

1984 No. 266

SOCIAL SECURITY

**The Supplementary Benefit (Miscellaneous Amendments) Regulations
(Northern Ireland) 1984**

Made 27th July 1984

Coming into operation

*Except for regulation 6(6), (11)
and (12)*

6th August 1984

Regulation 6(6), (11) and (12)

26th November 1984

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 2(2) and (2A), 3(1B), 5, 6(1), 7, 8, 9, 13(2), 19(1) and (2)(a), (c), (dd), (f), (g), (h), (i) and (k) of, and paragraph 3 of Schedule 1 to, the Supplementary Benefits (Northern Ireland) Order 1977(a) and of all other powers enabling it in that behalf, hereby makes the following regulations which, except for regulation 4(5), correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and after agreement by the Social Security Advisory Committee that the proposals to make regulation 4(5) should not be referred to it, and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(b) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1984 and shall come into operation on 6th August 1984, except for regulation 6(6), (11) and (12) which shall come into operation on 26th November 1984.

Amendment of the Supplementary Benefit (Aggregation) Regulations (Northern Ireland) 1981

2.—(1) The Supplementary Benefit (Aggregation) Regulations (Northern Ireland) 1981(c) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) (interpretation) the definition of “relevant education” shall be omitted.

(3) In regulation 1A(1)(b) (circumstances in which the requirements and resources of one partner of a married or an unmarried couple are to be aggregated with and treated as those of the other) after head (xiii) there shall be inserted the following head—

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- (a) S.I. 1977/2156 (N.I. 27); see definitions of “prescribed” and “regulations” in Article 2(2); 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; the Order is further amended by Article 5 of the Social Security (Northern Ireland) Order 1981 (S.I. 1981/1118 (N.I. 25)), and Article 31 of, and paragraph 14 of Schedule 4 to, the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16))
- (b) 1980 c. 30
- (c) S.R. 1981 No. 373; the relevant amending regulations are S.R. 1983 Nos. 191 and 322

“(xiiiA) a person who would be entitled to be credited with National Insurance contributions under regulation 9A of the Social Security (Credits) Regulations (Northern Ireland) 1975(a), or”.

(4) For regulation 2 there shall be substituted the following regulation—

“*Circumstances in which a married or unmarried couple are to be treated as being, or not being, members of the same household*

2.—(1) This regulation shall apply for the purposes of paragraph 3(1) of Schedule 1 to the Order (aggregation of requirements and resources of couples).

(2) Subject to paragraph (3), two persons who are a married or unmarried couple shall not be treated as having ceased to be members of the same household by reason of any temporary absence the one from the other.

(3) Where two persons are a married or unmarried couple and, before the occurrence of the circumstances to which this paragraph applies were members of the same household, and one of them—

(a) is living away from his partner in residential accommodation, including accommodation provided pursuant to Article 15 (general social welfare) or 36 (accommodation for persons in need in premises maintained by certain persons) of the Health and Personal Social Services (Northern Ireland) Order 1972(b), he shall continue to be treated as a member of the same household as his partner unless—

(i) his partner is not entitled to a pension or allowance but the couple have insufficient resources to pay the appropriate charges determined pursuant to Article 99 of that Order, or

(ii) in the opinion of an adjudication officer, his stay in that accommodation has become other than temporary;

(b) is a patient, he shall continue to be treated as a member of the same household as his partner unless either—

(i) he has been a patient for a continuous period of more than 2 years, or

(ii) in the opinion of an adjudication officer his stay in that hospital or similar institution has become other than temporary, or

(iii) he is a patient detained in accommodation provided under section 80 of the Mental Health Act (Northern Ireland) 1961(c);

(c) is absent from Northern Ireland while his partner remains in Northern Ireland, he shall continue to be treated as a member of the same household as his partner unless he has been absent for a continuous period of more than 4 weeks and—

(i) a claim was current at the time the absence began, and he is a claimant to whom regulation 3(1) or (3) of the Conditions of Entitlement Regulations (persons temporarily absent from Northern Ireland whose entitlement is to continue) applies, or

(ii) a claim was current at the time the absence began, and he was not the relevant person for the purposes of paragraph 2(3) of Schedule 1 to the Order, or

(iii) where neither head (i) nor (ii) is applicable and his partner is the person who satisfies the provisions of regulation 1A;

(a) S.R. 1975 No. 113; the relevant amending regulations are S.R. 1983 Nos. 76 and 348

(b) S.I. 1972/1265 (N.I. 14); as amended by Article 11 of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26))

(c) 1961 c. 15 (N.I.)

