

1986 No. 262

SOCIAL SECURITY

**The Supplementary Benefit (Miscellaneous Amendments) Regulations
(Northern Ireland) 1986**

Made 6th August 1986

Coming into operation 11th August 1986

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 4(1) and (1A), 5, 6, 15, 19(1) and (2)(a), (c) and (g) and 41(4) of the Supplementary Benefits (Northern Ireland) Order 1977(a) and of all other powers enabling it in that behalf, without having referred any proposals on the matter to the Social Security Advisory Committee since it appears to the Department by reason of urgency that it is inexpedient to do so(b), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1986 and shall come into operation on 11th August 1986.

(2) In these regulations—

“the Adjudication Regulations” means the Social Security (Adjudication) Regulations (Northern Ireland) 1984(c);

“the Single Payments Regulations” means the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981(d);

“the Trade Disputes Regulations” means the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980(e); and

“the Urgent Cases Regulations” means the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1981(f).

Amendment of regulation 2 of the Single Payments Regulations

2. In regulation 2 of the Single Payments Regulations (interpretation)—

(a) after the definition of “assessment unit” there shall be inserted the following definition—

“ “chronically sick or mentally or physically disabled” means, in relation to a person to whom that expression refers, a person—

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- (a) S.I. 1977/2156 (N.I. 27); provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), are set out in Part II of that Schedule: Articles 4(1) and (1A) were substituted by paragraph 11 of Schedule 1 to the Social Security Adjudications (Northern Ireland) Order 1983 (S.I. 1983/1524 (N.I. 17))
- (b) See section 10(2)(a) of the Social Security Act 1980 (c. 30)
- (c) S.R. 1984 No. 144; to which there are amendments not relevant to the subject matter of these regulations
- (d) S.R. 1981 No. 369; the relevant amending regulations are S.R. 1982 No. 240, S.R. 1983 Nos. 191, 215, 290 and 349, S.R. 1984 No. 266 and S.R. 1985 No. 207
- (e) S.R. 1980 No. 417; the relevant amending regulations are S.R. 1981 No. 215
- (f) S.R. 1981 No. 372; the relevant amending regulations are S.R. 1983 No. 191

- (a) in respect of whom invalidity benefit or severe disablement allowance under the Act or a payment specified in paragraph 6(a) of Schedule 3 to the Requirements Regulations is payable, or in respect of whom an invalid carriage or other vehicle has been provided under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972(a); or
- (b) who is so blind as to be unable to perform any work for which eyesight is essential and a person shall be treated as blind if he regained his eyesight within the previous six months at a time when a pension or allowance was payable in respect of him; or
- (c) who is suffering from a severe illness and has been so suffering for a continuous period of 28 weeks or more; or
- (d) who is substantially and permanently disabled;”;
- (b) after the definition of “prisoner” there shall be inserted the following definition—
- “ “relevant enactment” means the Guardianship of Infants Act 1886(b), the Army Act 1955(c), the Air Force Act 1955(d), the Naval Discipline Act 1957(e), the Adoption Act (Northern Ireland) 1967(f), the Children and Young Persons Act (Northern Ireland) 1968(g), the Health and Personal Social Services (Northern Ireland) Order 1972, the Family Law Reform (Northern Ireland) Order 1977(h), the Matrimonial Causes (Northern Ireland) Order 1978(i) and the Domestic Proceedings (Northern Ireland) Order 1980(j);”;
- (c) in the definition of “tenant” after “regulation 9” there shall be inserted “or 23”.

Amendment of regulation 3 of the Single Payments Regulations

3. In regulation 3 of the Single Payments Regulations (meaning of single payment and determination of amount payable) in paragraph (2)(b)—

- (a) in head (i) the words from “subject” to “equipment),” shall be deleted; and
- (b) at the end of head (iii) there shall be added—
- “and
- (iv) has not failed to exercise reasonable care to preserve or protect such an item.”.

