

1981 No. 368

SUPPLEMENTARY BENEFITS

The Supplementary Benefit (Claims and Payments)
Regulations (Northern Ireland) 1981

Made 11th November 1981

Coming into operation 21st December 1981

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SCHEDULE—Revocations

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 15 and 19(1) and (2)(a), (b), (c), (e), (g), (h), (i), (j), and (k) of, and paragraph 4 of Schedule 1 to, the Supplementary Benefits (Northern Ireland) Order 1977(a) and of all other powers enabling it in that behalf and for the purpose only of consolidating regulations hereby revoked, hereby makes the following regulations:

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981 and shall come into operation on 21st December 1981.

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(b);

“allowance” means a supplementary allowance under Article 3(1)(b) of the Order;

“beneficiary” means a person entitled to benefit;

“benefit” means supplementary benefit;

(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 Sch. 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) 1975 c. 15

- “benefit week” has the meaning assigned to it in regulation 7 of the Determination of Questions Regulations (date of commencement, change and termination of entitlement to pensions and allowances);
- “claimant” means a claimant for benefit;
- “the Department” means the Department of Health and Social Services;
- “Determination of Questions Regulations” means the Supplementary Benefit (Determination of Questions) Regulations (Northern Ireland) 1980(a);
- “instrument of payment” means a serial order or any other instrument whatsoever which is intended to enable a person to obtain payment of benefit;
- “normal requirements”, “additional requirements” and “housing requirements” mean the requirements which are taken into account in the determination of requirements under Parts II, III and IV respectively of the Requirements Regulations;
- “paying office” means such a place as the Department may designate for the payment of benefit;
- “pension” means a supplementary pension under Article 3(1)(a) of the Order;
- “Requirements Regulations” means the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1980(b);
- “Resources Regulations” means the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1981(c);
- “serial order” means one of a series of orders for the payment of sums on account of benefit which is, or has been, contained in a book of such orders;
- “Single Payments Regulations” means the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981(d);
- “social security office” includes any office or place appointed by the Department for the purpose of claiming unemployment benefit; and “relevant social security office” means the office which the claimant or beneficiary attends, or would attend if he were required to do so, for the purpose of claiming that benefit or would attend if he were entitled to that benefit;
- “Trade Disputes Regulations” means the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980(e);
- “unemployment benefit” means unemployment benefit under the Act;
- “Urgent Cases Regulations” means the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1981(f); and any reference to those regulations shall include a reference to those regulations in so far as they are applied by regulation 4 of the Trade Disputes Regulations.

(2) Part IV of these regulations (deductions and payments to third parties) shall be further interpreted in accordance with regulation 14.

(3) Any reference in these regulations to a numbered Article is to the Article of the Order bearing that number.

(4) Any notice or other documents required or authorised to be given or sent to any person under the provisions of these regulations shall be deemed to have been given or sent if it was sent by post to that person at his last known address.

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- (a) S.R. 1980 No. 423 as amended by S.R. 1981 No. 215
 (b) S.R. 1980 No. 347 as amended by S.R. 1980 No. 422 and 1981 Nos. 105, 241, 275 and 282
 (c) S.R. 1981 No. 370
 (d) S.R. 1981 No. 369
 (e) S.R. 1980 No. 417 as amended by S.R. 1981 No. 215
 (f) S.R. 1981 No. 372

PART II

CLAIMS

Manner in which claims are to be made

3.—(1) Every claim for benefit shall be made in writing to the Department either—

- (a) on a form approved for the purpose by the Department and supplied without charge by the Department or by such persons as the Department may appoint or authorise for the purpose; or
- (b) in such manner as the Department may accept as sufficient in the circumstances of any particular case or class of cases.

(2) A claim for benefit shall be delivered or sent to a social security office of the Department.

(3) The date on which a claim for benefit is made shall be the date on which it is received at a social security office of the Department.

(4) Where—

- (a) a claim for benefit made in writing is defective on the day on which it is received, but is subsequently amended; or
- (b) a claim for a pension or allowance is made other than in writing, but is subsequently made in writing,

the Department may treat the claim as if it had been duly made in the first instance.