(d) has come to Northern Ireland while his partner remains abroad, they shall not be treated as members of the same household for any period during which the partner remains abroad;

(e) is a prisoner for any period, he shall not be treated as a member of the same household as his partner for that period.”.

(5) In regulation 3(5) (circumstances in which a person is to be treated as being responsible for another person)—

(a) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) is one to whom regulation 10(1)(a) of the Conditions of Entitlement Regulations would apply if he were aged less than 19;”;

(b) in sub-paragraph (d) for “receiving relevant education, and” there shall be substituted “a person to whom regulation 10(1) of the Conditions of Entitlement Regulations applied; and”;

(c) in sub-paragraph (e) after “circumstances in which persons” there shall be inserted “treated as”.

Amendment of the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981

3.—(1) The Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981(a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 5(2) (time for claiming pension or allowance)—

(a) in sub-paragraph (a) for the words from “that period there was” to the end there shall be substituted “the period between the first day of that earlier period and the date on which the claim was made there was continuous good cause for failure to make the claim before the day on which it was made, on the first day of that earlier period”;

(b) after sub-paragraph (b) there shall be inserted the following sub-paragraph—
“(bb) where the claimant has made a claim for a housing benefit in accordance with regulation 26 of the Housing Benefits Regulations and his claim for a pension or allowance is made within one month of the date on which he was notified in accordance with regulation 45 of those regulations of the determination of his claim for a housing benefit, on the day on which his claim for a housing benefit in accordance with regulation 26 of those regulations was received by the appropriate authority;”.

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

“Time for claiming a single payment

5B. Where a claim for a single payment is made not more than 5 days, excluding any day on which a social security office of the Department is closed to the public for the receipt of claims, after the date on which the need for the item in question first arose it shall be treated as made on the date on which the need first arose but only where the need for that item had to be met immediately and it was not practicable for the claim to have been made before that need had to be met.”.

(4) In regulation 29 (travelling expenses in connection with claims)—

(a) in paragraph (1) after “with paragraph (2)” there shall be inserted “but other than in a case to which sub-paragraph (a) applies, only where the matter in connection with which he has attended an office of the Department could not

(a) S.R. 1981 No. 368; the relevant amending regulations are S.R. 1982 No. 240 and S.R. 1983 Nos. 290 and 322

have been dealt with satisfactorily and more cheaply by post, telephone or other method”;

(b) in paragraph (2)—

(i) in sub-paragraph (b)(i) after “is available” there shall be inserted “and the person is not prevented from using it by reason of physical disability”;

(ii) after “claimant to the office,” there shall be inserted “or it is necessary for any person to act as the claimant’s interpreter, or as his companion where the claimant is unable to travel unaccompanied by reason of his being elderly, in poor health or disabled.”;

(c) for paragraph (3) there shall be substituted the following paragraph—

“(3) Subject to paragraph (3A) the amount payable under this regulation shall be the amount calculated in accordance with paragraph (2) less 80 pence.”;

(d) after paragraph (3) there shall be inserted the following paragraph—

“(3A) Where the claimant necessarily incurs travelling costs in attending an office of the Department—

(i) more than once in any one week, being the period from Monday to Sunday unless the Department decides otherwise, the amount payable in respect of each additional visit shall be the amount calculated in accordance with paragraph (2), or

(ii) when he is entitled to a pension or allowance by virtue only of the Urgent Cases Regulations, during any period in which regulation 5(3)(a) of those regulations or the first 14 days during which regulation 19(5) of those regulations applies to him the amount payable shall be the amount calculated in accordance with paragraph (2),

so however that where the amount payable under this regulation is less than 10 pence no amount shall be payable unless in any particular case the Department decides otherwise.”.

Amendment of the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981

4.—(1) The Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981(a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation) for the definition of “student” there shall be substituted the following definition—

““student” means a person aged 19 or over but under pensionable age who is not a person to whom regulation 3(5) of the Supplementary Benefit (Aggregation) Regulations (Northern Ireland) 1981 applies and who is attending a course of full-time education, or a person aged less than 19 attending a course of advanced education within the meaning of regulation 1(2) of the Child Benefit (General) Regulations (Northern Ireland) 1979(b), but he shall not be deemed to be a student during periods when he is not attending his course and is not engaged in a programme of studies;”.