Amendment of regulation 7 of the Single Payments Regulations

4. In regulation 7 of the Single Payments Regulations (maternity needs)—

- (a) in paragraph (1) for the words after sub-paragraph (a) there shall be substituted—
- “(b) has within 13 weeks of the claim either given birth to a child or adopted a child aged not more than one year at the date of claim;
- a single payment to meet the immediate needs of the child shall be made for the purchase of any of the items mentioned in paragraph (2) such as are

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

(b) 1886 c. 27

(c) 1955 c. 18; as amended by the Armed Forces Act 1976 (c. 52) and the Armed Forces Act 1981 (c. 55)

(d) 1955 c. 19; as amended by the Armed Forces Act 1976 (c. 52) and the Armed Forces Act 1981 (c. 55)

(e) 1957 c. 53; as amended by the Armed Forces Act 1976 (c. 52) and the Armed Forces Act 1981 (c. 55)

(f) 1967 c. 35

(g) 1968 c. 34

(h) S.I. 1977/1250 (N.I. 17)

(i) S.I. 1978/1045 (N.I. 15)

(j) S.I. 1980/563 (N.I. 5)

necessary to bring that item up to the quantity specified in relation thereto in column 2 of Schedule 1.”;

(b) for paragraph (2) there shall be substituted the following paragraph—

“(2) The items in respect of which a single payment may be made under this regulation are—

- (a) any item of clothing specified in column 1 of Schedule 1;
- (b) napkins;
- (c) feeding bottles and teats;
- (d) a cot;
- (e) a cot mattress;
- (f) a pram or carry-cot;
- (g) cot sheets and cot blankets;
- (h) a baby bath.”;

(c) for paragraphs (3) and (4) there shall be substituted the following paragraphs—

“(3) Subject to the following paragraphs, the amount payable by virtue of paragraph (1) shall be the amount specified in relation to that item in column 3 of Schedule 1 multiplied by the number necessary to bring the assessment unit’s stock of that item up to the quantity specified in column 2 of Schedule 1.

(4) Subject to paragraph (5), the amount of a single payment which would but for this paragraph be payable under this regulation shall be reduced by the sum of £25 in respect of each child to whom the claim relates or, in a case under paragraph (1)(a), in respect of each child which is expected.

(5) Where the claimant produces evidence that there is no entitlement to a maternity grant in respect of a child to whom the claim relates or, in a case under paragraph (1)(a), there is no entitlement to a maternity grant (both before and after confinement) in respect of each child which is expected—

- (a) no reduction shall be made under paragraph (4); or
- (b) if a reduction has been made, the amount so reduced or, where that reduction results in the amount payable being nil, then the amount which would but for that reduction have been payable, shall be paid.”.

Substitution of regulations 9 and 10 of the Single Payments Regulations

5. For regulations 9 (meaning of essential furniture and household equipment) and 10 (purchase, repair and installation of essential furniture and household equipment) of the Single Payments Regulations there shall be substituted the following regulations—

“Essential furniture and household equipment

9. In this Part “essential furniture and household equipment” means the following items—

- (a) sufficient single or, where appropriate, double bed bases and mattresses for the use of each member of the assessment unit;
- (b) a waterproof protective sheet where it is required to preserve or protect a bed in use by a member of the assessment unit;
- (c) a cooker;
- (d) space-heating appliances, but excluding items which are part of a central heating system within the meaning of paragraph 3 of Schedule 3 to the Requirements Regulations;
- (e) fire-guards;

- (f) a washing machine 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;
- (g) a vacuum cleaner where a member of the assessment unit is allergic to house dust;
- (h) a refrigerator where a member of the assessment unit requires, for medical reasons, a diet for which it is necessary to keep special foodstuffs at refrigerated temperatures;
- (i) a hot water cylinder jacket where the claimant or his partner is the tenant or owner of the accommodation;
- (j) safety gates;
- (k) a pushchair;
- (l) a high chair.

Purchase, repair and installation of essential furniture and household equipment

10.—(1) Subject to the further conditions of paragraph (2) a single payment for the purchase, repair and installation of an item of essential furniture and household equipment which the assessment unit either does not possess or which it does possess, but which is defective or unsafe, shall be made where—

- (a) the claimant or his partner has within the 28 days immediately preceding the date of claim become the tenant or owner of an unfurnished or partly furnished home, notwithstanding that he is not yet in actual occupation of that new home, and one or more of the following applies—
 - (i) immediately before he became such a tenant or owner he was either a prisoner or had been a patient for a continuous period of more than one year or was in the care of the Department under the provisions of a relevant enactment, or
 - (ii) the move to the new home was undertaken as part of a planned programme of resettlement or rehabilitation and immediately before he became such a tenant or owner he was living in accommodation under guidance from the Department, any other government department or voluntary organisation or the probation and after-care service, or was living in accommodation provided by a statutory authority as a group home or hostel which provides special care and attention for the mentally ill, the mentally handicapped, the disabled, alcoholics, drug addicts or ex-offenders or in accommodation provided for an analogous purpose by a voluntary organisation, or
 - (iii) one of sub-paragraphs (a) to (g) of regulation 13(1) applied to or in respect of his previous home, or
 - (iv) he is a person who has applied to be recognised as, or is recognised by the Secretary of State for the Home Department as, or is a person whose application has been refused but nevertheless has been granted leave to remain in the United Kingdom, whether or not in accordance with any immigration rule, by the Secretary of State for the Home Department as, a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th

