1980 No. 356

SUPPLEMENTARY BENEFITS

The Supplementary Benefit (Deductions and Payments to Third Parties) Regulations (Northern Ireland) 1980

Made . . . . . *14th 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 Article 19(1) and (2)(*h*) and (*i*) of the Supplementary Benefits (Northern Ireland) Order 1977(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Deductions and Payments to Third Parties) Regulations (Northern Ireland) 1980 and shall come into operation on 24th November 1980.

(2) In these regulations —

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

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

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

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

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

"claimant" means a claimant for supplementary benefit;

"the Department" means the Department of Health and Social Services;

(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.R. 1980 No. 347

(c) S.R. 1980 No. 348

"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;

"mortgage payment" means a payment attributable to interest on a mortgage to which regulation 16 of the Requirements Regulations (mortgage payments) applies; and for the purposes of these regulations includes interest payable on loans to which regulation 18 of those regulations (interest on loans for repairs and improvements) applies;

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

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

"rent" has the meaning assigned to it in the Requirements Regulations and, for the purposes of these regulations, where in a particular case a claimant's rent includes elements which would not otherwise fall to be treated as rent, references to rent shall include those elements;

"single householder rate" means the weekly amount for the time being applicable for the normal requirements of a person to whom paragraph 4 of the Table in paragraph 2 of Schedule 1 to the Order (certain householders under pensionable age) applies.

Circumstances in which payment of benefit is postponed

2.—(1) Where a claimant —

(*a*) has been awarded a pension or allowance; and

(*b*) in the opinion of a benefit officer, has failed to budget for items to which the category of normal requirements relates but for which the need arises at irregular or extended intervals,

the benefit officer may determine that payment of so much of that pension or allowance as he considers appropriate in the circumstances is withheld weekly for the duration of the award.

(2) Where —

(*a*) the benefit officer has made such a determination; and

(*b*) he is satisfied that the need for any item to which paragraph (1)(*b*) relates has arisen,

he shall direct that the amount which has been withheld in accordance with that determination, or so much of it as he considers appropriate in the circumstances, is paid to the claimant.

Regular payments to third parties for housing and fuel requirements

3.—(1) Where a claimant —

(*a*) has been awarded a pension or allowance; and

(*b*) is in debt, other than in circumstances to which paragraph (6) applies, for any item of expenditure —

(i) to which the category of housing requirements relates (in this regulation referred to as a "housing item"), or

(ii) on gas or electricity to which the category of normal or additional requirements relates (in this regulation referred to as a "fuel item"),

and, in the opinion of a benefit officer, has failed to budget for it, the benefit officer may, if in his opinion it would be in the interests of the assessment unit to do so, make a determination in accordance with paragraph (2).

(2) In a case to which paragraph (1) applies, the benefit officer shall determine that the amount of the award of pension or allowance calculated in accordance with

the following paragraphs shall be paid at such intervals as the Department may direct to the person or body to whom payment is due on behalf of the claimant in discharge of an obligation of his.

(3) Subject to the following paragraphs, the amount to which the determination applies shall be such weekly aggregate of the following as is appropriate—

(*a*) in respect of any debt to which paragraph (1)(*b*) applies, a weekly amount equal to 5 per cent. of the single householder rate (that 5 per cent. being, where it is not a multiple of 5 pence, rounded to the next higher such multiple), for such a period as is necessary to discharge that debt; and

(*b*) in respect of any such debt, so much as is for the time being necessary to meet continuing needs for the relevant item, being in the case of a housing item the actual weekly cost, and in the case of a fuel item the estimated average weekly cost.

(4) Where —

(*a*) in respect of a fuel item, the aggregate amount calculated under paragraph (3) but excluding any increase in that amount by virtue of sub-paragraph (*b*) exceeds a sum equal to 25 per cent. of the total weekly requirements applicable to the assessment unit under Part II of the Requirements Regulations (normal requirements), a determination in accordance with paragraph (2) shall be made only with the consent of the claimant;

(*b*) in a case to which paragraph (1)(*b*)(ii) applies, the amount of the claimant's earnings or other income falling to be taken into account for the purpose of calculating his resources is reduced by regulation 10(5) or 11(5) of the Resources Regulations (partial disregard of earnings or other income respectively), the weekly amount applicable to the debt under paragraph (3)(*a*) may be increased by an amount not exceeding the sum for the time being specified in the said regulation 11(5);

(*c*) in respect of a housing item, either the amount which would be applicable under paragraph (3) exceeds the award of pension or allowance, or that award exceeds the amount by—

(i) where the claimant is also entitled to payment of any benefit under the Social Security (Northern Ireland) Acts 1975(**d**) which is paid weekly and, under arrangements made by the Department, that pension or allowance is payable together with such a benefit, less than 5 pence,

(ii) in any other case, less than 10 pence,

that amount shall be adjusted so that 5 pence or, as the case may be, 10 pence of the award is payable to the claimant;

(*d*) subject to sub-paragraph (*e*), where, in any one week, more than one amount would fall to be paid in respect of the claimant under paragraph (3)(*a*), the total amount thus payable shall not exceed a weekly amount equal to 3 times the 5 per cent. mentioned in paragraph (3)(*a*);

(*e*) where in any one week —

(i) any one amount, or more than one such amount, falls to be paid in respect of the claimant under paragraph (3)(*a*), and

(ii) any payment falls to be recovered from the claimant by deduction from an award of pension or allowance in pursuance of Article 25(4) of the Order (recovery from prescribed benefits in cases of misrepresentation or non-disclosure) (in this regulation referred to as a "payment to be recovered"),

(**d**) See Article 1(2) of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15))