(3) In regulation 10 (circumstances in which persons are to be treated as receiving relevant education)—

(a) in paragraph (1)—

(i) after “a person shall” there shall be inserted “only”,

(a) S.R. 1981 No. 371; the relevant amending regulations are S.R. 1982 No. 240, S.R. 1983 No. 191 and S.R. 1984 No. 174

(b) S.R. 1979 No. 5; the relevant amending regulations are S.R. 1983 No. 4

(ii) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) for any period during which he is—

- (i) receiving primary or secondary education otherwise than at a school under special arrangements made under Article 6(2) of the Education and Libraries (Northern Ireland) Order 1972 (a); or
 - (ii) attending a course of education other than a course of advanced education within the meaning of regulation 1(2) of the Child Benefit (General) Regulations (Northern Ireland) 1979 at a recognised educational establishment as defined in Article 2(2) of the Child Benefit (Northern Ireland) Order 1975(b), and in the pursuit of that course, the time spent in receiving instruction or tuition, undertaking supervised study, examination or practical work or taking part in any exercise, experiment or project for which provision is made in the curriculum of the course, exceeds 12 hours per week, so however that in calculating the time spent in pursuit of the course, no account shall be taken of the time occupied by meal breaks or spent on unsupervised study, whether undertaken on or off the premises of the educational establishment; or
 - (iii) to be treated as receiving full-time education not being advanced education within the meaning of regulation 1(2) of the Child Benefit (General) Regulations (Northern Ireland) 1979, by virtue of the provisions of regulation 6 of those regulations; or”;
- (b) in paragraph (1)(b) for the words from “receive full-time education” to “Article 4(1)(b)” there shall be substituted “be a person to whom sub-paragraph (a) applies”;
- (c) in paragraph (2)(a)(ii) for the words from “receive full-time education” to “Article 4(1)(b)” there shall be substituted “be a person to whom paragraph (1)(a) applies”.

(4) For regulation 11 (circumstances in which persons receiving relevant education are to be entitled to supplementary benefit) there shall be substituted the following regulation—

“Circumstances in which persons treated as receiving relevant education are to be entitled to supplementary benefit

11. A claimant who is treated as receiving relevant education whose resources are insufficient to meet his requirements shall be entitled to supplementary benefit if he is a person to whom one or more of the following paragraphs apply—

- (a) he is the parent of a child for whom he is responsible and who is a member of the same household;
- (b) he is severely mentally or physically handicapped and by reason of that handicap would be unlikely, if he were available for employment and not treated as receiving relevant education, to obtain employment within the next 12 months;
- (c) he has no parent and there is no person acting in the place of his parent;
- (d) he is living away from and is estranged from his parents and any person acting in the place of his parents;
- (e) either he—

(a) S.I. 1972/1263 (N.I. 12)

(b) S.I. 1975/1504 (N.I. 16)

- (i) is attending a part-time course of education to which paragraph (2) of regulation 7 (part-time courses) applies and he satisfies the conditions mentioned in that paragraph, or
- (ii) has completed or terminated such a course and while attending that course satisfied the conditions mentioned in that paragraph.”.

(5) In regulation 13 (modification of condition requiring residence in the United Kingdom for qualifying period)—

(a) in paragraph (1) for sub-paragraphs (b) and (c) there shall be substituted the following sub-paragraph—

“(b) being a person who is or has been married and whose requirements are or were taken under paragraph 3 of Schedule 1 to the Order to include, or were included as, those of his spouse during any period, whether before or after the date of the marriage, but before its termination, during which the said spouse was—

- (i) resident in the United Kingdom, or
- (ii) a person to whom sub-paragraph (a) would have applied if he had made a claim for benefit;

or”;

(b) for paragraphs (2) and (3) there shall be substituted the following paragraphs—

“(2) Paragraph (1)(b) shall apply similarly to a person who is or has been one of an unmarried couple and references in that provision to a spouse shall be construed accordingly and the references to the date of marriage and to its termination shall be construed respectively as references to the date on which they became an unmarried couple and the date on which they ceased to be so.

