**1980 No. 347**

# SUPPLEMENTARY BENEFITS

## The Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1980

*Made* . . . . . *10th 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), 4(1A) and (2) of, and paragraph 2(1), (3), (4) and (5) of Schedule 1 to, the Supplementary Benefits (Northern Ireland) Order 1977(**a**) and of all other powers enabling it in that behalf and with the consent of the Department of Finance(**b**), hereby makes the following regulations:

## PART I

### GENERAL

*Citation and commencement*

**1.** These regulations may be cited as the Supplementary Benefit (Requirements) 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;

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

"the 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;

"blind" means so blind as to be unable to perform any work for which eyesight is essential;

"boarder" has the meaning assigned to it in regulation 9(9)(*b*);

"claimant" means a claimant for supplementary benefit;

"close relative" means a parent, child, step-parent, step-child, brother or sister;

"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;

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

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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**) *See* Article 41(1) of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by the Social Security (Northern Ireland) Order 1980

(**c**) 1975 c. 15

(**d**) S.R. 1980 No. 348

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

"the home" means the accommodation, with any garage, garden and outbuildings, 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;

"non-dependant" means a person who is a member of the same household as the member or members of the assessment unit but is neither a member of the unit nor a person who satisfies, or if he were a member of the unit would satisfy, the condition of sub-paragraph (*a*) of paragraph (2) of regulation 5;

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

"patient" means a person, other than a prisoner, who is being maintained free of charge while undergoing medical or other treatment as an in-patient—

(*a*) in a hospital or similar institution maintained or administered under the Health and Personal Social Services (Northern Ireland) Order 1972, or by or on behalf of the Secretary of State, or by or on behalf of the Defence Council; or

(*b*) pursuant to arrangements made, or having effect as if made, by a Health and Social Services Board, by the Secretary of State, or by the Defence Council in a hospital or similar institution not so maintained or administered;

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

"person affected by a trade dispute" means a person whose requirements fall to be disregarded to any extent by virtue of Article 12 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);

"relevant person" means that one of a married or unmarried couple whose requirements and resources include those of the other by virtue of paragraph 3(1) of Schedule 1 to the Order;

"rent" includes corresponding payments in respect of a licence or permission to occupy the home and "let" and "letting" shall be correspondingly construed;

"the Table" means the Table of the normal requirements of relevant persons and householders in paragraph 2(3) of Schedule 1 to the Order.

(2) References in these regulations to the long-term and ordinary rates for couples are to the amounts for the time being specified in paragraphs 1 and 2 respectively of the Table, for householders to the amounts for the time being specified in paragraphs 3 and 4 respectively of the Table and for non-householders to the amounts for the time being specified in paragraph 1 of Schedule 1.

(3) A person shall be treated as being, or not being, a member of the same household as another person for the purposes of these regulations if he would be so treated for the purposes of regulations made pursuant to Article 2(2A)(*a*) of the Order.

(4) 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.

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(e) S.I. 1972/1265 (N.I. 14)
(f) 1961 c. 15 (N.I.)

*Determination of requirements*

**3.** For the purposes of Schedule 1 to the Order and subject to paragraph 2 of that Schedule, a person's requirements shall be determined in accordance with these regulations.

## PART II

## NORMAL REQUIREMENTS

*Normal requirements*

**4.**—(1) The category of normal requirements shall relate to all items of normal expenditure on day-to-day living, other than items within Part IV, including in particular food, household fuel, the purchase, cleaning, repair and replacement of clothing and footwear, normal travel costs, weekly laundry costs, miscellaneous household expenses such as toilet articles, cleaning materials, window-cleaning and the replacement of small household goods (for example crockery, cutlery, cooking utensils, light bulbs) and leisure and amenity items such as television licence and rental, newspapers, confectionery and tobacco.

(2) The weekly amount of a person's normal requirements shall be determined in accordance with the Table and with regulations 5 to 7 but subject, where applicable, to the modifications of those provisions made by regulations 8 to 10.

*Normal requirements of relevant persons and householders*

**5.**—(1) Paragraphs 2 and 4 of the Table (ordinary rate for couples and householders) shall have effect as if for the weekly amounts specified in the second column of those paragraphs there were substituted—

(*a*) in paragraph 2, £34·60; and

(*b*) in paragraph 4, £21·30.

