**1980 No. 417**

## SUPPLEMENTARY BENEFITS

## The Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980

*Made* . . . . . *18th November 1980*

*Coming into operation—*

*Regulations 1 to 11 and 23* . *24th November 1980*

*Remainder* . . . . *1st April 1981*

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The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 3(3), 6 and 13(2) of the Supplementary Benefits (Northern Ireland) Order 1977(**a**), Article 9(1) of the Social Security (Northern Ireland) Order 1980(**b**) and Article 6(1) of the Social Security (No. 2) (Northern Ireland) Order 1980(**c**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

## PART I

## GENERAL

*Citation and commencement*

**1.**—(1) These regulations may be cited as the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980 and shall, subject to paragraph (2), come into operation on 24th November 1980.

(2) Regulations 12 to 22 shall come into operation on 1st April 1981.

*Interpretation*

**2.**—(1) In these regulations—

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

"the No. 2 Order" means the Social Security (No. 2) (Northern Ireland) Order 1980;

"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;

"claimant", except in Part IV, means a claimant for supplementary benefit;

"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 are by virtue of paragraph 3(2) of Schedule 1 to the Order aggregated with and treated as those of the claimant;

"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(**d**);

"Resources Regulations" means the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1980(**e**).

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(**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**) S.I. 1980/870 (N.I. 8)
(**c**) S.I. 1980/1087 (N.I. 13)
(**d**) S.R. 1980 No. 347
(**e**) S.R. 1980 No. 348

(2) References in these regulations to a person affected by a trade dispute are to a person whose requirements fall to be disregarded to any extent by virtue of Article 12.

(3) Except in so far as the context otherwise requires any reference in these regulations to a numbered Article or Schedule is to the Article of or Schedule to the Order bearing that number.

## PART II

## URGENT TRADE DISPUTE CASES

*Urgent cases*

**3.**—(1) Cases to which this Part applies shall be urgent cases for the purposes of Article 6 (provision for cases of urgent need).

(2) The circumstances in which payments in pursuance of Article 6 shall be made to a person affected by a trade dispute, or any other member of the assessment unit, are those to which this Part applies and Article 12 (disregard of requirements of persons affected by trade disputes) shall not apply in respect of any requirements to which this Part applies.

(3) An amount shall not be applicable in respect of an item under any of regulations 5 to 8—

(*a*) if or to the extent that the resources of the claimant (including those of any other member of the assessment unit) include any capital which falls to be disregarded under regulation 6(1)(*b*) or (2) of the Resources Regulations (proceeds of sale of home and capital of £2,000 or less) or a weekly amount of income which is disregarded under those regulations or under regulation 11 below; and

(*b*) unless the need for that item cannot be met—

(i) by any member of the assessment unit or by any other person, including working members of the same household, a public authority, trade union, emergency relief fund or comparable source, to whom or to which it is reasonable to expect the assessment unit to look for assistance, or

(ii) from any credit facilities available to any member of the assessment unit,

and the application of the regulation is the only means by which that need can be met.

(4) In relation to any case to which any of regulations 5 to 8 applies, paragraph 2 of Schedule 1 (requirements) shall be modified so that an amount, determined in accordance with that regulation, shall be applicable for additional requirements.

*Emergency relief*

**4.** Where a member of the assessment unit is affected by a trade dispute Part II of the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1980 (emergency relief) shall apply notwithstanding the exclusion, in relation to such cases, in regulation 6(1)(*b*) of those regulations and Parts I and V (general and recovery) of those regulations shall also apply.

*Dietary requirements*

**5.**—(1) Where a member of the assessment unit who is affected by a trade dispute needs a special diet because he suffers from—

(*a*) renal failure for which he is treated by dialysis; or

(*b*) a condition for which he has to follow a diet which involves a cost of not less than the amount specified in paragraph (2)(*a*),

there shall, subject to regulation 3(3), be applicable to the claimant under paragraph 2 of Schedule 1 as an item of additional requirements an amount determined in accordance with sub-paragraph (*a*) or (*b*) of paragraph (2) but amounts shall not be applicable under both of those sub-paragraphs in respect of the same person.

(2) The amounts referred to in paragraph (1) shall be—

(*a*) where paragraph (1)(*a*) applies, the weekly amount of £8·00;

(*b*) where paragraph (1)(*b*) applies, the cost of the diet calculated on a weekly basis.

(3) For the purposes of paragraphs (1)(*b*) and (2)(*b*) the amount of the cost of a diet shall exclude any amount which is attributable to proprietary foods or substances which are available under the Health and Personal Social Services (Northern Ireland) Order 1972(**f**).