- July 1951(a) as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967(b), or
- (v) the move to the new home was due to the claimant having left his previous home due to fear of domestic violence from his former partner, or
 - (vi) the move to the new home was due to the claimant having left his previous home due to actual or reasonably apprehended intimidation by or from a person other than—
 - (aa) a person ordinarily resident in the previous home of the claimant; or
 - (bb) a close relative of the claimant; or
 - (cc) a former partner of the claimant; or
- (b) within the 28 days immediately preceding the date of claim the assessment unit has increased in size because of the arrival of a dependant who has not previously been a member of the assessment unit or who has been absent for more than 56 days and for whose use the item is required; or
 - (c) the item is required for a member of the assessment unit who is currently using a cot or equivalent and now requires the provision of a bed of his own, but a single payment under this sub-paragraph shall be limited to the payment for a bed base, mattress and, where required to preserve or protect that bed, a protective waterproof sheet; or
 - (d) the item required is one mentioned in regulation 9(b) or (e) to (j); or
 - (e) the item is required for a member of the assessment unit who is either over pensionable age or chronically sick or mentally or physically disabled; or
 - (f) in any other case the claimant either has been a person in receipt of an allowance for a continuous period of 12 months or has, within the preceding 12 months, been the partner of such a person.
- (2) The further conditions mentioned in paragraph (1) are that—
- (a) neither the claimant nor his partner has within the 3 years immediately preceding the date of claim—
 - (i) other than in a case to which head (ii) applies, received a single payment for the purchase of such an item or a reasonably suitable alternative item,
 - (ii) in a case to which paragraph (1)(a)(v) applies, received a single payment under this regulation or regulation 10A or 12 by virtue of the circumstances mentioned in that paragraph for the purchase of any item of essential furniture and household equipment, or miscellaneous furniture and household equipment, or bedding, or received a single payment in similar circumstances under regulation 10 or 12 as in operation before the commencement of this regulation,unless the item is required for a member of the assessment unit who is either over pensionable age or chronically sick or mentally or physically disabled; and
 - (b) where paragraph (1)(a) applies and the claimant is one of a married or unmarried couple, neither partner was the tenant or owner of the new home at a date more than 28 days immediately preceding the date of claim; and

- (c) the claimant has, in the opinion of the adjudication officer, no immediate prospect of employment or self-employment; and
 - (d) neither the claimant nor his partner has entered the home without the prior permission of the owner or lawful occupier or, if they have so entered and subsequently obtained permission from the owner or lawful occupier to occupy that home, that permission has not been granted as a temporary expedient.
- (3) The amount payable as a single payment under this regulation shall be—
- (a) where the assessment unit possesses the item in question but that item is defective or unsafe—
 - (i) except where head (ii) applies, the cost of repair,
 - (ii) if the cost of purchase under sub-paragraph (b) is less than the cost of repair or having regard to the future viability of the item, the cost of repair would be uneconomic, that cost of purchase;
 - (b) where the assessment unit does not possess the item in question the cost of purchase, being whichever is the lesser of the following amounts—
 - (i) the amount specified in relation to that item in column 2 of Schedule 1A(a), which amount includes where appropriate the cost of delivery and installation, or
 - (ii) where the claimant has negotiated but not yet paid for the supply of and, where appropriate, the reasonable cost of delivery and installation, the aggregate of those costs, or
 - (iii) where the Department is satisfied that the item is available from a particular source, for example a “sheltered workshop” the cost of that item from that source together with, where appropriate, the reasonable cost of delivery and installation; and, in this head, a “sheltered workshop” means premises with related facilities provided or funded by virtue of section 15 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(b) to promote employment or self-employment of the disabled.
- (4) Where the assessment unit possesses the item in question but that item is defective or unsafe the Department may require the claimant to furnish an estimate as to the cost of repair of that item and a single payment shall be made to meet the cost of obtaining such an estimate if incurring the cost is the only means of obtaining the estimate.