(5) The Department may in any particular case or class of cases accept—

- (a) a claim for benefit under Article 5 (single payment to meet an exceptional need) other than in writing;
- (b) in a case to which Part II of the Urgent Cases Regulations (emergency relief) applies, a claim from a person other than the person who, pursuant to the provisions of the Order, falls to be claimant; and in a case to which this sub-paragraph applies, references to a claimant and beneficiary in these regulations shall include such a person, but paragraph (2) shall not apply to him.

Information to be given in connection with claims

4. Every person who makes a claim for benefit shall furnish such certificates, documents, information and evidence for the purpose of determining the claim as may be required by the Department and, if reasonably so required, shall for that purpose attend at any office or place as the Department may direct.

Time for claiming pension or allowance

5.—(1) Subject to paragraph (2), a claim for a pension or allowance shall be made no later than the first day of the period in respect of which it is made.

(2) Where a claim for a pension or allowance is made in respect of a period earlier than the day on which it is made, it shall be treated as if it had been made—

- (a) where in any case the claimant proves that throughout that period there was good cause for failure to make the claim before the day on which it was made, on the first day of that period;

(b) where—

- (i) the claimant has, in respect of that period, made a claim for benefit under the Act(a) or the Family Income Supplements Act (Northern Ireland) 1971(b) or for a war disablement pension as defined in the Resources Regulations, and
 - (ii) his claim for a pension or allowance is made as soon as reasonably practicable after his receipt of the decision in respect of his claim for that benefit, supplement or pension, on the day on which the claim for that benefit, supplement or pension was made;
- (c) where the claimant has been an in-patient in a hospital or similar institution and—
- (i) in the period immediately preceding his admission as an in-patient he was entitled to a pension or allowance, but ceased to be so entitled by reason only of being an in-patient, and
 - (ii) the claim is made within 21 days of his discharge, on the day of his discharge;
- (d) where the claim is made by a claimant within three days of the date on which he became resident at a centre providing facilities for alcoholics or drug addicts, in respect only of that part of the claim relating to board and lodging to which regulation 9 of the Requirements Regulations (modification of normal requirements of boarders) applies, on the day on which he became so resident.

PART III

PAYMENTS

Time and manner of payment of pension and allowance

6.—(1) A pension or allowance shall be paid—

(a) where—

- (i) a beneficiary is required to register and be available for employment pursuant to Article 7, and
 - (ii) the Department has not directed that payment should be made by means of a book of serial orders, by means of an instrument of payment issued at intervals corresponding to those at which he attends or would be required to attend the relevant social security office by virtue of regulation 8(b);
- (b) in any other case, weekly, on or as soon as is reasonably practicable after the first day of the benefit week for which it is payable, by means of an instrument of payment.

unless in any particular case or class of cases the Department makes other arrangements for payment.

(2) Subject to paragraph (3), where a pension or allowance which is being paid by means of a book of serial orders is increased on review pursuant to regulation 4 of the Determination of Questions Regulations (reviews of determinations) by an amount

(a) See also Article 2(3) of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15))

(b) 1971 c. 8 (N.I.)

which, with any previous such increase, is less than 50 pence, the Department may defer payment of that increase until not later than either—

- (a) the termination of entitlement to the pension or allowance; or
- (b) the expiration of the period of one week from the date specified for payment in the last order in that book of serial orders,

whichever is the earlier.

(3) Paragraph (2) shall not apply to a review for the sole purpose of giving effect to any change in—

- (a) any amount specified in Schedule 1 to the Order or in the Requirements Regulations in connection with the determination of requirements;
- (b) the rate determined for the purposes of Article 99(2) of the Health and Personal Social Services (Northern Ireland) Order 1972(a) (lower rate of payment in respect of certain accommodation for persons in need).

Time and manner of payment of single payments

7. Payment of any single payment under Article 5 shall be made by the Department as soon as is reasonably practicable after the award has been made by means of an instrument of payment or by such other means as appears to the Department to be appropriate in the circumstances of any particular case.

