1981 No. 241

SUPPLEMENTARY BENEFITS

The Supplementary Benefit (Requirements and Resources) (Amendment) Regulations (Northern Ireland) 1981

Made	*15th July 1981*
Coming into operation . . .	*27th July 1981*

The Department of Health and Social Services, in exercise of the powers conferred on it by paragraphs 1(2) and 2(1) 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(**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) 1981 and shall come into operation on 27th July 1981.

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

2.—(1) This regulation shall amend the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1980(**d**).

(2) In regulation 2(1) (interpretation) in the definition of "prisoner", for the words from "a person" to the end there shall be substituted "any person whose detention in a prison, remand centre or young offenders centre is for the time being authorised by law;".

(3) In regulation 5 (normal requirements of relevant persons and householders) after paragraph (1) there shall be inserted the following paragraphs—

"(1A) 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"; and

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

(1B) 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".".

(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) See 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; the relevant amending regulations are S.R. 1980 No. 422

(4) In regulation 8 (modification of normal requirements in certain cases of actual or notional unemployment benefit disqualification)—

(*a*) in sub-paragraph (*c*) of paragraph (2) after "by 40 per cent." there shall be added "of the ordinary rate for the time being specified in the said sub-paragraph (*b*)"; and

(*b*) in sub-paragraph (*b*) of paragraph (4)—

(i) for "a claim" there shall be substituted "the claim", and

(ii) the words from "in respect of" to "question" shall be omitted.

(5) In regulation 9 (modification of normal requirements of boarders)—

(*a*) in sub-paragraph (*a*) of paragraph (1) for "paragraphs (6) and (7)" there shall be substituted "paragraph (7)";

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

"(1A) Where any part of the amount for board and lodging is met by a rent allowance under Article 59 of the Rent (Northern Ireland) Order 1978(**a**) an amount equal to the part so met shall be deducted from the aggregate amount applicable under paragraph (1).

(1B) Where an award is to be made in respect of a period of less than one week, pursuant to regulation 6(2)(*b*) of the Supplementary Benefit (Determination of Questions) Regulations (Northern Ireland) 1980(**b**) the requirements applicable to the claimant under this regulation shall include the weekly amount to which paragraph (1)(*a*) applies if the weekly charge for board and lodging falls due during that period.";

(*c*) after "pursuant to" in both paragraphs (3)(*a*) and (8) there shall be inserted "paragraph 1(*a*) or 3(*a*) of the Table or to";

(*d*) in sub-paragraph (*d*) of paragraph (4)—

(i) for "either of the following conditions" there shall be substituted "any one or more of the following conditions".

(ii) after head (iv) there shall be inserted the following heads—

"(v) he is a person suffering from a mental disorder within the meaning of the Mental Health Act (Northern Ireland) 1961(**c**) in respect of whom a Health and Social Services Board has, pursuant to Article 7 or 36(1)(*b*) or (*c*) of the Health and Personal Social Services (Northern Ireland) Order 1972(**d**) (prevention, care and after-care), made arrangements for the provision of residential accommodation in a private household or premises which are not required to be registered under Schedule 5 to the said Order of 1972,

(vi) he is a person who is resident in premises which are used for the rehabilitation of alcoholics or drug addicts,";

(*e*) paragraph (6) and sub-paragraph (*a*) of paragraph (9) shall be omitted;

(*f*) in paragraph (9)(*b*), after head (iii), for "on" the first time that it occurs there shall be substituted "or".

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

(*a*) in paragraph (2) after "of the Table" the word "and" shall be omitted and there shall be inserted ", regulation 9 and paragraphs";

(*b*) in paragraph (3A)—

(i) the words "to whom paragraph 2 of Schedule 2 (patients) applies" shall be omitted; and

(**a**) S.I. 1978/1050 (N.I. 20)
(**b**) S.R. 1980 No. 423
(**c**) 1961 c. 15
(**d**) S.I. 1972/1265 (N.I. 14)

(ii) for the words from ", the amount" to the end of the paragraph there shall be substituted "and—

(*a*) he is a person staying in accommodation provided as mentioned in either of sub-paragraphs (*a*) or (*b*) of paragraph (4), and paragraph 1 of Schedule 2 (residential accommodation) does not apply to him by reason only that his stay in that accommodation has not, in the opinion of the benefit officer, become other than temporary; or

(*b*) he is a person to whom paragraph 2 of Schedule 2 (patients) applies,

the amount applicable for his normal requirements may be increased to take account of the retaining fee.".