(3) In this regulation “spouse” in relation to a person who has been married more than once shall refer only to his last spouse.”.

Amendment of the Supplementary Benefit (Determination of Questions) Regulations (Northern Ireland) 1980

5.—(1) The Supplementary Benefit (Determination of Questions) Regulations (Northern Ireland) 1980(a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 7A (interim payments on account of supplementary benefit) for paragraph (4) there shall be substituted the following paragraph—

“(4) An overpayment required to be repaid under the provisions of this regulation shall, without prejudice to any other method of recovery be recoverable by deduction—

- (a) from any supplementary benefit or benefit under the Act then or thereafter payable to the person by whom it is to be repaid or any person entitled to receive his benefit on his death; or
- (b) where any amount recoverable was paid in respect of a married or unmarried couple, from any such benefit payable to either of them during a period when their requirements and resources are aggregated under paragraph 3 of Schedule 1 to the Order or as aforesaid any person entitled to receive his or her benefit on death.”.

(a) S.R. 1980 No. 423; the relevant amending regulations are S.R. 1983 No. 191

Amendment of the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981

6.—(1) The Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981(a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation) there shall be inserted after the definition of “single payment” the following definition—

“ “tenant” means a person other than one to whom regulation 9 of the Requirements Regulations applies, and who occupies his home under a tenancy, licence or other agreement giving him the right to occupy that home, and tenancy shall be construed accordingly.”.

(3) In regulation 8(3) (funeral expenses) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) the value of the deceased’s estate at the date of his death less—

- (i) the value of the deceased’s home if owned solely or jointly by him and not occupied solely by him; and
- (ii) where the responsible member was the partner of the deceased, the value of personal possessions other than any to which heads (i) to (iii) of regulation 6(1)(c) of the Resources Regulations apply;”.

(4) In regulation 9 (meaning of essential furniture and household equipment) for paragraph (i) there shall be substituted the following paragraph—

“(i) a washing machine, only where the conditions of paragraph 16(a) of Schedule 3 to the Requirements Regulations are satisfied but no additional requirement under that paragraph is appropriate because either—

- (i) there is no laundry or launderette which the assessment unit can reasonably be expected to use, or
- (ii) where there is such a laundry or launderette it cannot be used for the assessment unit’s laundry because the claimant or his partner is mentally or physically ill or disabled or because there is no public transport to it;”.

(5) In regulation 10 (purchase, repair and installation of essential furniture and household equipment) in paragraph (1)—

- (a) in sub-paragraph (a) after “partly furnished home” there shall be inserted “notwithstanding that he is not yet in actual occupation of the new home”;
- (b) in head (i) of sub-paragraph (a) for “sub-paragraphs (a) to (f)” there shall be substituted “sub-paragraphs (a) to (g)”.

(6) For regulation 21 (housing costs which arise irregularly) there shall be substituted the following regulation—

“Housing costs which arise irregularly

21.—(1) Where in the determination of the claimant’s housing requirements under Part IV of the Requirements Regulations—

- (a) an amount is applicable under regulation 17 of those regulations in respect either of a person to whom—
 - (i) paragraph (1)(a) or (1)(c) of that regulation applies, and who in the latter case is liable to undertake or meet the costs both of all repairs to, and the insurance of, the structure of the home, or

(a) S.R. 1981 No. 369; the relevant amending regulations are S.R. 1982 Nos. 240 and 295 and S.R. 1983 Nos. 191, 247 and 290; see also S.R. 1984 No. 136

(ii) paragraph (1)(c) of that regulation applies and who is liable to undertake or meet the costs only of all repairs to the structure of the home; or

(b) no amount is applicable under regulation 19 of those regulations (miscellaneous outgoings) in respect of any outgoings to which paragraph (1)(a) to (dd) of that regulation applies solely because in the opinion of the adjudication officer it is impracticable to estimate the likely amount of those outgoings,

a single payment shall be made in accordance with paragraphs (2) and (3).

