

STATUTORY INSTRUMENTS

1984 No. 2034

SOCIAL SECURITY

**The Supplementary Benefit (Requirements)
Amendment and Temporary Provisions Regulations 1984***Laid before Parliament in draft**Made - - - - - 20th December 1984**Coming into operation in accordance with regulation 1(1)*

The Secretary of State for Social Services, with the consent of the Treasury **(a)**, in pursuance of paragraph 2 of Schedule 1 to the Supplementary Benefits Act 1976 **(b)** and in the exercise of powers conferred by sections 2(1A) and (2), 33(5) and 34(1) **(c)** of that Act and sub-paragraphs (1), (3) and (4) of that paragraph and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these regulations should not be referred to it **(d)**, hereby makes the following regulations of which a draft has, in accordance with section 33(3) of that Act, been laid before Parliament and approved by resolution of each House of Parliament:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Requirements) Amendment and Temporary Provisions Regulations 1984 and shall come into operation forthwith.

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

(a) See section 33(3) of the Supplementary Benefits Act 1976 (c. 71).

(b) 1976 c. 71, as amended by section 6(1) of and Part I of Schedule 2 to the Social Security Act 1980 (c. 30) and section 25 of and Part III of Schedule 8 to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41).

(c) See the definitions of “prescribed” and “regulations”.

(d) See section 10(1) of the Social Security Act 1980.

(e) S.I. 1983/1399; the relevant amending instruments are S.I. 1984/282, 1102.

Amendment of the 1983 Regulations

2.—(1) The 1983 Regulations shall be amended in accordance with the following provisions of this regulation.

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

(3) In regulation 9(8) (modification of normal requirements of boarders) for “£30.70” there shall be substituted “£32.30”.

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

Temporary provisions as to boarders

3.—(1) Until 1st May 1985 the maximum amount in respect of the assessment unit as a whole referred to in paragraph (1)(a) of regulation 9 (modification of normal requirements of boarders) of the 1983 Regulations shall be an amount ascertained in accordance with the following provisions of this regulation; and until that date—

(a) those provisions shall accordingly apply in place of the provisions contained in paragraph (6) of that regulation; and

(b) any reference in the 1983 Regulations to regulation 9 or 9(6) of those regulations shall accordingly be construed and have effect as if the following provisions of this regulation had been substituted for the said regulation 9(6).

(2) Subject to paragraphs (7) and (16) of regulation 9 of the 1983 Regulations the maximum amount in respect of the assessment unit as a whole referred to in paragraph (1)(a) of that regulation shall be the aggregate of the following amounts—

(a) in respect of each member of the assessment unit who is a dependent aged less than 11, $1\frac{1}{2}$ times the amount referred to in paragraph (5)(c) of that regulation; and

(b) in respect of each other member of the assessment unit, an amount determined under paragraph (3) below as appropriate in respect of the weekly charge in the relevant area for full board and lodging of a standard suitable for a claimant resident in the type of accommodation provided for the claimant in that assessment unit.

(a) Added by regulation 2(12)(c) of the Supplementary Benefit (Requirements and Resources) Amendment Regulations 1984.

(3) Any question as to the amount appropriate for the purposes of paragraph (2)(b) above shall be determined by the Secretary of State in his discretion; and his decision of such a question—

- (a) may be given either generally or in relation to a particular case;
- (b) may be revised from time to time as he considers desirable;
- (c) if it is not given in relation to a particular case—
 - (i) may make different provision for different cases or classes of case or otherwise for different circumstances;
 - (ii) shall be published in such form as he considers suitable; and
- (d) shall be conclusive for the purposes of regulation 9 of the 1983 Regulations.

Signed by authority of the Secretary of State for Social Services

Tony Newton,
Minister of State,
Department of Health and Social Security.

19th December 1984.

We consent,

Ian B. Lang,
A. G. Hamilton,
Two of the Lords Commissioners
of Her Majesty's Treasury.

20th December 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Supplementary Benefit (Requirements) Regulations 1983 ("1983 Regulations") by suspending the provisions of regulation 9(6) on a temporary basis and providing, amongst other things, that until 1st May 1985 the board and lodging maximum in respect of persons over 11 years of age which is, under the suspended provisions, an amount estimated by an adjudication officer to be a reasonable charge for the relevant area, shall instead be an appropriate amount determined by the Secretary of State. The regulations also make minor amendments consequent upon the introduction of severe disablement allowance by the Health and Social Security Act 1984 (c. 48) and increase the amount specified in regulation 9(8) of the 1983 Regulations to £32.30.

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