Miscellaneous furniture and household equipment needs

10A.—(1) Subject to the further conditions of paragraph (2) a single payment shall be made in respect of miscellaneous furniture and household equipment needs (other than any item to which regulation 9 applies) where the claimant or his partner has within the 28 days immediately preceding the date of claim become the tenant or owner of an unfurnished or partly furnished home, notwithstanding that he is not yet in actual occupation of that new home, and one or more of the following applies—

- (a) immediately before he became such a tenant or owner he was either a prisoner or had been a patient for a continuous period of more than one year or was in the care of the Department under the provisions of a relevant enactment; or
- (b) the move to the new home was undertaken as part of a planned programme of resettlement or rehabilitation and immediately before he

(a) Schedule 1A is substituted by regulation 14 of these regulations

(b) 1945 c. 6 (N.I.)

became such a tenant or owner he was living in accommodation under guidance from the Department, any other government department or voluntary organisation or the probation and after-care service, or was living in accommodation provided by a statutory authority as a group home or hostel which provides special care and attention for the mentally ill, the mentally handicapped, the disabled, alcoholics, drug addicts or ex-offenders or in accommodation provided for an analogous purpose by a voluntary organisation; or

- (c) one of sub-paragraphs (a) to (g) of regulation 13(1) applied to or in respect of his previous home; or
- (d) he is a person who has applied to be recognised as, or is recognised by the Secretary of State for the Home Department as, or is a person whose application has been refused but nevertheless has been granted leave to remain in the United Kingdom, whether or not in accordance with any immigration rule, by the Secretary of State for the Home Department as, a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967; or
- (e) the move to the new home was due to the claimant having left his previous home due to fear of domestic violence from his former partner; or
- (f) the move to the new home was due to the claimant having left his previous home due to actual or reasonably apprehended intimidation by or from a person other than—
 - (i) a person ordinarily resident in the previous home of the claimant, or
 - (ii) a close relative of the claimant, or
 - (iii) a former partner of the claimant.
- (2) The further conditions mentioned in paragraph (1) are that—
 - (a) neither the claimant nor his partner has within the 28 days immediately preceding the commencement of this regulation made a claim under the regulations then in operation for any furniture or household equipment to which this regulation applies and in respect of which he was entitled to a payment; and
 - (b)
 - (i) in a case to which paragraph (1)(e) applies, neither the claimant nor his partner has received a single payment under this regulation or regulation 10 or 12 by virtue of the circumstances mentioned in that paragraph for the purchase of any item of essential furniture and household equipment, or miscellaneous furniture and household equipment, or bedding, or received a single payment in similar circumstances under regulation 10 or 12 as in operation before the commencement of this regulation, in respect of the new home or any previous home, and
 - (ii) in any other case, neither the claimant nor his partner has received a single payment under this regulation in respect of the new home or any previous home; and
 - (c) where the claimant is one of a married or unmarried couple, neither partner was the tenant or owner of the new home at a date more than 28 days immediately preceding the date of the claim; and
 - (d)
 - (i) in a case to which paragraph (1)(e) applies and where the claimant or his partner was the tenant of unfurnished accommodation at his previous home or the owner of his previous home, neither the claimant nor his partner has received a single payment under this

regulation or regulation 10 or 12 by virtue of the circumstances mentioned in that paragraph for the purchase of any item of essential furniture and household equipment, or miscellaneous furniture and household equipment, or bedding, or received a single payment in similar circumstances under regulation 10 or 12 as in operation before the commencement of this regulation, and

- (ii) in any other case, neither the claimant nor his partner was the tenant of unfurnished accommodation at his previous home or the owner of his previous home; and
 - (e) the claimant has, in the opinion of the adjudication officer, no immediate prospect of employment or self-employment; and
 - (f) neither the claimant nor his partner has entered the home without the prior permission of the owner or lawful occupier or, if they have so entered and subsequently obtained permission from the owner or lawful occupier to occupy that home, that permission has not been granted as a temporary expedient.
- (3) The amount payable in respect of miscellaneous furniture and household equipment needs under this regulation shall be the aggregate of—
- (a) the amount specified in column 2 of Schedule 1B(a) for the claimant; and
 - (b) the amount specified in column 2 of Schedule 1B for each additional member of the assessment unit multiplied by the number of such additional members including such future members as the adjudication officer considers are likely to form part of the assessment unit within 28 days of the claimant or his partner having become the tenant or owner of an unfurnished or partly furnished new home.”.