Information to be given in connection with payment of benefit

8. Every beneficiary and every person by whom or on whose behalf sums payable by way of benefit are receivable shall furnish in such manner and at such times as the Department may determine such certificates and other documents and such information of facts affecting the right to benefit, or to its receipt, as the Department may require (either as a condition on which any sum or sums shall be receivable or otherwise), and in particular—

- (a) shall notify the Department in writing of—
 - (i) any change of circumstances which is specified in the notice of determination issued pursuant to regulation 3(1) of the Determination of Questions Regulations or, where applicable, the book of serial orders, and
 - (ii) any other change which that beneficiary or person might reasonably be expected to know might affect the right to benefit, or to its receipt, as soon as reasonably practicable after the occurrence of that change; and
- (b) in the case of a beneficiary required to register and be available for employment pursuant to Article 7—
 - (i) shall at such intervals as the Department may direct sign a form approved by the Department which includes a declaration as to his unemployment and availability for employment within the meaning of that Article, and
 - (ii) shall in that connection attend at the relevant social security office on such occasions and in such manner as he is required or would be required to attend for the purpose of claiming unemployment benefit.

Instruments of payment

9.—(1) Instruments of payment and books of serial orders issued by the Department shall remain the property of the Department.

(2) Any person having an instrument of payment or book of serial orders shall, on ceasing to be entitled to the supplementary benefit to which that instrument or book

(a) S.I. 1972/1265 (N.I. 14)

relates or when so required by the Department, deliver that instrument or book to the Department or to such other person as the Department may direct.

Minimum amount of benefit payable

10.—(1) Where the amount of any pension or allowance to which a beneficiary would, but for this paragraph, be entitled is less than 10 pence, that amount shall not be payable unless the claimant is also entitled to payment of any benefit under the Act together with which, under arrangements made by the Department, pension or allowance is paid.

(2) In the case of a beneficiary to whom Article 13 (person returning to work following a trade dispute) applies, paragraph (1) shall apply as if for the sum of 10 pence there were substituted the sum of £3.

Payment of fractional amounts of benefit

11. Where, notwithstanding any other provision of the Order or regulations, the amount of any benefit payable would, but for this regulation, include a fraction of a penny, that fraction shall be disregarded if it is less than a half penny and shall otherwise be treated as a penny.

Supplementary benefit in kind

12. The requirements of a beneficiary may be met by the provision of a voucher redeemable by named suppliers or by a travel warrant instead of by making the whole or part of any payment to which he would otherwise be entitled under the Order where—

- (a) in the opinion of a benefit officer, the beneficiary is incapable of managing any payment of supplementary benefit in cash;
- (b) that provision is necessary to secure residential accommodation;
- (c) the beneficiary is entitled to a single payment in respect of travelling expenses pursuant to the Single Payments Regulations or any additional requirement in respect of such expenses pursuant to the Trade Disputes Regulations;
- (d) the beneficiary is entitled to any single payment or amount of pension or allowance pursuant to the Urgent Cases Regulations.

Extinguishment of right to payment of sums by way of benefit where payment is not obtained within the prescribed period

13.—(1) The right to payment of any sum by way of benefit shall, subject to paragraph (2), be extinguished where payment of that sum is not obtained within the period of 12 months from the date on which the right is to be treated as having arisen; and for the purposes of this regulation a right shall be treated as having arisen—

- (a) in relation to any such sum contained in an instrument of payment which has been given or sent, for the purpose of making payment of that sum, to the beneficiary, or to a paying office for collection by him (whether or not received or collected as the case may be), notwithstanding that that sum is greater or less than the sum to which the beneficiary has the right to payment—
 - (i) on the date on the said instrument of payment, or
 - (ii) if a further instrument of payment has been so given or sent as a replacement for an instrument of payment previously given or sent, on the date on the last such instrument of payment;
- (b) in relation to any such sum to which sub-paragraph (a) does not apply, where notice is given (whether orally or in writing) or is sent that the sum contained in the notice is available for collection, notwithstanding that that sum is

greater or less than the sum to which the beneficiary has the right to payment—

(i) if written notice is sent through the post, on the date on which it would be delivered in the ordinary course of post, and

(ii) in any other case, on the date of the notice,

and, in any case, if more than one such notice is sent, on the date determined by reference to the first such notice;

(c) in relation to any such sum to which neither sub-paragraph (a) nor sub-paragraph (b) applies, on such date as the Department determines.

