

1984 No. 446

SOCIAL SECURITY

The Supplementary Benefit (Requirements) (Amendment and Temporary Provisions) Regulations (Northern Ireland) 1984*Made 31st December 1984*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 2(2), 4(1A) and (2) and 41(4) of, and paragraph 2(1), (3) and (4) 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 and Personnel(b), so far as relates to matters with regard to which such consent is required, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(c) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Requirements) (Amendment and Temporary Provisions) Regulations (Northern Ireland) 1984.

(2) In these regulations “the principal regulations” means the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983(d) and expressions used in regulation 3 which are also used in the principal regulations shall have the same meaning as in the principal regulations.

Amendment of the principal regulations

2.—(1) The principal regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation) in the definition of “qualifying benefit” for “or non-contributory invalidity pension” there shall be substituted “, non-contributory invalidity pension or severe disablement allowance”.

(3) In regulation 7(7) (long-term rates for normal requirements) for “period in receipt of non-contributory invalidity pension under the Act” there shall be substituted “period in receipt of a qualifying benefit”.

(4) In regulation 9(6A) (modification of normal requirements of boarders) for “£30·70” there shall be substituted “£32·30”.

(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; Article 4(1A) was substituted by Article 3(4) of, and paragraph 11 of Schedule 1 to, the Social Security Adjudications (Northern Ireland) Order 1983 (S.I. 1983/1524 (N.I. 17)).

(b) Formerly the Department of Finance: see S.I. 1982/338 (N.I. 6), Article 3. See also Article 41(1) of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by the Social Security (Northern Ireland) Order 1980.

(c) 1980 c. 30

(d) S.R. 1983 No. 61; the relevant amending regulations are S.R. 1983 Nos. 215 and 291 and S.R. 1984 Nos. 79, 278 and 348

(5) In regulation 22(5)(h) (reduction in amounts applicable for certain occupants of the home) for “a non-contributory invalidity pension” there shall be substituted “severe disablement allowance” and for “a pension” there shall be substituted “an allowance”.

Temporary provisions as to boarders

3.—(1) Until 1st May 1985 the maximum amount in respect of the assessment unit as a whole referred to in paragraph (1)(a) of regulation 9 (modification of normal requirements of boarders) of the principal regulations shall be an amount ascertained in accordance with the following provisions; and until that date—

- (a) those provisions shall accordingly apply in place of the provisions contained in paragraph (6) of that regulation; and
- (b) any reference in the principal regulations to regulation 9 or 9(6) of those regulations shall accordingly be construed and have effect as if the following provisions had been substituted for the said regulation 9(6).

(2) Subject to paragraph (6A) of regulation 9 of the principal regulations the maximum amount in respect of the assessment unit as a whole referred to in paragraph (1)(a) of that regulation shall be the aggregate of the following amounts—

- (a) in respect of each member of the assessment unit who is a dependant aged less than 11, $1\frac{1}{2}$ times the amount referred to in paragraph (5)(c) of that regulation; and
- (b) in respect of each other member of the assessment unit, an amount determined under paragraph (3) as appropriate in respect of the weekly charge in the relevant area for full board and lodging of a standard suitable for a claimant resident in the type of accommodation provided for the claimant in that assessment unit.

(3) Any question as to the amount appropriate for the purposes of paragraph (2)(b) shall be determined by the Department in its discretion; and the Department's decision of such a question—

- (a) may be given either generally or in relation to a particular case;
- (b) may be revised from time to time as the Department considers desirable;
- (c) if it is not given in relation to a particular case—
 - (i) may make different provision for different cases or classes of case or otherwise for different circumstances;
 - (ii) shall be published in such form as the Department considers suitable; and
- (d) shall be conclusive for the purposes of regulation 9 of the principal regulations.

Sealed with the Official Seal of the Department of Health and Social Services on 31st December 1984.

(L.S.)

A. N. Burns

Assistant Secretary

The Department of Finance and Personnel hereby consents to regulations 2(3), (4) and (5) and 3 of the foregoing regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 31st December 1984.

(L.S.)

R. G. Smartt

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983 ("the principal regulations") by suspending the provisions of regulation 9(6) on a temporary basis and providing, amongst other things, that until 1st May 1985 the board and lodging maximum in respect of persons over 11 years of age which is, under the suspended provisions, an amount estimated by an adjudication officer to be a reasonable charge for the relevant area, shall instead be an appropriate amount determined by the Department of Health and Social Services.

The regulations also make minor amendments consequent upon the introduction of severe disablement allowance by the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)) and increase the amount specified in regulation 9(6A) of the principal regulations from £30.70 to £32.30.

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These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.