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

(a) in a case to which sub-paragraph (a)(i) applies, the reasonable cost of any essential routine minor maintenance in excess of the balance, if any, of the amount applicable under regulation 17 of the Requirements Regulations after meeting the actual costs of insurance on a weekly basis, accruing to and not spent on such maintenance by the claimant since the beginning of his award or the preceding period of 52 weeks whichever is the lesser period; or

(b) in a case to which sub-paragraph (a)(ii) applies, the reasonable cost of any essential routine minor maintenance in excess of the balance, if any, of the amount applicable under regulation 17 of the Requirements Regulations accruing to and not spent on such maintenance by the claimant since the beginning of his award or the preceding period of 52 weeks whichever is the lesser period; or

(c) in a case to which sub-paragraph (b) applies, the actual cost of any outgoings to which regulation 19(1)(a) to (dd) of the Requirements Regulations applies.

(3) For the purposes of this regulation, the provisions of regulation 5 (effect of resources on amounts payable) shall not apply.”

(7) In regulation 22(1) (travelling expenses) after sub-paragraph (j) there shall be added the following sub-paragraph—

“(k) a member of the assessment unit is visiting a person who is resident in a registered nursing home or a home for persons in need as defined in regulation 9(6)(b)(i) and (ii) of the Requirements Regulations or being cared for in accommodation provided under Article 7 (prevention of illness, care and after care), 15 (general social welfare) or 36 (accommodation for persons in need in premises maintained by certain persons) of the Health and Personal Social Services (Northern Ireland) Order 1972, who is—

(i) a close relative of the visitor, or

(ii) not being a close relative is related to the visitor, or

(iii) prior to his admission to that accommodation was a member of the same household as the visitor,

and in a case to which head (ii) above applies there is no other relative of his who has visited him recently and who intends to continue visiting him.”

(8) In regulation 23 (expenses on starting work) after paragraph (3) there shall be added the following paragraph—

“(4) For the purposes of this regulation employment shall include remunerative part-time work in employed earner’s employment within the meaning of section 2(1)(a) of the Act averaging not less than 15 hours weekly.”

(9) In regulation 25 (voluntary repatriation expenses)—

(a) in paragraph (1)—

(i) for all the words preceding sub-paragraph (a) there shall be substituted—

“Where a claimant was born in a country other than the United Kingdom, the Republic of Ireland, the Isle of Man or the Channel Islands and wishes either to return to the country of his birth or to go to any other country (other than the Republic of Ireland, the Isle of Man or the Channel Islands) in which he was resident for a long period (both the country of his birth and that other country being referred to in this regulation as the “new country”) and he has maintained close connections with the new country, a single payment shall be made to enable him to do so if he intends to take up permanent residence in the new country and if all the following conditions are satisfied—”;

(ii) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) except in the case of a British Citizen within the meaning of the British Nationality Act 1981(a) the claimant has been accepted for settlement in Northern Ireland by the immigration authorities and the country he wishes to return to is in Europe;”;

(iii) after sub-paragraph (a) there shall be inserted the following sub-paragraph—

“(aa) the claimant has been unable to make Northern Ireland the place of his settled permanent abode nor is there any prospect of his doing so;”;

(iv) for head (iii) of sub-paragraph (b) there shall be substituted the following head—

“(iii) is aged 55 or more;”;

(b) after paragraph (7) there shall be added the following paragraph—

“(8) In this regulation “Europe” means any country of the continent of Europe and the islands of Cyprus, Iceland and Malta together with the immediate off-shore islands forming a political part of any such country, other than the Republic of Turkey and the Union of Soviet Socialist Republics.”.

(10) In regulation 27(1)(a) (Clothing and footwear) after “but not” there shall be inserted “where the need is for an item specified in regulation 23(2)(b) (working clothes and footwear) or”.

(11) In Schedule 1 (Bedclothes)—

(a) in column 1 for the words “Quilt-terylene” wherever they occur there shall be substituted “Eiderdown-terylene” and against those words in column 2 for “£14.50” there shall be substituted “£16.00” and for “£17.25” there shall be substituted “£22.00”;

(b) in column 1 for the words “Sheet-cotton” wherever they occur there shall be substituted “Sheet-polyester and cotton mix” and against those words in column 2 for “£6.80” there shall be substituted “£7.00” and for “£8.90” there shall be substituted “£9.00”.

