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STATUTORY INSTRUMENTS

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**1980 No. 1649**

**SOCIAL SECURITY**

**The Supplementary Benefit (Miscellaneous  
Amendments) Regulations 1980**

<i>Made</i>	- - - -	<i>31st October 1980</i>
<i>Laid before Parliament</i>		<i>3rd November 1980</i>
<i>Coming into Operation</i>		<i>24th November 1980</i>

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 3(1) and (2), 14(2)(i) and 20(4) of the Supplementary Benefits Act 1976(1) and section 8(1) of the Social Security Act 1980 and of all other powers enabling him in that behalf, hereby makes the following regulations:—

**Citation and commencement**

1. These regulations, which may be cited as the Supplementary Benefit (Miscellaneous Amendments) Regulations 1980, shall come into operation on 24th November 1980.

**Amendment of the Supplementary Benefit (Deductions and Payments to Third Parties) Regulations 1980**

2.—(1) This regulation shall amend the Supplementary Benefit (Deductions and Payments to Third Parties) Regulations 1980.

(2) In regulation 1(2) (interpretation), in the definition of “mortgage payment” for the references to “regulation 15” and “regulation 17” there shall be substituted references to “regulation 16” and “regulation 18” respectively.

(3) In regulation 3 (regular payments to third parties for housing and fuel requirements)—

(a) in paragraph (1)—

(i) for the words from the beginning to “item of expenditure” there shall be substituted the words “Where a claimant has been awarded a pension or allowance, and either he or his partner is in debt, other than in circumstances to which paragraph (6) applies, for any item of expenditure”,

(ii) heads (i) and (ii) shall be designated as sub-paragraphs “(a)” and “(b)” respectively;

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(1) the Act as amended (other than sections 31, 32, 35 and 36 and Schedules 4 and 6 to 8) is set out in Part II of Schedule 2 to the Social Security Act 1980 (c.30).

- (b) in paragraph (3)(a) (amounts deductible in respect of housing and fuel items), for the words “paragraph (1)(b) applies” there shall be substituted the words “paragraph (1)(a) or (b) applies or where the debt owed is in respect of an account which includes more than one housing item,”;
- (c) in paragraph (4) (variations of amounts deductible)—
  - (i) in sub-paragraph (b) (disregarded resources), for the reference to “paragraph (1)(b) (ii)” there shall be substituted a reference to “paragraph (1)(b)”, and for the words beginning “by an amount” to the end there shall be substituted the words “by not more than half the amount of the reduction; and any increase under this paragraph shall have priority over any increase which would, but for this paragraph, be made under regulation 26(2)(b) of the Supplementary Benefit (Urgent Cases) Regulations 1980 (recovery of payments made in urgent cases)”;
  - (ii) in sub-paragraph (c)(i) (minimum amount to be left in payment), for the words beginning “Social Security” to “such a benefit” there shall be substituted the words “Social Security Act 1975(2) together with which, under arrangements made by the Secretary of State either throughout or in any part of Great Britain, pension or allowance is paid”;
  - (iii) in sub-paragraph (e) (maximum amounts deductible), for the word “payment” the third time it occurs there shall be substituted the word “deduction”, and after the reference to “paragraph (3)(a),” there shall be added at the end the words “but, in a case to which paragraph (2) of regulation 7 of the Supplementary Benefit (Duplication and Overpayment) Regulations 1980 (higher maximum deductible in certain cases) applies, a further sum, not exceeding the difference between the maximum amount specified in that paragraph and the maximum which would otherwise apply under this sub-paragraph, may be deducted in respect of the payment to be recovered,”;
- (d) in paragraph (6)(b) (debts for fuel items to which the regulation does not apply), for the reference to “paragraph (4)” there shall be substituted a reference to “paragraph (4)(c)”.
- (4) In regulation 6 (payment of certain accommodation charges)—
  - (a) in paragraph (1), after the words “and to whom” there shall be inserted the words “regulation 9 of the Requirements Regulations (modification of normal requirements of boarders) or”;
  - (b) after paragraph (1) there shall be added the following paragraph:—
    - “(1A) In a case to which the said regulation 9 applies, where the claimant is resident at a place provided by a voluntary organisation for purposes similar to the purposes for which resettlement units are provided by the Secretary of State or at a centre providing facilities for alcoholics or drug addicts, that part of the claimant's pension or allowance which is in respect of charges for board and lodging shall be paid to that voluntary organisation or centre.”;
  - (c) in paragraph (2), for the words from the beginning to “this regulation” there shall be substituted the words “In any case to which the said paragraph 5, 6 or 7”.