(2) Where a question arises whether the right to payment of any sum by way of benefit has been extinguished by the operation of this regulation and the benefit officer is satisfied that—

(a) after the expiration of the said period of 12 months the Department has received written notice requesting payment of that sum; and

(b) throughout a period commencing within the said period of 12 months and continuing up to the date on which the said notice was given there was good cause for not giving that notice,

the said period of 12 months shall be extended to the date on which the benefit officer decides that question and, for the purposes of the operation of this regulation, thereafter the right to payment of that sum shall, notwithstanding the provisions of paragraph (1), be treated as having arisen on that date.

(3) This regulation shall apply to a person authorised or appointed to act on behalf of a beneficiary as it applies to a beneficiary.

PART IV

DEDUCTIONS AND PAYMENTS TO THIRD PARTIES

Interpretation of Part IV

14.—(1) In this Part—

“assessment unit” means the beneficiary and any partner of the beneficiary and any other 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 beneficiary;

“concurrently entitled to another benefit” means, in relation to a beneficiary, that the beneficiary is also entitled to payment of any benefit under the Act together with which, under the arrangements mentioned in regulation 10(1), pension or allowance is paid;

“disregarded income” means any earnings or other income which is disregarded under regulation 10(5) or 11(5) of the Resources Regulations;

“home” has the meaning assigned to it in the Requirements Regulations;

“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;

“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 (3) in paragraph 2 of Schedule 1 to the Order (certain householders under pensionable age) applies.

Circumstances in which payment of benefit is postponed

15.—(1) Where a beneficiary—

- (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 beneficiary.

Regular payments to third parties for housing items

16.—(1) Subject to paragraph (5) and regulation 18, where a beneficiary who has been awarded a pension or allowance or his partner—

- (a) is in debt for any item of expenditure to which the category of housing requirements relates and which continues to be applicable to the beneficiary in the determination of his requirements; and
- (b) 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, determine that the amount of the award of that pension or allowance (“the amount deductible”) 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 beneficiary or, as the case may be, his partner, in discharge of an obligation of his.

(2) Subject to paragraph (3), the amount deductible shall be such weekly aggregate of the following as is appropriate—

- (a) in respect of any debt to which paragraph (1) applies or, where the debt owed is in respect of an account which includes more than one housing item, 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 period as is necessary to discharge that debt, so however that in aggregate the weekly amount calculated under this sub-paragraph shall not exceed 3 times that 5 per cent.;
- (b) for each such debt the actual weekly cost necessary in respect of continuing needs for the relevant items,

and the benefit officer may direct that, when the debt is discharged, the amount determined under sub-paragraph (b) shall be the amount deductible.

(3) Where either—

- (a) the aggregate amount calculated under paragraph (2) exceeds the award of pension or allowance; or

- (b) the award of pension or allowance exceeds that aggregate amount by—
- (i) where the beneficiary is concurrently entitled to another benefit, less than 5 pence,
 - (ii) in any other case, less than 10 pence,

that aggregate amount shall be adjusted so that, where the beneficiary is concurrently entitled to another benefit, 5 pence and, in any other case 10 pence of the award is payable to the beneficiary.

(4) For the purposes of this regulation any debt which is in respect of rent or mortgage payments shall have priority over any other item.

(5) Paragraph (1) shall not apply to any debt which is either—

- (a) in respect of rent or mortgage payments and the beneficiary has in the preceding 12 weeks paid sums equal to his rent for 6 weeks or, as the case may be, in the preceding 12 weeks paid sums equal to 2 mortgage payments due in that period; or
- (b) for any other housing item and is less than half the annual amount due to be paid by the beneficiary in respect of that item,

unless, in either case, in the opinion of the benefit officer it is in the overriding interests of the assessment unit that paragraph (1) should apply.