(7) In paragraph (2) of regulation 12 (heating)—

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

"(*d*) where—

(i) an item in column (1) of paragraph 1 applies in respect of more than one member of an assessment unit, only one amount shall be applicable in respect of that item,

(ii) more than one of the items in column (1) of paragraphs 1 and 2 applies in respect of a member, or members, of an assessment unit, the amount applicable to the claimant under both of those paragraphs shall be the amount specified in column (2) of paragraph 1(2);";

(*b*) in head (ii) of sub-paragraph (*g*) after "part only" there shall be inserted "or none";

(*c*) after sub-paragraph (*h*) there shall be added the following sub-paragraph—

"(i) where column (1) of paragraph 6 applies in respect of more than one member of an assessment unit an amount shall be applicable to the claimant under column (2) of that paragraph in respect of each such member.".

(8) In regulation 14 (housing requirements)—

(*a*) in paragraph (3)(*a*) after head (iv) there shall be added the following head—

"(v) which he in practice shares with one or more other members of the household, not being close relatives of his, at least one of whom is responsible under one of the preceding heads of this sub-paragraph, and for which the benefit officer is satisfied that it is reasonable in the circumstances to treat him as sharing responsibility;";

(*b*) in paragraph (5)—

(i) in sub-paragraph (*a*) "or 6" shall be omitted,

(ii) in sub-paragraph (*b*) after "to whom" there shall be inserted "regulation 9 or", and for ", 6 and 7" there shall be substituted "and 6 to 8",

(iii) after sub-paragraph (*c*) there shall be added the following sub-paragraph—

"(*d*) to whom paragraph 6 of Schedule 2 (prisoners) applies, except that this sub-paragraph shall not apply in the case of any person remanded in custody or committed in custody for trial or to be sentenced.".

(9) In regulation 15 (rent); in paragraph (7)—

(*a*) in sub-paragraph (*c*) after "purchase" there shall be inserted "annuity";

(*b*) after sub-paragraph (*c*) there shall be added the following sub-paragraph —

"(*d*) by way of mesne profits.".

(10) In regulation 19 (miscellaneous outgoings) in paragraph (*g*) for "mentioned in the preceding paragraphs" there shall be substituted "mentioned in this Part".

(11) In paragraph (5) of regulation 20 (special cases)—

(*a*) in sub-paragraph (*b*) the words ", other than the Northern Ireland Housing Executive" shall be omitted;

(*b*) for the words from "be increased up to a maximum" to "otherwise be applicable" there shall be substituted "be increased—

(i) in a case where the landlord is the Northern Ireland Housing Executive, up to a maximum of twice the amount which would otherwise be applicable,

(ii) in any other case, up to a maximum of 4 times that amount,".

(12) In paragraph (5) of regulation 22 (reduction in amounts applicable for certain occupants of the home)—

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

"(*b*) in respect of a non-dependant who is giving residential assistance in respect of which an amount under paragraph 14(1) of column (2) of Schedule 3 (additional requirements, domestic assistance) either is applicable or would be applicable—

(i) but for the application of regulation 13(3) (member of the assessment unit affected by a trade dispute), or

(ii) if the assistance given by the non-dependant were not provided by a Health and Social Services Board;";

(*b*) after sub-paragraph (*b*) there shall be added the following sub-paragraph—

"(*c*) in respect of a non-dependant or group of non-dependants—

(i) whose usual home is, in the opinion of the benefit officer, elsewhere, and

(ii) in respect of whom an amount under regulation 23 (non-householder's contribution) is not applicable.".

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

(*a*) in column (3) of paragraph 1(*b*) for "the sum" there shall be substituted "the higher of the two sums";

(*b*) in column (3) of paragraph 2 for sub-paragraph (*a*) there shall be substituted the following sub-paragraph—

"(*a*) 40 per cent. of the long-term rate for householders plus, if he has a dependant, the amount of the increase specified in sub-paragraph (*c*) in this column;".

(14) In Schedule 3 (additional requirements) in column (1) of paragraph 3 for "living and dining" there shall be substituted "living or dining".

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

3.—(1) This regulation shall amend the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1980(**a**).

(**a**) S.R. 1980 No. 348; the relevant amending regulations are the Supplementary Benefit (Aggregation, Requirements and Resources) (Amendment) Regulations (Northern Ireland) 1980 (S.R. 1980 No. 422)