### **Amendment of the Supplementary Benefit (Transitional) Regulations 1980**

**3.** In the Supplementary Benefit (Transitional) Regulations 1980, in regulation 10(7) (meaning of “total benefit income” in determining whether benefit is reduced after 24th November 1980), there shall be added at the end the following sub-paragraph:—

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(2) *see also* section 66(2) of the Social Security Pensions Act 1975 (c.60).

“(f) any payment made by virtue of any scheme made under the Industrial Injuries and Diseases (Old Cases) Act 1975”.

#### **Amendment of the Supplementary Benefit (Single Payments) Regulations 1980**

4.—(1) This regulation shall amend the Supplementary Benefit (Single Payments) Regulations 1980.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “close relative”, before the word “parent” there shall be inserted the words “partner, spouse,”;
- (b) in the definition of “dependant”, for the word “meant” there shall be substituted the word “means”.

(3) In regulation 3(3) (meaning of a single payment and amount payable), in sub-paragraph (b) for the words “that amount” there shall be substituted the words “the payment”, and there shall be added at the end the words “or where that payment is in respect of costs of services provided, the amount of such costs to the extent that they are reasonable”.

(4) In regulation 6 (circumstances in which and items for which single payments shall not be made)—

- (a) in paragraph (1), after the words “in these regulations” there shall be inserted the words “, in particular regulation 30 (discretionary payments),”;
- (b) in paragraph (2)—
  - (i) in sub-paragraph (f), after the words “purchase and” there shall be inserted the words “(except in so far as payments may be made for travelling expenses)”;
  - (ii) for sub-paragraph (m) there shall be substituted the following sub-paragraph:—

“(m) any repair to property of any body mentioned in section 28(4) of the Housing Act 1980 or section 10(2) of the Tenants' Rights Etc. (Scotland) Act 1980 (public sector housing bodies).”

(5) In regulation 9 (essential furniture and household equipment)—

- (a) in paragraph (3)(b) (circumstances of payment), for head (iii) there shall be substituted the following:—

“(iii) the claimant is a person who entered the home without the permission of the owner but to whom permission to occupy the home has been granted as a temporary expedient, and the item is a bed.”;
- (b) in paragraph (4) (items of furniture and equipment), there shall be added at the end the following sub-paragraph:—

“(n) an iron.”

(6) In regulation 10(2) (installation of household items), in sub-paragraph (b), for the word “or” there shall be substituted the word “on”.

(7) In regulation 13(1) (circumstances in which removal expenses met)—

- (a) in sub-paragraph (b), for the words “the home or” there shall be substituted the words “the home,”;
- (b) in sub-paragraph (d), after the word “improved” there shall be added the words “or without a change of home he would be unable to take up employment which has been offered to him”.

(8) In regulation 14 (deposits on taking up tenancy of a home), in paragraph (2), the word “furnished” shall be omitted.

- (9) In regulation 22(1) (circumstances in which travelling expenses met)—
- (a) in sub-paragraph (b)(iii), after the word “claimant” there shall be inserted the words “or partner”;
  - (b) in sub-paragraph (i)—
    - (i) in head (i), after the word “new” there shall be inserted the words “or resuming”,
    - (ii) in head (ii), for the word “to” there shall be substituted the words “between his accommodation and”.
- (10) In regulation 23(3) (amount payable for expenses on starting work), for the reference to “paragraph (2)(c)” there shall be substituted a reference to “paragraph (2)(e)”
- (11) In regulation 24(1) (debts accrued during absence abroad), in sub-paragraph (b), for the words from the beginning to the words “so entitled” there shall be substituted the words “his entitlement to a pension or allowance continued during, or during part of, that absence by virtue of regulation 3 of the Supplementary Benefit (Conditions of Entitlement) Regulations 1980 (persons abroad whose entitlement is to continue) and he is again entitled to that pension or allowance”.
- (12) In regulation 25 (voluntary repatriation expenses)—
- (a) in paragraph (2), sub-paragraph (a) shall be omitted;
  - (b) in paragraph (3), after sub-paragraph (e), there shall be added at the end the words “, but only to the extent that the aggregate of such costs and amounts is in excess of the amount by which any capital resources of the claimant which fall to be disregarded under the Resources Regulations exceeds £50”;
  - (c) in paragraph (5), for the words beginning “the aggregate” to the end there shall be substituted the words “any capital resources of the claimant which fall to be disregarded under the Resources Regulations exceed £50”;
  - (d) in paragraph (7), after the word “baggage” there shall be inserted the word “allowance”.
- (13) In regulation 27 (clothing and footwear)—
- (a) in paragraph (1) (circumstances in which payment for clothing and footwear made), in sub-paragraph (b), after the words “as a patient” there shall be inserted the words “or to a re-establishment course as a resident”;
  - (b) in paragraph (2) (amounts payable)—
    - (i) for the words “not exceed” there shall be substituted the word “be”,
    - (ii) after the reference to “Schedule 2,” there shall be inserted the words “the amount for an item in Part IV or V of that Schedule being, subject to paragraph (3), the higher or lower of the amounts specified or an intermediate amount depending on the child's size.”.
- (14) In regulation 29 (prisoners on leave), in paragraph (2) (amount payable)—
- (a) after the words “paragraph (1) applies shall” there shall be inserted the words “in respect of each complete day spent by the prisoner in the claimant's home”;
  - (b) in sub-paragraph (a), for the words beginning “paragraph 4” to the end, there shall be substituted the words “the amount applicable for normal requirements in respect of the claimant (but not any dependant)”;
  - (c) in sub-paragraph (b), the words beginning “, in respect of” to the end shall be omitted.