Regular payments to third parties for fuel items

17.—(1) Subject to paragraph (6) and regulation 18, where a beneficiary who has been awarded a pension or allowance or his partner—

- (a) is in debt for any item of expenditure on gas or electricity to which the category of normal or additional requirements relates (“fuel item”) and continues to require that fuel; and
- (b) 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, determine that the amount of the award of that pension or allowance (“the amount deductible”) 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 beneficiary or, as the case may be, his partner, in discharge of an obligation of his.

(2) The amount deductible shall be such weekly aggregate of the following as is appropriate—

- (a) in respect of any debt to which paragraph (1) 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 period as is necessary to discharge that debt, increased, where appropriate, in accordance with paragraph (3), so however that in aggregate the amount calculated under this sub-paragraph shall not exceed 3 times that 5 per cent.;
- (b) in respect of each such debt, except where current consumption is paid for by other means (for example pre-payment meter), the estimated average weekly cost necessary to meet the continuing needs for the relevant items,

and the benefit officer may determine that, when the debt is discharged, the amount determined under sub-paragraph (b) shall be the amount deductible.

(3) Where the beneficiary has any disregarded income, the weekly amount deductible under paragraph (2)(a) may be increased by not more than half the amount of the income disregarded; 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 Urgent Cases Regulations (recovery of payments made in urgent cases).

(4) Where, before any application of paragraph (3), the aggregate amount calculated in accordance with paragraph (2) exceeds a sum equal to 25 per cent. of the normal requirements applicable to the assessment unit, a determination under this regulation shall be made only with the consent of the beneficiary.

(5) For the purposes of this regulation, as between debts for items of gas or electricity, the benefit officer shall give priority to whichever debt he considers it would, having regard to the circumstances and to any requests of the beneficiary, be appropriate to discharge.

(6) Paragraph (1) shall not apply to any debt where—

(a) the debt is for less than the single householder rate rounded, where it is not expressed in whole pounds, to the next higher whole pound;

(b) the beneficiary or his partner has any capital resources calculated in accordance with Part II of the Resources Regulations which exceed the debt;

(c) there is in the beneficiary's household a person who is not a member of the assessment unit and who could reasonably be expected to help the beneficiary to pay the debt at least to the extent of bringing the debt below the sum mentioned in sub-paragraph (a);

(d) the aggregate amount calculated under paragraph (2) exceeds the award of pension or allowance; or

(e) the award of pension or allowance exceeds the aggregate amount calculated under paragraph (2) by—

(i) where the beneficiary is concurrently entitled to another benefit, less than 5 pence,

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

Provisions further to regulations 16 and 17

18.—(1) Subject to paragraph (2), where in any one week both regulation 16 and 17 are applicable to the beneficiary—

(a) the total weekly amount deductible under paragraph (2)(a) of both of those regulations shall not exceed an amount equal to 3 times the 5 per cent. there mentioned;

(b) priority as between debts shall be as set out in paragraph (3).

(2) Where, in any one week—

(a) an amount is deductible from the award of pension or allowance to a beneficiary by virtue of paragraph (2)(a) of either regulation 16 or regulation 17 or both; and

(b) any payment falls to be recovered from that beneficiary ("payment to be recovered") by deduction from that award pursuant to regulations 6(c) and 7 of the Supplementary Benefit (Duplication and Overpayment) Regulations (Northern Ireland) 1980(a) (recovery from pension or allowance in cases of misrepresentation or non-disclosure),

the weekly aggregate of any such amount and any such deduction shall not exceed an amount equal to 3 times the 5 per cent. mentioned in the said paragraphs (2)(a), save that, in a case to which paragraph (2) of the said regulation 7 applies (higher maximum deductible in certain cases) a further sum, not exceeding the difference between the maximum amount specified in that paragraph and the maximum which

(a) S.R. 1980 No. 396; the relevant amending regulations are S.R. 1980 No. 415 and 1981 No. 215

would otherwise apply under this paragraph, may be deducted in respect of the payment to be recovered, priority as to debts being as set out in paragraph (3).

