1980 No. 424

SUPPLEMENTARY BENEFITS

The Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1980

Made . . . . . *20th November 1980*

Coming into operation . . . *24th November 1980*

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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, 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) 1980 and shall come into operation on 24th November 1980.

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*) of the Order;

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

"available capital" in relation to a claimant 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;

"available income" in relation to a claimant means income which falls or would fall to be disregarded by virtue of any provision of Part III of the Resources Regulations;

"benefit week" has the meaning assigned to it in regulations made pursuant to Article 19(2)(*f*) of the Order (days on which entitlement to pension or allowance is to begin or end or the amount thereof is to change);

"claimant" means a claimant for supplementary benefit;

(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

"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, 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;

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

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

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

"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;

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

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

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

"resident" means a person who is resident in the place in which or, as the case may be, the area in which the disaster occurred;

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

"Single Payments Regulations" means the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1980(**e**);

"visitor" means a person who is a visitor to the place in which or, as the case may be, the area in which the disaster occurred.

(2) Except in so far as the context otherwise requires 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(**f**) 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 funds to meet the expenses in question are not readily available to the assessment unit from any other source (for example, friends, relatives, credit facilities, a voluntary organisation) and in particular from any available income and available capital, and in any case to which Part II applies, from a Health and Social Services Board, under an approved scheme or from a relief fund.

(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**) S.I. 1972/1265 (N.I. 14)
(**c**) S.R. 1980 No. 347
(**d**) S.R. 1980 No. 348
(**e**) S.R. 1980 No. 363
(**f**) S.R. 1980 No. 417

(*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.

(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 no amount or 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*) Article 5(2) shall be modified so that where a claimant has any available capital, or any available income, any single payment which would, but for this sub-paragraph, be payable under these regulations shall be payable only to the extent that its amount, or where more than one payment falls to be made on one day their aggregate amount, exceeds the amount of that available capital or income.

(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 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 or 23 provides otherwise.

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

(*a*) for the first 14 days, 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 any dependant, the rate applicable to a dependant to whom paragraph 3(*d*) of Schedule 1 to the Requirements Regulations (dependant less than 11) applies,

(ii) in respect of any person to whom any paragraph in the first column of the Table in paragraph 2(3) of Schedule 1 to the Order (relevant persons and householders) applies or to whom paragraph 1(*a*) of Schedule 1 to the Requirements Regulations (non-householders aged 18 or over) applies, the rate applicable to a person to whom paragraph 4 of that Table (ordinary rate for householders) applies less 25 per cent,

(iii) in respect of any person to whom regulation 9 of the Requirements Regulations (boarders) applies, the allowance for personal expenses applicable under paragraph (8) of that regulation less 25 per cent, and, if the charge for board and lodging falls due during the period to which this head applies and the accommodation would be lost if that charge were not met under this head, the amount applicable under that regulation,

(iv) in any other case, the rate applicable less 25 per cent,

any sum of 25 per cent which is not a multiple of 5 pence being rounded down to the nearest such multiple;

(*b*) for the period mentioned in sub-paragraph (*a*) no additional or housing requirements shall be applicable.

(4) The modifications mentioned in paragraph (2)(*b*) shall be—

(*a*) where the value of a claimant's capital resources (including those of a partner or dependant) as calculated in accordance with Part II of the Resources Regulations exceeds the amount mentioned in regulation 7 of those regulations (maximum capital resources for entitlement to supplementary benefit) and regulation 8 of those regulations (effect of capital resources of dependants) does not apply, he shall be entitled to a pension or allowance under these regulations only where he has no capital resource which is readily realisable and which is not disregarded under regulation 6(1)(*a*) or (*c*) to (*e*) of those regulations;

(*b*) in the calculation of income resources, available income shall be taken into account in full.

(5) If in the case of a claimant to whom regulation 8(1) of the Requirements Regulations (modification of normal requirements in certain cases of actual or notional unemployment benefit disqualification) would, but for paragraph (3) of this regulation, apply, the amount of allowance determined in accordance with this regulation exceeds the amount which would have been payable under that regulation 8, only the latter amount shall be payable.

(6) Where a claimant has any available capital, an amount of pension or allowance which would, but for this paragraph, be payable under these regulations shall be payable only to the extent that its amount exceeds the amount of that available capital.

(7) The period for which any amount of pension or allowance is payable by virtue of any regulation in these regulations shall be—