Amendment of regulation 11 of the Single Payments Regulations

6. In regulation 11 of the Single Payments Regulations (essential furniture and household equipment on hire purchase) there shall be substituted for “10(2)” on each occasion it occurs “10(3)”.

Substitution of regulation 12 of the Single Payments Regulations

7. For regulation 12 of the Single Payments Regulations (bedclothes) there shall be substituted the following regulation—

“Bedding

12.—(1) Subject to the further conditions of paragraph (2) a single payment shall be made for the purchase of items of bedding to the extent necessary to constitute a sufficient stock of bedding where one or more of the following applies—

- (a) the claimant or his partner has within the 28 days immediately preceding the date of claim become the tenant or owner of a new home, notwithstanding that he is not yet in actual occupation of that new home and either—
 - (i) immediately before he became such a tenant or owner he was either a prisoner or had been a patient for a continuous period of more than one year or was in the care of the Department under the provisions of a relevant enactment, or
 - (ii) the move to the new home was undertaken as part of a planned programme of resettlement or rehabilitation and immediately before he became such a tenant or owner he was living in accommodation

(a) Schedule 1B is substituted by regulation 14 of these regulations

under guidance from the Department, any other government department or voluntary organisation or the probation and after-care service, or was living in accommodation provided by a statutory authority as a group home or hostel which provides special care and attention for the mentally ill, the mentally handicapped, the disabled, alcoholics, drug addicts or ex-offenders or in accommodation provided for an analogous purpose by a voluntary organisation, or

- (iii) one of sub-paragraphs (a) to (g) of regulation 13(1) applied to or in respect of his previous home, or
 - (iv) he is a person who has applied to be recognised as, or is recognised by the Secretary of State for the Home Department as, or is a person whose application has been refused but nevertheless has been granted leave to remain in the United Kingdom, whether or not in accordance with any immigration rule, by the Secretary of State for the Home Department as, a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967, or
 - (v) the move to the new home was due to the claimant having left his previous home due to fear of domestic violence from his former partner, or
 - (vi) the move to the new home was due to the claimant having left his previous home due to actual or reasonably apprehended intimidation by or from a person other than—
 - (aa) a person ordinarily resident in the previous home of the claimant; or
 - (bb) a close relative of the claimant; or
 - (cc) a former partner of the claimant; or
 - (b) within the 28 days immediately preceding the date of claim the assessment unit has increased in size because of the arrival of a dependant who has not previously been a member of the assessment unit or who has been absent for more than 56 days and for whose use the item is required; or
 - (c) the item is required for a member of the assessment unit who is currently using a cot or equivalent and is moving to a bed of his own; or
 - (d) the item is required for a member of the assessment unit who is either over pensionable age or chronically sick or mentally or physically disabled.
- (2) The further conditions mentioned in paragraph (1) are that—
- (a) (i) in a case to which paragraph (1)(a)(v) applies and where the claimant or his partner was responsible at the previous home for providing the items of bedding in respect of the member of the assessment unit for whom the item of bedding is required, neither the claimant nor his partner has received a single payment under this regulation or regulation 10 or 10A by virtue of the circumstances mentioned in that paragraph for the purchase of any item of essential furniture and household equipment, or miscellaneous furniture and household equipment, or bedding, or received a single payment in similar circumstances under regulation 10 or 12 as in operation before the commencement of this regulation, and
 - (ii) in any other case to which paragraph (1)(a) applies, neither the claimant nor his partner was responsible at the previous home for providing the items of bedding in respect of the member of the assessment unit for whom the item of bedding is required; and

- (b) where the claimant is one of a married or unmarried couple neither partner was the tenant or owner of the new home at a date more than 28 days immediately preceding the date of claim; and
 - (c) the person in respect of whom the bedding is required has not entered the home without the prior permission of the owner or lawful occupier or, if he has so entered the home and subsequently obtained permission from the owner or lawful occupier to occupy that home, that permission has been granted as a temporary expedient; and
 - (d) the claimant has, in the opinion of the adjudication officer, no immediate prospect of employment or self-employment.
- (3) In this regulation “a sufficient stock of bedding” means—
- (a) except in a case specified in sub-paragraph (b)—
 - (i) in respect of each bed in use by the assessment unit, 3 sheets and 3 blankets, and
 - (ii) in respect of each member of the assessment unit, 1 pillow and 2 pillow cases, and
 - (iii) where the adjudication officer is of the opinion that there is a need for a stock in excess of the amount mentioned in head (i) or (ii) because a member of the assessment unit is over pensionable age or chronically sick or mentally or physically disabled and that member requires extra warmth or is confined to bed, such additional amount as the adjudication officer in his opinion considers sufficient for that member;
 - (b) in the case of a person permitted to occupy the home as a temporary expedient only, a sleeping bag.
- (4) The amount payable for any item of bedding to which this regulation applies shall be the amount specified in relation to that item in column 2 of Schedule 1C(a).”.