(3) For the purposes of this regulation—

- (a) any debt which is in respect of rent or mortgage payments shall have priority over any other debt or any payment to be recovered;
- (b) any debt for a fuel item shall have priority over any debt for a housing item, other than one to which sub-paragraph (a) applies, or any payment to be recovered;
- (c) as between debts for fuel items of gas or electricity, the benefit officer shall give priority as specified in regulation 17(5);
- (d) any debt for a housing item other than one to which sub-paragraph (a) applies shall have priority over any payment to be recovered.

Regular payments to landlords on behalf of boarders

19. Where a beneficiary who has been awarded a pension or allowance—

- (a) is a person to whom regulation 9 of the Requirements Regulations applies; and
- (b) in the opinion of a benefit officer, has failed to budget for charges for his board and lodging to which paragraph (1)(a) of the said regulation applies;

the benefit officer may, if it is in the interests of the assessment unit to do so, determine that the amount of the award of pension or allowance equal to the amount applicable under the said regulation for such charges shall be paid at such intervals as the Department may direct to the person to whom such charges are due, on behalf of the beneficiary in discharge of his obligation.

Payments to the Department in respect of residential accommodation

20. Where a beneficiary has been awarded a pension or allowance and—

- (a) in determining the requirements of the assessment unit, regulation 10 of, and paragraph 1 of Schedule 2 to, the Requirements Regulations (requirements for persons in accommodation provided by the Department) has applied to any member; and
- (b) that member fails to pay any sum due from him under Article 99 of the Health and Personal Social Services (Northern Ireland) Order 1972 (charges to be made for accommodation for persons in need),

a benefit officer may determine that the amount of the award of pension or allowance equal to the amount to which the said regulation 10 and the said paragraph 1 relate shall be paid to the Department on behalf of that member in discharge of his liability under the said Article 99.

Payment of certain accommodation charges

21. Where a beneficiary who has been awarded a pension or allowance and to whom regulation 9 of the Requirements Regulations (modification of normal requirements of boarders) applies, is resident at a centre providing facilities for alcoholics or drug addicts, that part of the beneficiary's pension or allowance which is in respect of charges for board and lodging shall be paid to that centre in discharge of his obligation.

Payment of housing requirements on behalf of prisoners

22. Where a beneficiary is a prisoner within the meaning of regulation 2(1) of the Requirements Regulations (interpretation) to whom a pension or allowance is payable by virtue only of regulation 14(5)(d) of those regulations (housing requirements applicable to prisoners in custody awaiting trial or sentence), that pension or allowance shall be paid, at such intervals as the Department may direct, to the person

or body to whom payment in respect of the beneficiary's housing requirements is due on behalf of the beneficiary in discharge of an obligation of his.

Payment of pension or allowance to third parties

23. Where a beneficiary who has been awarded a pension or allowance is not a person to whom regulation 26 applies and either—

- (a) is temporarily absent from the home; or
- (b) in the opinion of a benefit officer is incapable of budgeting, or wilfully refuses to budget, for any item of normal, additional or housing requirements applicable to him, other than one to which regulation 16 or 17 applies in circumstances to which that regulation applies,

the benefit officer may, if in his opinion it would be in the interests of the assessment unit to do so, determine that all or part of the award of pension or allowance should be paid to such person as the Department may appoint.

Payments to be made when entitlement to pension or allowance ends

24. Where a beneficiary ceases to be entitled to a pension or allowance—

- (a) any payment withheld from the award by virtue of regulation 15 shall be paid to him as soon as is practicable;
- (b) any amount payable out of the award to a third party by virtue of any other regulation in this Part shall be paid to that third party as soon as is practicable.

Payment of single payments to third parties

25. Where a beneficiary is entitled to any amount of supplementary benefit by way of a single payment under the Single Payments Regulations or the Urgent Cases Regulations for the provision of a specified item, the Department may direct that that amount shall be paid to the person who or the body which supplied that item, on behalf of the beneficiary in discharge of an obligation of his.

PART V

MISCELLANEOUS PROVISIONS AND REVOCATIONS

Persons unable to act

26.—(1) In the case of any person by whom or on whose behalf a claim has been made or to whom benefit is payable or who is alleged to be entitled to benefit, if he is for the time being unable to act and no committee has been appointed by the Office of Care and Protection with power to claim or, as the case may be, to receive benefit on his behalf the Department may, upon written application made to it by a person over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person may be entitled under the Order and to receive and deal on his behalf with any sums payable to him.