### **Amendment of the Supplementary Benefit (Duplication and Overpayment) Regulations 1980**

5. In regulation 7 of the Supplementary Benefit (Duplication and Overpayment) Regulations 1980 (recovery from supplementary pension or allowance), for paragraph (2)(a)(iv) there shall be substituted the following:—

“(iv) the long-term rate specified in column (2) of paragraph 1(a) of Schedule 1 to those regulations for normal requirements of persons aged not less than 18 other than relevant persons or householders applies.”.

31st October 1980

*Patrick Jenkin*  
Secretary of State for Social Services

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## EXPLANATORY NOTE

These Regulations amend, and correct minor errors in, regulations made under the Supplementary Benefits Act 1976 as extensively amended by the Social Security Act 1980.

Regulation 2 corrects and amends the Supplementary Benefit (Deductions and Payments to Third Parties) Regulations 1980. It amends regulation 3 (which relates to payments direct from supplementary pension or allowance to landlords and fuel boards) so as to permit application of its provisions where the claimant's partner is in debt for a housing or fuel item and to provide that where the debt is for an account which is a composite one relating to more than one housing item only one amount shall be deducted. The regulation is also amended so as to align it with provisions for deductions from benefit made pursuant to sections 4 and 20 of the Act. Regulation 6 (payment of certain accommodation charges) is amended so as to provide for direct payment from pension or allowance of charges for board and lodging made by certain voluntary organisations.

Regulation 3 amends the Supplementary Benefit (Transitional) Regulations 1980 so as to take into account payment from a scheme under the Industrial Injuries and Diseases (Old Cases) Act 1975 in determining whether income has been reduced after the coming into operation of the amendments to the Act (when an addition will be paid to keep income at the same level).

Regulation 4 corrects and amends the Supplementary Benefit (Single Payments) Regulations 1980. In particular, regulation 3 is amended so as to provide further for the amounts payable where no actual costs are specified. Regulation 22 is amended so as to provide for payment in respect of travelling expenses on a resumption of work after an absence, as well as starting work, and to make clear that fares to and from work will be met. Regulation 24 is amended so that a single payment in respect of debts accrued during a temporary absence abroad is only payable where the claimant is a person entitled to a pension or allowance during (or for part of) that absence abroad. Regulation 27 is amended so as to provide that a single payment may be made for clothing needed on entry to a re-establishment course, as well as on admission to hospital, and to provide that the amounts payable are, except where inappropriate because of size or disability, to be the relevant amounts specified for the item of clothing or footwear in Schedule 2. Regulation 29 is amended so as to provide that where a prisoner who is the partner of a claimant is on leave at home with the claimant preparatory to his release the single payment for his requirements is to be, for each day, the difference between the ordinary rate for normal requirements of couples and the rate applicable to the claimant.

Regulation 5 corrects the Supplementary Benefit (Duplication and Overpayment) Regulations 1980 so as to provide that for persons over age 18 to whom the table in Schedule 1 to the Act does not apply the higher maximum deduction may be made for the purposes of recovery under section 20 only if the long-term rate is applicable.