Amendment of regulation 13 of the Single Payments Regulations

8. In regulation 13 of the Single Payments Regulations (removal expenses)—
- (a) in paragraph (3) for “this regulation” there shall be substituted “paragraph (1)”;
 - (b) in paragraph (4) after “the cheaper” there shall be inserted “and for comparison purposes only where one of the two estimates is not subject to value added tax, no account shall be taken of value added tax”; and
 - (c) after paragraph (5) there shall be added the following paragraph—

“(6) Where a claimant is moving or has moved to a new home and any of the sub-paragraphs of paragraph (1) applies or applied in relation to the move, a single payment shall be made to meet the reasonable cost of disconnecting and reconnecting any item of essential furniture and household equipment mentioned in regulation 9(c), (d), (f) or (h).”.

Amendment of regulation 17 of the Single Payments Regulations

9. In regulation 17 of the Single Payments Regulations (essential repairs and maintenance of the home) in paragraph (1)—

- (a) for “and any consequential redecoration of” there shall be substituted “but not redecoration other than that directly arising out of those repairs”; and
- (b) the words “, (b)” shall be omitted.

(a) Schedule 1C is substituted by regulation 14 of these regulations

Amendment of regulation 19 of the Single Payments Regulations

10. In regulation 19 of the Single Payments Regulations (redcoration) after sub-paragraph (a) of paragraph (1) there shall be inserted—

“and

(aa) a member of the assessment unit is over pensionable age or chronically sick or mentally or physically disabled; and”.

Amendment of regulation 27 of the Single Payments Regulations

11. In regulation 27 of the Single Payments Regulations (clothing and footwear) in paragraph (1)—

- (a) in sub-paragraph (a) the words from “for” to “arisen” shall be omitted;
- (b) in head (i) of sub-paragraph (a) after “or” where it first occurs there shall be inserted “within the 3 months immediately preceding the date of claim.a”;
- (c) head (iii) of sub-paragraph (a) shall be omitted; and
- (d) after sub-paragraph (b) there shall be added the following sub-paragraph—
 - “(c) the need has arisen in respect of a person who has applied to be recognised as, or is recognised by the Secretary of State for the Home Department as, or is a person whose application has been refused but nevertheless has been granted leave to remain in the United Kingdom, whether or not in accordance with any immigration rule, by the Secretary of State for the Home Department as, a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967 and that person has not been present in the United Kingdom for a period exceeding 3 months as of the date of claim.”.

Omission of regulation 28 of the Single Payments Regulations

12. Regulation 28 (costs where supplementary benefit not paid or not claimed) shall be omitted.

Amendment of regulation 30 of the Single Payments Regulations

13. In regulation 30 of the Single Payments Regulations (discretionary payments)—

- (a) in paragraph (1)—
 - (i) at the beginning there shall be inserted “Except where a claim is for miscellaneous furniture and household equipment needs,”,
 - (ii) in sub-paragraph (a) after “VII” there shall be inserted “(other than regulation 10A)”;
- (b) in paragraph (3)(a)—
 - (i) in head (i) for “and” where it appears in parenthesis there shall be substituted “to”,
 - (ii) in head (ii) for the words from “and if provision is made” to the end of that head there shall be substituted “having regard to any conditions mentioned by any regulation in Parts II to VII in relation to the need or item required;”.

Substitution of Schedule 1 to the Single Payments Regulations

14. For Schedule 1 to the Single Payments Regulations there shall be substituted the Schedules set out in the Schedule to these regulations.

Amendment of Schedule 2 to the Single Payments Regulations

15. Part VI of Schedule 2 to the Single Payments Regulations (baby clothes) shall be omitted.

Amendment of the Trade Disputes Regulations

16.—(1) The Trade Disputes Regulations shall be amended in accordance with the following provisions of this regulation.