- (2) Where the Department has made an appointment under paragraph (1)—
 - (a) it may at any time in its discretion revoke any such appointment;
 - (b) the person appointed may resign his office after having given one month's notice in writing to the Department of his intention to do so;
 - (c) any such appointment shall terminate when the Department is notified that a committee has been appointed by the Office of Care and Protection.

(3) Anything required by these regulations to be done by or to any person who is for the time being unable to act may be done by or to the committee appointed by the Office of Care and Protection or by or to the person appointed under this regulation to act on his behalf, and the receipt of any person appointed under this regulation shall be a good discharge to the Department for any sum paid.

Payment to a person under age 18

27. Where a beneficiary is under the age of 18, his signature on any instrument of payment shall be a sufficient discharge to the Department for any sum paid under such instrument.

Payments on death

28.—(1) On the death of a person who has made a claim for benefit, the Department may appoint such person as it may think fit to proceed with the claim; and the provisions of these regulations shall apply, subject to the necessary modifications, to any such claim.

(2) Subject to the provisions of paragraph (4), any sum payable by way of benefit under a determination on a claim proceeded with under paragraph (1) may be paid or distributed by the Department to or amongst persons over the age of 16 claiming as personal representatives, legatees, next of kin, or creditors of the deceased (or, where the deceased was illegitimate, to or amongst other persons over the age of 16), and the provisions of regulation 13 shall apply to any such payment or distribution; and—

- (a) the receipt of any such person shall be a good discharge to the Department for any sum so paid; and
- (b) where the Department is satisfied that any such sum or part of that sum is needed for the benefit of any person under the age of 16, it may obtain a good discharge for it by paying the sum or part of it to a person over that age (who need not be a person specified in this paragraph) who satisfies the Department that he will apply the sum so paid for the benefit of the person under the age of 16.

(3) Subject to paragraphs (1) and (2), any sum payable by way of benefit to the deceased, payment of which he had not obtained at the date of his death, may, unless the right to it was already extinguished at that date, be paid or distributed to or amongst such persons as are mentioned in paragraph (2), and the provisions of regulation 13 shall apply to any such payment or distribution; so however that, for the purpose of regulation 13, the period of 12 months shall be calculated from the date on which the right to payment of any sum is treated as having arisen in relation to any such person and not from the date on which that right is treated as having arisen in relation to the deceased.

(4) Paragraphs (2) and (3) shall not apply in any case unless written application for the payment of any such sum is made to the Department within 12 months from the date of the deceased's death or within such longer period as the Department may allow in any particular case.

(5) The Department may dispense with strict proof of the title of any person claiming in accordance with the provisions of this regulation.

(6) In paragraph (2) "next of kin" means the persons who would take beneficially on an intestacy under the provisions of Part II of the Administration of Estates Act (Northern Ireland) 1955(a).

Travelling expenses in connection with claims

29.—(1) Where in connection with a claim for supplementary benefit for good reason a claimant or beneficiary or any person acting on his behalf attends an office of the Department, for example because—

- (a) he is required to do so;
- (b) he has reason to believe that there has been an error in the calculation of his entitlement;
- (c) he is reporting a change of circumstances,

or where he is a person to whom Part II or III of the Urgent Cases Regulations (emergency relief and other urgent cases) applies, the Department may pay an amount in respect of his travelling expenses calculated in accordance with paragraph (2).

(2) The amount payable under this regulation shall be—

- (a) where public transport is used, the cost of the return journey from the home of the person to whom paragraph (1) applies to the appropriate office by the cheapest method;
- (b) where private transport is used—
 - (i) where public transport is available, the cost of the petrol not exceeding the public transport cost,
 - (ii) in any other case, the cost of the petrol,

except that the amount allowed under this sub-paragraph in respect of journeys undertaken by taxi shall be, if public transport is not available or if the person concerned is unable to use other transport by reason of physical disability, the cost of the taxi fare, and in any other case the cost of second-class public transport by the method appropriate to the case,

and, if in any case it is necessary for any person whose requirements and resources fall by virtue of the Order to be aggregated with and treated as those of the claimant to accompany the claimant to the office, the amount shall include also an amount in respect of that person's travelling expenses calculated accordingly.

