirements Regulations (dependant less than 11) applies,