**1980 No. 415**

## SUPPLEMENTARY BENEFITS

### The Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1980

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

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

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 5(1) and (2), 19(2)(*i*) and 25(4) of the Supplementary Benefits (Northern Ireland) Order 1977(**a**) and Article 9(1) of the Social Security (Northern Ireland) Order 1980(**b**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

*Citation and commencement*

**1.** These regulations may be cited as the Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1980 and shall come into operation on 24th November 1980.

*Amendment of the Supplementary Benefit (Deductions and Payments to Third Parties) Regulations (Northern Ireland) 1980*

**2.**—(1) This regulation shall amend the Supplementary Benefit (Deductions and Payments to Third Parties) Regulations (Northern Ireland) 1980(**c**).

(2) In regulation 3 (regular payments to third parties for housing and fuel requirements)—

(*a*) in paragraph (1)—

(i) for the words from the beginning to "item of expenditure" there shall be substituted "where a claimant has been awarded a pension or allowance, and either he or his partner is in debt, other than in circumstances to which paragraph (6) applies, for any item of expenditure—",

(ii) heads (i) and (ii) shall be designated as sub-paragraphs "(*a*)" and "(*b*)" respectively;

(*b*) in paragraph (3)(*a*) (amounts deductible in respect of housing and fuel items), for "paragraph (1)(*b*) applies" there shall be substituted "paragraph (1)(*a*) or (*b*) applies or where the debt owed is in respect of an account which includes more than one housing item,";

(*c*) in paragraph (4) (variations of amounts deductible)—

(i) in sub-paragraph (*b*) (disregarded resources), for the reference to "paragraph (1)(*b*)(ii)" there shall be substituted a reference to "paragraph (1)(*b*)", and for the words beginning "by an amount" to the end there shall be substituted "by not more than half the amount of the reduction; and any increase under this paragraph shall have priority over

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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.R. 1980 No. 356

any increase which would, but for this paragraph, be made under regulation 26(2)(*b*) of the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1980 (recovery of payments made in urgent cases),",

(ii) in sub-paragraph (*c*)(i) (minimum amount to be left in payment), for the words beginning "Social Security" to "such a benefit" there shall be substituted "Social Security (Northern Ireland) Acts 1975(**d**) together with which, under arrangements made by the Department, that pension or allowance is paid,",

(iii) in sub-paragraph (*e*) (maximum amounts deductible), for "payment" the third time it occurs there shall be substituted "deduction", and after the reference to "paragraph (3)(*a*)", the second time it occurs there shall be added at the end "but, in a case to which paragraph (2) of regulation 7 of the Supplementary Benefit (Duplication and Overpayment) Regulations (Northern Ireland) 1980(**e**) (higher maximum deductible in certain cases) applies, a further sum, not exceeding the difference between the maximum amount specified in that paragraph and the maximum which would otherwise apply under this sub-paragraph, may be deducted in respect of the payment to be recovered,".

(3) After regulation 5 there shall be inserted the following regulation—

"*Payment of certain accommodation charges*

**5A.** Where a claimant who has been awarded a pension or allowance and to whom regulation 9 of the Requirements Regulations (modification of normal requirements of boarders) applies, is resident at a centre providing facilities for alcoholics or drug addicts, that part of the claimant's pension or allowance which is in respect of charges for board and lodging shall be paid to that centre.".

*Amendment of the Supplementary Benefit (Transitional) Regulations (Northern Ireland) 1980*

**3.** In the Supplementary Benefit (Transitional) Regulations (Northern Ireland) 1980(**f**), in regulation 10(7) (meaning of "total benefit income" in determining whether benefit is reduced after 24th November 1980), there shall be added at the end the following sub-paragraphs—

"(*f*) any payment made by virtue of regulations made under section 2 of the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975(**g**);

(*g*) any payment made by virtue of a scheme made under section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975(**h**).".

*Amendment of the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1980*

**4.**—(1) This regulation shall amend the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1980(**i**).

(2) In regulation 2 (interpretation) in the definition of "close relative", before "parent" there shall be inserted "partner, spouse,".

(3) In regulation 3(3) (meaning of a single payment and amount payable), in sub-paragraph (*b*) for "that amount" there shall be substituted "the payment", and there shall be added at the end "or where that payment is in respect of costs of services provided, the amount of such costs to the extent that they are reasonable".

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(**d**) 1975 c.15; *see* also Article 1(2) of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15))
(**e**) S.R. 1980 No. 396
(**f**) S.R. 1980 No. 349
(**g**) 1975 c.17
(**h**) 1975 c.16
(**i**) S.R. 1980 No. 363