(12) In Schedule 2 (Clothing and Footwear)—

(a) in Part I (Men’s Clothing and Footwear)—

(i) in column 1 for the words “Underpants-woollen (long)” there shall be substituted “Underpants-thermal (long)” and against those words in column 2 for “£9.50” there shall be substituted “£5.00”;

(ii) in column 1 for the words “Underpants-woollen (short)” there shall be substituted “Underpants-thermal (short)” and against those words in column 2 for “£5.90” there shall be substituted “£4.50”;

- (iii) in column 1 for the words "Vest-woollen" there shall be substituted "Vest-thermal" and against those words in column 2 for "£8.50" there shall be substituted "£5.00";
- (b) in Part III (Women's Clothing and Footwear)—
 - (i) in column 1 for the word "Corset" there shall be substituted "Corselette" and against that word in column 2 for "£12.50" there shall be substituted "£16.25";
 - (ii) in column 1 for the word "Pantie-girdle" there shall be substituted "Girdle (Pantie-girdle or open girdle)" and against those words in column 2 for "£9.00" there shall be substituted "£10.75";
 - (iii) in column 1 for the words "Vest-woollen" there shall be substituted "Vest-thermal" and against those words in column 2 for "£4.70" there shall be substituted "£2.75";
- (c) in Part V (Girls' Clothing and Footwear) in column 1 for "Pantie-girdle" there shall be substituted "Girdle (Pantie-girdle or open girdle)" and against those words in column 2 for "£9.00" there shall be substituted "£10.75".

Amendment of the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980

7.—(1) The Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980(a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 3(2) (circumstances in which urgent cases payments may be made to persons affected by trade disputes) after "any requirements to which this Part applies" there shall be added "except in so far as regulation 3A provides otherwise".

(3) After regulation 3 there shall be added the following regulation—

"Ascertainment of resources

3A.—(1) Where in an assessment unit there is a person to whom Article 12 applies (persons affected by trade disputes) but other members of the assessment unit are not such persons, and in the determination of the entitlement to a pension or allowance in respect of those members to whom Article 12 does not apply, the assessment unit's resources are not immediately ascertainable because the amount of any income falling to be taken into account under regulation 11(5)(d) of the Resources Regulations (income from subletting) is not immediately ascertainable, the amount falling to be taken into account under that regulation 11(5)(d) shall be—

- (a) where the claimant or his partner is eligible for a rent rebate or rent allowance in accordance with regulation 6 or 7 of the Housing Benefits Regulations (Northern Ireland) 1983(b) respectively, £8.00 per sub-tenant;
- (b) in any other case, £12.00 per sub-tenant.

(2) Where, after the application of paragraph (1), the claimant is not entitled to an amount of pension or allowance in respect of those members of the assessment unit to whom Article 12 does not apply, his requirements shall be deemed to exceed his resources such that there shall be payable to him in respect of such members an amount of pension or allowance of 10 pence."

(a) S.R. 1980 No. 417; the relevant amending regulations are S.R. 1982 No. 240 and S.R. 1983 No. 191
 (b) S.R. 1983 No. 292; the relevant amending regulations are S.R. 1984 No. 77

Amendment of the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1981

8.—(1) The Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1981(a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 21 (persons from abroad)—

(a) in paragraph (1) for “10(4A) of the Requirements Regulations” there shall be substituted “10(6) of the Requirements Regulations”;

(b) in paragraph (1)(a) for “10(4A)” there shall be substituted “10(6)”;

(c) after paragraph (1)(c) there shall be added the following sub-paragraphs—

“(d) he is a person to whom sub-paragraph (b) of that regulation 10(6) applies, who has applied for leave within the meaning of section 33 of the Immigration Act 1971(b) to remain in the United Kingdom and is awaiting the determination on that application; or

(e) he is a person to whom sub-paragraph (c) of that regulation 10(6) applies but whose removal from the United Kingdom has been deferred by the Secretary of State for the Home Department; or

(f) he is a person to whom sub-paragraph (d) of that regulation 10(6) applies but has been allowed to remain in the United Kingdom with the consent of the Secretary of State for the Home Department; or

(g) he is a person other than one to whom sub-paragraph (e) of this paragraph applies, who is subject to a direction for his removal from the United Kingdom, but whose removal has been deferred by the Secretary of State for the Home Department; or

(h) he is a person who has no, or no further right of appeal under the Immigration Act 1971 but has been allowed to remain in the United Kingdom whilst an application to remain in the United Kingdom is, or representations made on his behalf are, being considered by the Secretary of State for the Home Department.”;

(d) in paragraph (2) after sub-paragraph (c) there shall be added the following sub-paragraph—

“(d) in a case to which paragraph (1)(d), (e), (f), (g) or (h) applies, for a period ending not later than the date on which he is removed from the United Kingdom.”.