(2) For paragraph (2) of regulation 6 (maternity needs) there shall be substituted the following paragraph—

“(2) Paragraphs (2) to (5) of regulation 7 of, and Schedule 1 (maternity needs) to, the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981 shall apply for determining—

- (a) the items to which paragraph (1) applies; and
- (b) the quantities of those items and the amounts applicable for those items (including any adjustment in those amounts falling to be made by virtue of paragraphs (4) and (5) of that regulation).”

(3) For paragraph (3) of regulation 7 (essential household equipment) there shall be substituted the following paragraph—

“(3) The amount mentioned in paragraph (1) shall be—

- (a) where immediate repairs are practicable the cost of such repairs provided they do not exceed the amount payable under sub-paragraph (b); or
- (b) where sub-paragraph (a) is not applicable, whichever is the lesser cost either of providing for a suitable alternative item (for example a space-heating appliance where a central heating system has broken down during a period of cold weather) or of replacing (including in the case of a fire-guard providing) that item; and the cost of replacing that item for the purposes of this sub-paragraph shall be the lesser of either—
 - (i) the amount payable for that item as prescribed by regulation 10(3) of the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981, or
 - (ii) the minimum amount necessary to obtain the item under a hire purchase agreement if so available.”

Amendment of the Urgent Cases Regulations

17.—(1) The Urgent Cases Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation) after the definition of “Single Payments Regulations” there shall be added the following definition—

““tenant” means a person other than one to whom regulation 9 or 23 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 24 (discretionary amounts)—

- (a) at the beginning there shall be inserted “Except where a claim is for miscellaneous furniture and household equipment needs,”;
- (b) in sub-paragraph (a) after “Part II or III” there shall be inserted “(other than regulation 8 insofar as it relates to paragraph 3(f) of Schedule 1)”.

(4) In Schedule 1—

- (a) for sub-paragraphs (a) to (f) of paragraph 3 there shall be substituted the following sub-paragraphs—

- “(a) sufficient items of bedding specified in column 1 of Schedule 1C to the Single Payments Regulations for each member of the assessment unit where in the opinion of the adjudication officer the assessment unit’s stock of those items is insufficient for its needs having regard to the provisions of regulation 12 of those regulations and the circumstances of the disaster (for example extra blankets where the fuel supply has been disrupted);
- (b) sufficient single or, where appropriate, double bed bases and mattresses for the use of each member of the assessment unit;
- (c) a cooker;
- (d) a space-heating appliance;
- (e) a fire-guard;
- (f) miscellaneous furniture and household equipment needs (other than a need for items specified in regulation 9 of the Single Payments Regulations);
- (b) after paragraph 7 there shall be added the following paragraph—
- “*Maternity needs*
8. Where the conditions specified in sub-paragraph (a) or (b) of paragraph (1) of regulation 7 of the Single Payments Regulations are satisfied such items as are specified in paragraph (2) of that regulation such as are necessary to bring the assessment unit’s stock of those items up to the quantities specified for those items in column 2 of Schedule 1 to those regulations.
- 3 (a) The amount specified for that item in column 2 of Schedule 1C to the Single Payments Regulations;
- (b) the amount calculated in accordance with regulation 10(3) of the Single Payments Regulations;
- (c) to (e) the amount determined in accordance with regulation 10(3) of the Single Payments Regulations;
- (f) the amount calculated in accordance with regulation 10A(3) of the Single Payments Regulations or such lesser amount as in the opinion of the adjudication officer is appropriate having regard to the extent of the disaster.”;
8. The amount calculated in accordance with paragraphs (3) to (5) of regulation 7 of the Single Payments Regulations.”.

Amendment of the Adjudication Regulations

18. In regulation 86(5) of the Adjudication Regulations (review in supplementary benefit cases) the following sub-paragraph shall be added after sub-paragraph (c)—

“(d) a determination under paragraph (5) of regulation 7 of the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981(a) in respect of an award under paragraph (1) of that regulation, or under regulation 6(1) of the Supplementary Benefit (Trade Disputes and Recovery From Earnings) Regulations (Northern Ireland) 1980(b) or under regulation 8(1) of, and paragraph 8 of Schedule 1 to, the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1981(c).”.

Revocation

19. The Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1984(d) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on
6th August 1986.

(L.S.)

