1980 No. 363

SUPPLEMENTARY BENEFITS

The Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1980

Made . . . . . *17th October 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 3(3), 5(1) and (2) and 19(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 (Single Payments) Regulations (Northern Ireland) 1980 and shall come into operation on 24th November 1980.

(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.

Interpretation

2. In these regulations—

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

"the Act" means the Social Security (Northern Ireland) Act 1975(**b**);

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

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

"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 capital which falls to be disregarded under regulation 6(2) of the Resources Regulations;

"claimant" has the meaning assigned to it in regulation 4;

"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;

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

"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;

"normal requirements", "additional requirements" and "housing requirements" mean the requirements which are or would be taken into account in the determination of the claimant's requirements under Parts II, III and IV respectively of the Requirements Regulations;

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

"patient" means a person (other than a prisoner) who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

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

"prisoner" means a person who is in prison or otherwise detained in legal custody, including any period during which he is a patient in any hospital or similar institution while still liable to be so imprisoned or detained, or during which he is liable to be detained in such institution by virtue of any provision of the Mental Health Act (Northern Ireland) 1961(**f**);

"single payment" has the meaning assigned to it in regulation 3.

(**b**) 1975 c. 15
(**c**) S.R. 1980 No. 347
(**d**) S.R. 1980 No. 348
(**e**) S.I. 1972/1265 (N.I. 14)
(**f**) 1961 c. 15 (N.I.)

Meaning of single payment and amount payable

3.—(1) In these regulations "single payment" means supplementary benefit payable by way of a single payment to meet an exceptional need in circumstances to which Parts II to VIII apply.

(2) A single payment shall be made only where—

(*a*) there is a need for the item in question; and

(*b*) in a case in which the payment would be in respect of the purchase of a particular item, the assessment unit does not already possess that item or have available to it a suitable alternative item, and has not unreasonably disposed of, or failed to avail itself of, such an item.

(3) The amount of a single payment which falls to be made by virtue of any regulation in the said Parts shall be—

(*a*) the amount specified in that regulation; and

(*b*) where that amount is in respect of the cost of the purchase of an item, such amount as is necessary to purchase an item of reasonable quality,

except in so far as regulation 5 provides that no amount or a reduced amount shall be payable.

(4) 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.

Meaning of claimant

4. In these regulations "claimant" means a person who claims a single payment and in respect of the day on which that claim is made either—

(*a*) he is entitled to a pension or allowance; or

(*b*) he would be entitled to a pension or allowance if he—

(i) made a claim for it, and

(ii) satisfied the conditions for claiming and payment of that pension or allowance prescribed pursuant to Article 19 of the Order.

Effect of resources on amounts payable

5. Where a claimant has any available capital which is in excess of £300, any single payment which would, but for this regulation, be payable shall be payable only to the extent that its amount, or where more than one single payment falls to be made on the same day their aggregate amount, exceeds the amount by which that capital exceeds £300.

Circumstances in which and items for which single payments shall not be made

6.—(1) Notwithstanding any provision in these regulations—

(*a*) no single payment shall be made if a single payment has already been made in respect of the circumstances in question and those circumstances have not changed;

(*b*) no single payment shall be made where any member of the assessment unit is a person to whom Article 12 of the Order (persons affected by trade disputes) applies;

(*c*) no single payment shall be made in respect of a person in accommodation specified in sub-paragraph (*a*) or (*b*) of paragraph (4) of regulation 10 of the Requirements Regulations ("residential accommodation"); and

(*d*) except in so far as regulation 25 (voluntary repatriation expenses) provides otherwise, no single payment shall be made in respect of any need which occurs outside Northern Ireland.

(2) Notwithstanding any provision in these regulations, in particular regulation 30 (discretionary payments), no single payment shall be made in respect of any of the following—

(*a*) an educational or training need;

(*b*) distinctive school uniform or sports clothes or equipment;

(*c*) travelling expenses to or from school;

(*d*) school meals and meals taken during school holidays by children who are entitled to free school meals;

(*e*) mobility needs;

(*f*) garaging, parking, purchase and running costs of any motor vehicle;

(*g*) installation, rental and call charges for a telephone;

(*h*) a television or radio, or licence, aerial or rental charges for a television or radio;

(*i*) holidays;

(*j*) expenses arising from an appearance in a court such as travelling expenses, legal fees, court fees, fines, costs, damages or subsistence;

(*k*) removal charges where a claimant is permanently rehoused following the imposition of a compulsory purchase order, or a redevelopment or closing order, or a compulsory exchange of tenancies, or where those charges are met by the Department of Manpower Services;

(*l*) domestic assistance provided by a Health and Social Services Board;

(*m*) any repair to Northern Ireland Housing Executive property.

PART II

MATERNITY NEEDS

Maternity needs

7.—(1) Where any member of the assessment unit—

(*a*) is pregnant and has reached a stage in her pregnancy which is not more than 6 weeks before the expected week of confinement; or

(*b*) has recently given birth to a child,

a single payment shall be made for the purchase of such items as are necessary to meet the immediate needs of the child, other than any item to which Article 3(3) of the Order (exclusion of medical requirements) applies.

(2) The items to which paragraph (1) shall apply may include in particular the following items—

(*a*) clothing sufficient for a new-born baby;

(*b*) a sufficient quantity of napkins;

(*c*) a sufficient quantity of feeding bottles;

(*d*) a cot;

(*e*) a cot mattress;

(*f*) a pram or carry-cot;

(*g*) a sufficient quantity of cot blankets and sheets;

(*h*) a baby bath.

(3) Subject to paragraph (4), any amount payable by virtue of the preceding paragraphs of this regulation shall be—

(*a*) in the case of an item to which paragraph (2)(*d*), (*f*) or (*h*) applies, the cost of a second-hand item, if such item is available;