(3) This regulation shall not apply in any case where the amount otherwise payable, calculated in accordance with paragraph (2), does not exceed £1, unless in any case where the person concerned is elderly, in poor health, disabled or accompanied by young children the Department decides otherwise.

(4) A payment made under this regulation shall be made in such manner as the Department may determine.

Revocations

30. The regulations specified in column (1) of the Schedule to these regulations are hereby revoked to the extent mentioned in column (3) of that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 11th November 1981.

(L.S.)

I. M. S. Jordan (Miss)

Assistant Secretary

SCHEDULE
Revocations

Regulation 30

<i>Regulations revoked</i> (1)	<i>Reference</i> (2)	<i>Extent of revocation</i> (3)
The Supplementary Benefit (Deductions and Payments to Third Parties) Regulations (Northern Ireland) 1980	S.R. 1980 No. 356	The whole regulations
The Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1980	S.R. 1980 No. 399	The whole regulations
The Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1980	S.R. 1980 No. 415	Regulation 2
The Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1981	S.R. 1981 No. 215	Regulations 3 and 5

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations are made for the purpose only of consolidating the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1980 with the Supplementary Benefit (Deductions and Payments to Third Parties) Regulations (Northern Ireland) 1980 and with subsequent amending regulations. They provide for the manner in which claims for and payments of supplementary benefit under the Supplementary Benefits (Northern Ireland) Order 1977 as extensively amended by the Social Security (Northern Ireland) Order 1980 are to be made.

Part I of the regulations contains general provisions affecting the interpretation of Parts II to V.

Part II contains provisions relating to claims for supplementary benefit including how claims for benefit are to be made, the forms and information required and the circumstances in which claims can be made for a period before the day on which they were made.

Part III contains provisions concerning the payment of supplementary benefit including time and manner of payment of benefit, information to be given by persons in receipt of benefit, circumstances in which benefit may be paid in kind and extinguishment of rights where payment is less than a specified amount or is not obtained within specified time limits.

Part IV contains provisions for the manner and circumstances in which supplementary benefit may be either deducted and subsequently paid to a claimant or paid direct to a third party; these provisions were formerly contained in the Supplementary Benefit (Deductions and Payments to Third Parties) Regulations (Northern Ireland) 1980. Regulation 15 provides for part payment of a supplementary pension or allowance ("pension or allowance") to be withheld on a weekly basis where a claimant has failed to budget for items which are needed only occasionally and payment to him of the sums withheld when the need arises. Regulations 16 and 17 relate to the circumstances in which housing costs and fuel costs are to be met regularly by direct payment out of the pension or allowance on behalf of the beneficiary and each regulation contains provisions for the calculation, on a weekly basis, of the amount payable direct, the maximum amount deductible, and for priority of debts. Regulations 19 and 20 provide for direct payment out of a pension or allowance to landlords for board and lodging charges and to the Department of Health and Social Services for charges for residential accommodation. Regulation 18 contains provision further to regulations 16 and 17, in particular the maximum amount deductible where both regulations otherwise apply and, accordingly, priority of debts. Regulations 21 and 22 relate to direct payments of housing costs in other situations. Regulation 23 provides for the whole or part payment of a pension or allowance to a third party where the beneficiary is temporarily absent from home or is incapable of budgeting or refuses to budget for any requirement. Under regulation 24, when entitlement to a pension or allowance ends, any payment deducted under the preceding regulations is to be paid to the claimant or the third party as soon as is practicable. Regulation 25 provides for a single payment of supplementary benefit for a specific item to be payable direct to the supplier of the item.

Part V contains miscellaneous provisions relating to claimants or beneficiaries who are unable to act or who have died, payments to persons under age 18 and the payment by the Department of Health and Social Services of travelling expenses which are incurred in attending an office in connection with a claim and which exceed a specified amount. Regulation 30, with the Schedule, specifies provisions which are revoked.