L. C. Davie

Assistant Secretary

(a) S.R. 1981 No. 369; paragraph (5) is substituted by regulation 4 of these regulations
(b) S.R. 1980 No. 417; the relevant amending regulations are S.R. 1981 No. 215
(c) S.R. 1981 No. 372; paragraph 8 of Schedule 1 is added by regulation 17 of these regulations
(d) S.R. 1984 No. 136

SCHEDULE

Regulation 14

SCHEDULE 1

Regulation 7

Maternity needs

Column 1 <i>Item</i>	Column 2 <i>Quantity</i>	Column 3 <i>Amount</i>
		£
Vest	4	1·00
Sleeping suit	3	4·00
Cardigan	2	3·00
Pramsuit	1	6·50
Wrap/shawl	1	5·40
Plastic pants	3	0·95
Napkin	24	1·25
Feeding bottle and teat	6	0·85
Cot	1	30·00
Cot mattress	1	10·00
Pram or carry-cot	1	40·00
Cot sheet	3	4·00
Cot blanket	3	5·70
Baby bath	1	6·50

SCHEDULE 1A

Regulation 10

Essential furniture and household equipment

Column 1 <i>Item</i>	Column 2 <i>Amount</i>
	£
Bed base (single)	30·00
Bed base (double)	45·00
Mattress (single)	35·00
Mattress (double)	60·00
Waterproof protective sheet	2·50
Cooker	150·00
Space-heating appliance	30·00
Fire-guard	17·00
Washing machine	100·00
Vacuum cleaner	35·00
Refrigerator	45·00
Hot water cylinder jacket	6·00
Safety gates	17·00
Pushchair	28·00
High chair	25·00

Miscellaneous furniture and household equipment needs

Column 1 <i>Item</i>	Column 2 <i>Amount</i>
	£
For the claimant	75·00
For each additional member of the assessment unit	50·00

SCHEDULE 1C

Regulation 12

Bedding

Column 1 <i>Item</i>	Column 2 <i>Amount</i>
	£
Blanket (single)	15·00
Blanket (double)	18·00
Pillow	5·00
Pillow case	2·25
Sheet (single)	7·50
Sheet (double)	9·00
Sleeping bag	25·00

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981 ("the Single Payment Regulations") in the following respects—

- (a) they exclude entitlement for the replacement of an item which has not been preserved with reasonable care (regulation 3); quantify the amounts payable for maternity needs and require a reduction of £25 from such amounts where maternity grant is payable (regulations 4 and 14);
- (b) they retain in modified form the provision for the award of a single payment where a person moves due to actual or reasonably apprehended intimidation (regulations 5 and 7);
- (c) they reclassify essential items of furniture and household equipment and prescribe amounts for such and the circumstances governing entitlement and in particular preclude payment where there has been an award in the previous 3 years, except that that rule does not apply in a case where the move is because of domestic violence from a former partner, provided no payment in such a case has previously been made for either essential or miscellaneous furniture and household equipment or bedding (regulations 5 and 14);
- (d) they make provision in circumstances similar to those prescribed for essential furniture and household equipment for a once only lump sum payment (£75 for the claimant and £50 for a partner and each dependant) to be made for the purchase of miscellaneous furniture and household equipment; and for a specified amount of items of bedding required for each member of the assessment unit (regulations 5, 7 and 14);
- (e) they provide for VAT to be disregarded in the comparison of estimates for removal expenses and for the payment of disconnection and reconnection charges for certain items of essential furniture; restrict payment for external redecoration to costs arising out of essential repairs to the home and, for internal redecoration, to claimants whose assessment unit includes a member who is over pensionable age or chronically sick or disabled (regulations 8, 9 and 10);
- (f) they remove entitlement to clothing and footwear which is lost; and confer entitlement to clothing and footwear on refugees who have been in the United Kingdom for less than 3 months (regulations 11 and 15);
- (g) they remove regulation 28 of the Single Payments Regulations (costs where supplementary benefit not paid or not claimed) (regulation 12);
- (h) they remove from the ambit of regulation 30 of the Single Payments Regulations (discretionary payments) payments in respect of miscellaneous furniture and household equipment (regulation 13).

Regulations 16 and 17 of the regulations make amendments, consequential upon the changes made by regulations 2 to 15, to the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980 and the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1981; and regulation 18 amends the Social Security (Adjudication) Regulations (Northern Ireland) 1984 to provide for the review of any reduction made in respect of a maternity grant to which there is no entitlement.

As a consequence of the substitution of regulation 10 of the Single Payments Regulations by regulation 5, regulation 19 revokes the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1984.

The regulations will be referred to the Social Security Advisory Committee under subsection 7 of section 10 of the Social Security Act 1980 (c. 30) unless the Committee agree that that subsection shall not apply.

1986 No. 263

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.