(2) For the purposes of the Table a householder is a person, other than a partner, who—

(*a*) under Part IV (housing requirements) is treated as responsible for expenditure on items to which any of the regulations in Part IV, other than regulation 23 (non-householder's contribution) relates, or, if the household incurs no such expenditure, is the member of the household with major control over household expenditure;

(*b*) does not share such responsibility or control with another member of the same household; and

(*c*) is either not absent from the home or whose absence is for a period which has not yet continued for more than 13 weeks.

*Normal requirements of persons other than relevant persons and householders*

**6.**—(1) Subject to paragraphs (2) and (3), the weekly amount of the normal requirements of a person who is neither a relevant person (nor the partner of a relevant person) nor a person who satisfies the conditions of regulation 5(2) (meaning of householder) shall be determined in accordance with Schedule 1.

(2) Subject to paragraph (3), where a person to whom paragraph (1) applies is a claimant who satisfies the conditions of paragraph (2) of regulation 5 except that, contrary to sub-paragraph (*b*) of that paragraph, he shares responsibility for, or control of, the expenditure there referred to with another member of the same household, the weekly amount of his normal requirements applicable under paragraph 1 or 2 of Schedule 1 shall be increased by the difference between that amount and the corresponding rate (long-term or ordinary as the case may be) for

householders divided by the number of persons in the household satisfying the condition of regulation 5(2)(*c*) who share responsibility or control.

(3) Paragraph (2) shall not apply to any person to whom regulation 9 (normal requirements of boarders) or regulation 10 and Schedule 2 (normal requirements in special cases) applies.

*Long-term rates for normal requirements*

**7.**—(1) The conditions for the purposes of paragraphs 1(*b*) and 3(*b*) of the Table (conditions for long-term rate for couples and householders not of pensionable age) are that the person—

(*a*) is eligible for an allowance not subject to registration; and

(*b*) subject to paragraphs (2) to (4), has already been in receipt of an allowance not subject to registration for a continuous period of not less than 52 weeks.

(2) For the purposes of paragraph (1)(*b*) a person shall be treated as having been in receipt of an allowance not subject to registration during the following periods—

(*a*) any period in respect of which, while aged less than 18, he was in receipt of a non-contributory invalidity pension under the Act;

(*b*) in the case of a person who has become eligible for an allowance not subject to registration because, due to disability and long unemployment, he has no prospects of further employment, any period in respect of which while in receipt of an allowance he was subject to registration but was required, pursuant to Article 7, to attend at a social security office only quarterly; and

(*c*) any other period of 13 weeks or less ending on or after 24th November 1980 in respect of which he was not in receipt of an allowance not subject to registration which fell immediately between periods—

(i) in respect of which he was in receipt of an allowance not subject to registration, or

(ii) to which either of sub-paragraphs (*a*) or (*b*) applies.

(3) A person who has satisfied the condition of paragraph (1)(*b*) shall be treated as again satisfying it if his entitlement to an allowance not subject to registration is interrupted only by—

(*a*) any period of 78 weeks or less throughout which, except for any periods not in aggregate exceeding 13 weeks, he was either a patient in a hospital or similar institution or was in, or only temporarily absent from, residential accommodation as defined in regulation 10(4);

(*b*) any of the periods mentioned in paragraph (2).

(4) Where after the requirements and resources of a person, A, have been aggregated with and treated as those of another person, B, under paragraph 3(1) of Schedule 1 to the Order (aggregation of married and unmarried couples) such aggregation comes to an end, for the purposes of any claim for an allowance made by A in respect of a subsequent period—

(*a*) if—

(i) that period is not separated from the cessation of aggregation by any period other than one mentioned in paragraph (3), and

(ii) immediately prior to the cessation of aggregation B satisfied the condition of paragraph (1)(*b*) or his entitlement was to a pension,

A shall be treated as satisfying the condition of paragraph (1)(*b*);

(*b*) if, in any other case, that period is not separated from the cessation of aggregation by any period other than one mentioned in paragraph (2), A shall be treated as having satisfied the condition of paragraph (1)(*b*) to the extent that B satisfied it.