(3) In column (1) of paragraph (1)(a) of Schedule 2 (Single Payments in Other Urgent Cases) after “close relative” there shall be inserted “or not being a close relative is related to the visitor” and after “the member visiting” there shall be added “and in the case of a person not being a close relative but who is related to the visitor, no person who is more closely related to the person who is critically ill has visited him recently and intends to continue visiting him”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 27th July 1984.

(L.S.)

C. Davie

Assistant Secretary

(a) S.R. 1981 No. 372; the relevant amending regulations are S.R. 1983 No. 191

(b) 1971 c. 77

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend regulations made under the Supplementary Benefits (Northern Ireland) Order 1977 ("the 1977 Order") as amended by the Social Security (Northern Ireland) Order 1980.

Regulation 2 amends the Supplementary Benefit (Aggregation) Regulations (Northern Ireland) 1981 to allow a married man over 60 to be the relevant person, as well as to extend the "same household" provisions of regulation 2 to unmarried as well as married couples in consequence of the effect of the equal treatment provisions.

Regulation 3 amends the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981 so that certain late claims may be allowed where there has been a claim for housing benefit; for a single payment to be made in certain circumstances although the need for the item in question has already been met at the date of claim; and for changes in the basis of reimbursement of the cost of travel to a social security office in connection with a claim.

Regulation 4 amends the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981 as regards, in particular, the persons who are to be treated as receiving relevant education for the purposes of Article 9(2) of the 1977 Order and the circumstances in which they are to be entitled to supplementary benefit.

This regulation also implements the principle of equal treatment for men and women in social security for the purposes of the residence condition in Article 8 of the 1977 Order in compliance with European Community Directive 79/7/EEC (O.J. No. L6, 10.1.79, p. 24).

Regulation 5 amends the Supplementary Benefit (Determination of Questions) Regulations (Northern Ireland) 1980 to allow overpayments of interim payments on account of supplementary benefit to be recovered from any current or future supplementary or social security benefit payable to the person from whom the overpayment is to be recovered and, in the case of an overpayment to one of a couple, from any such benefit payable to the other partner.

Regulation 6 amends the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981 as follows:

—in regulation 2 a definition of tenant is added which includes all, except boarders, who occupy their homes under a lease, licence or other agreement to occupy;

—regulation 8 is amended to exclude the value of personal possessions from the value of a deceased person's estate in certain circumstances;

—regulation 9 is amended to specify with greater precision the circumstances in which a single payment for a washing machine can be made;

—regulation 10 is amended to allow a single payment to be made for the purchase, repair or installation of essential furniture in a new unfurnished or partly furnished home before the claimant has actually moved in;

—regulation 21 is amended regarding single payments to meet the cost of essential routine maintenance to the home and to meet the cost of specified

miscellaneous outgoings for which an additional requirement could have been awarded but for the impracticability of estimating the likely cost of such outgoings;

—regulation 22 is amended as regards single payments for visits to people in nursing or residential homes;

—regulation 23 is amended so that single payments may be made to those who are employed in part-time work for 15 hours or more a week;

—regulation 25 is amended to restrict single payments to meet the costs of voluntary repatriation to cases where the claimant is a British Citizen or is returning to a country within Europe;

—regulation 27 is amended regarding single payments for working clothes;

—Schedules 1 (Bedclothes) and 2 (Clothing and Footwear) are amended as to their terms and the amounts payable thereunder.

Regulation 7 amends the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980 mainly by adding a new regulation 3A which provides for the ascertainment of resources where some members of the assessment unit are affected by a trade dispute and others are not and their income from subletting is not immediately ascertainable.

Regulation 8 amends the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1981 so as to allow an urgent case payment to be made to a person from abroad who is present in the United Kingdom outside the provisions of the Immigration Act 1971 or the immigration rules but with the knowledge and consent of the Secretary of State for the Home Department and also amends Schedule 2 to widen the circumstances in which an urgent case payment may be made in respect of a visit by a relative to a person who is critically ill.