(4) The requirements which by virtue of Article 3(3) (exclusion of medical, etc., requirements) are not included in a person's requirements exclude the items to which this regulation relates.

*Maternity needs*

**6.**—(1) Where—

(*a*) a member of the assessment unit is affected by a trade dispute and has already been so affected for a continuous period of not less than 11 weeks; and

(*b*) a member of the assessment unit either is pregnant and in the expected week of confinement or has given birth after the period mentioned in sub-paragraph (*a*) has already continued for at least 11 weeks,

there shall, subject to regulation 3(3), be applicable to the claimant under paragraph 2 of Schedule 1 as an item of additional requirements the cost of such items as are necessary to meet the immediate needs of the child, other than any item to which Article 3(3) (exclusion of medical, etc., requirements) applies.

(2) Paragraphs (2) to (4) of regulation 7 (maternity needs) of, and Schedule 1 (bedclothes) and Part VI of Schedule 2 (baby clothing) to, the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1980(**g**) shall apply for the purposes of determining—

(*a*) the items to which paragraph (1) shall apply; and

(*b*) the amounts applicable for those items (including any reduction in those amounts in respect of maternity grant paid under the Social Security (Northern Ireland) Act 1975(**h**)).

*Essential household equipment*

**7.**—(1) Where the conditions in paragraph (2) are satisfied there shall, subject to regulation 3(3), be applicable to the claimant under paragraph 2 of Schedule 1 as an item of additional requirements an amount determined in accordance with paragraph (3).

(2) The conditions mentioned in paragraph (1) are that—

(*a*) a member of the assessment unit is affected by a trade dispute;

(*b*) an item of essential household equipment has broken down and is in need of repair or a fireguard is needed.

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(**f**) S.I. 1972/1265 (N.I. 14)
(**g**) S.R. 1980 No. 363
(**h**) 1975 c. 15

(3) The amount mentioned in paragraph (1) shall be—

(*a*) where immediate repairs are practicable and the cost would not exceed the cost, otherwise than by hire purchase, of replacement or substitution under sub-paragraph (*b*), the reasonable cost of essential repairs; and

(*b*) where sub-paragraph (*a*) does not apply, the cost—

(i) where a substitute is needed (for example, a space heater where central heating has broken down in cold weather), of providing the substitute, and

(ii) where head (i) does not apply, of replacing (including, in the case of a fireguard, providing) the item,

the replacement or substitute to be a reconditioned item if available, and otherwise a second-hand item, of the minimum standard needed so however that if neither is available the amount mentioned in paragraph (1) shall be the necessary cost, calculated on a weekly basis, of the acquisition, through hire purchase if available, of the item.

(4) In this regulation "essential household equipment" means equipment essential to the health or safety of the assessment unit which is required for the purpose only of cooking or space heating (including fireguards).

*Visits in cases of illness*

**8.**—(1) Where a member of the assessment unit is affected by a trade dispute there shall, subject to regulation 3(3), be applicable to the claimant under paragraph 2 of Schedule 1 as an item of additional requirements the cost, calculated on a weekly basis, of travelling expenses within Northern Ireland incurred in connection with visits made, in cases of illness, by a member of the assessment unit and also, where the visitor is not affected by a trade dispute and is incapable of undertaking the journey alone and needs to be accompanied, by a companion (whether or not also a member of the unit), to a person, other than a patient, who is critically ill and who is a close relative of, or was prior to his illness a member of the same household as, the visitor.

(2) The amount applicable in a case to which paragraph (1) applies shall be—

(*a*) the cost of second-class public transport by whichever method, excluding air travel is used;

(*b*) where private transport is used—

(i) where public transport is available, the cost of the petrol not exceeding the public transport cost,

(ii) in any other case, the cost of petrol,

except that no amount shall be allowed under this paragraph in respect of journeys undertaken by taxi unless the person concerned is unable to use other transport by reason of physical disability.

(3) Where in a case to which paragraph (1) applies the circumstances are such that—

(*a*) a return journey in one day is impracticable (for example on the grounds of distance);

(*b*) return on the day later than the second day is reasonable in order to allow for an extended visit,

the amount applicable under paragraph (2) shall be increased to cover the cost of one night's lodging or, in a case to which sub-paragraph (*b*) of this paragraph applies, lodging for the number of days which is reasonable, in either case including any charge for breakfast only if that charge is inclusive and inseparable.

(4) In this regulation "patient" means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution.