

1983 No. 61

**SOCIAL SECURITY****The Supplementary Benefit (Requirements) Regulations  
(Northern Ireland) 1983***Made* . . . . . 23rd March 1983*Coming into operation* . . . . . 2nd May 1983

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The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 3(3) and 4(1A) of, and paragraph 2(1), (3), (4) and (5) 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, and with the consent of the Department of Finance and Personnel(b), hereby makes the following regulations:

## PART I

## GENERAL

*Citation and commencement*

1. These regulations may be cited as the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983 and shall come into operation on 2nd May 1983.

*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(c);  
 “the Resources Regulations” means the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1981(d);  
 “allowance” means a supplementary allowance under Article 3(1)(b) of the Order;  
 “assessment unit” means the claimant and any partner and dependant of the claimant;  
 “available capital”, in relation to a claimant, means capital which falls to be disregarded under regulation 6(2) of the Resources Regulations;  
 “blind” means 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 6 months at a time when a pension or allowance was payable in respect of him;

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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  
 (b) Formerly the Department of Finance: *see* S.I. 1982/338 (N.I. 6), Article 3. *See also* Article 41(1) of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by the Social Security (Northern Ireland) Order 1980  
 (c) 1975 c. 15  
 (d) S.R. 1981 No. 370; amended by S.R. 1982 Nos. 239, 242 and 295

- “boarder” has the meaning assigned to it in regulation 9(10);
- “claimant” means a claimant for supplementary benefit;
- “close relative” means a parent, child, step-parent, step-child, brother or sister;
- “the Department” means the Department of Health and Social Services;
- “dependant” means a 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 claimant;
- “Health and Social Services Board” means a Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(a);
- “the home” means the accommodation, with any garage, garden and outbuildings, normally occupied by the assessment unit and any other members of the same household as their home and it includes also any premises and land not so occupied which it would be impracticable or unreasonable to expect to be sold separately;
- “non-dependant” means a person, other than a boarder, who is a member of the same household as the member or members of the assessment unit but is neither a member of the unit nor a person who satisfies, or if he were a member of the unit would satisfy, the condition of sub-paragraph (a) of paragraph (5) of regulation 5;
- “partner” means one of a married or unmarried couple;
- “patient” means a person, other than a prisoner, who is being maintained free of charge while undergoing medical or other treatment as an in-patient—
- (a) in a hospital or similar institution maintained or administered under the Health and Personal Social Services (Northern Ireland) Order 1972, or by or on behalf of the Secretary of State, or by or on behalf of the Defence Council; or
- (b) pursuant to arrangements made, or having effect as if made, by a Health and Social Services Board, by the Secretary of State, or by the Defence Council in a hospital or similar institution not so maintained or administered;
- “pension” means a supplementary pension under Article 3(1)(a) of the Order;
- “person affected by a trade dispute” means a person whose requirements fall to be disregarded to any extent by virtue of Article 12 of the Order;
- “prisoner” means any person whose detention in a prison, remand centre or young offenders centre is for the time being authorised by law;
- “relevant person” means that one of a married or unmarried couple whose requirements and resources include those of the other by virtue of paragraph 3(1) of Schedule 1 to the Order;
- “rent” includes corresponding payments in respect of a licence or permission to occupy the home and “let”, “letting” and “tenancy” shall be correspondingly construed;
- “single claimant” means a claimant who is not a partner;
- “the Table” means the Table of the normal requirements of relevant persons and householders in paragraph 2(3) of Schedule 1 to the Order.

(2) References in these regulations to the long-term and ordinary rates for couples are to the amounts for the time being specified in paragraphs 1 and 2 respectively of the Table, for householders to the amounts for the time being specified in paragraphs 3 and 4 respectively of the Table and for non-householders to the amounts for the time being specified in paragraphs 1 and 2 of Schedule 1.

(3) A person shall be treated as being, or not being, a member of the same household as another person for the purposes of these regulations if he would be so treated for the purposes of the Supplementary Benefit (Aggregation) Regulations (Northern Ireland) 1981(a).

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

#### *Determination of requirements*

3.—(1) For the purposes of Schedule 1 to the Order and subject to paragraph 2 of that Schedule, a person's requirements shall be determined in accordance with these regulations.

(2) Where any amount applicable under these regulations, or in the case of Part IV the aggregate of any amounts applicable, would otherwise include a fraction of a penny that fraction shall be treated as a penny.

## PART II

### NORMAL REQUIREMENTS

#### *Normal requirements*

4.—(1) The category of normal requirements shall relate to all items of normal expenditure on day-to-day living, other than items within Part IV, including in particular food, household fuel, the purchase, cleaning, repair and replacement of clothing and footwear, normal travel costs, weekly laundry costs, miscellaneous household expenses such as toilet articles, cleaning materials, window-cleaning and the replacement of small household goods (for example crockery, cutlery, cooking utensils, light bulbs) and leisure and amenity items such as television licence and rental, newspapers, confectionery and tobacco.

(2) The weekly amount of a person's normal requirements shall be determined in accordance with the Table and with regulations 5 to 7 but subject, where applicable, to the modifications of those provisions made by regulations 8 to 10.

#### *Normal requirements of relevant persons and householders*

5.—(1) Paragraphs 2 and 4 of the Table (ordinary rate for couples and householders) shall have effect as if at the end of the second column of those paragraphs there were inserted—

(a) in paragraph 2, "increased by £1.25"; and

(b) in paragraph 4, "increased by £0.70".

(2) Paragraph 1 of the Table (long-term rate for couples) shall have effect as if in the second column—

(a) after "The aggregate of the" there were inserted "higher of the two";

(b) after "Social Security Pensions (Northern Ireland) Order 1975 and" there were inserted "of the sum for the time being specified in"; and

(c) at the end there were inserted "reduced by £0.25".

(3) Paragraph 3 of the Table (long-term rate for householders) shall have effect as if in the second column for "The sum" there were substituted "The higher of the two sums" and as if at the end there were inserted "reduced by £0.15".

(4) The amounts specified in the second column of paragraphs 1 to 4 of the Table as modified by paragraphs (1) to (3) are shown in paragraphs A and B of Schedule 1.

(5) For the purposes of the Table a householder is a single claimant who—

(a) under Part IV (housing requirements) is treated, otherwise than by reason only of regulation 20(4), as responsible for expenditure on items to which any

of the regulations in Part IV, other than regulation 23 (non-householder's contribution) relates, or, if the household incurs no such expenditure, is the member of the household with major control over household expenditure;

- (b) does not share such responsibility or control with another member of the same household; and
- (c) is not absent from the home or whose absence is for a period which has not yet continued for more than 13 weeks.

*Normal requirements of persons other than relevant persons and householders*

6.—(1) Subject to paragraphs (2) and (3), the weekly amount of the normal requirements of a single claimant who is not a householder and of a dependant (not being a partner) shall be determined in accordance with Schedule 1, paragraph 1 or 2 of that Schedule applying in the case of a single claimant and paragraph 3 in that of a dependant.

(2) Subject to paragraph (3), where a person to whom paragraph (1) applies is a claimant who satisfies the conditions of paragraph (5) of regulation 5 except that, contrary to sub-paragraph (b) of that paragraph, he shares responsibility for, or control of, the expenditure there referred to with another member of the same household, the weekly amount of his normal requirements applicable under paragraph 1 or 2 of Schedule 1 shall be increased by the difference between that amount and the corresponding rate (long-term or ordinary as the case may be) for householders divided by the number of persons in the household satisfying the condition of regulation 5(5)(c) who share responsibility or control.

(3) Paragraph (2) shall not apply to any person to whom regulation 9 (normal requirements of boarders) or regulation 10 and Schedule 2 (normal requirements in special cases) applies or to any person aged not less than 18, or aged not less than 16 with a dependant, who is blind.

*Long-term rates for normal requirements*

7.—(1) The conditions for the purposes of paragraphs 1(b) and 3(b) of the Table (conditions for long-term rate for couples and householders not of pensionable age) are that the person—

- (a) is eligible for an allowance not subject to the condition of availability; and
- (b) subject to paragraphs (2) to (4), has already been in receipt of an allowance not subject to the condition of availability for a continuous period of not less than 52 weeks.

(2) For the purposes of paragraph (1)(b) a person shall be treated as having been in receipt of an allowance not subject to the condition of availability during the following periods—

- (a) any period in respect of which, while aged less than 18, he was in receipt of a non-contributory invalidity pension under the Act;
- (b) in the case of a person aged not less than 60, any period during which, while aged not less than 59, he was in receipt of an allowance subject to the condition of availability;
- (c) in the case of a person who, by reason of regulation 6(e) of the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981(a) (exemption from condition of availability where no further prospect of employment due to physical or mental disablement), has become eligible for an allowance not subject to the condition of availability, any period in respect of which while in receipt of an allowance he was subject to the condition of availability but was required, pursuant to regulation 8(b)(ii) of the

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(a) S.R. 1981 No. 371; the relevant amending regulations are S.R. 1982 Nos. 240 and 295

Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981(a) (attendance at social security office where condition of availability applies), to attend at a social security office only quarterly; and

(d) any other period of 13 weeks or less ending on or after 24th November 1980 in respect of which he was not in receipt of an allowance not subject to the condition of availability which fell immediately between periods—

(i) in respect of which he was in receipt of an allowance not subject to the condition of availability, or

(ii) to which any of sub-paragraphs (a), (b) and (c) applies.

(3) A person who has satisfied the condition of paragraph (1)(b) shall be treated as again satisfying it if his entitlement to an allowance not subject to the condition of availability is interrupted only by—

(a) any period of 78 weeks or less throughout which, except for any periods not in aggregate exceeding 13 weeks, he was either a patient in a hospital or similar institution or was in, or only temporarily absent from, residential accommodation as defined in regulation 10(5);

(b) any of the periods mentioned in paragraph (2).

(4) Where after the requirements and resources of a person, A, have been aggregated with and treated as those of another person, B, under paragraph 3 of Schedule 1 to the Order (aggregation) such aggregation comes to an end and the condition in paragraph (5) is satisfied, for the purposes of any claim for an allowance made by A in respect of a subsequent period—

(a) if—

(i) that period is not separated from the cessation of aggregation by any period other than one mentioned in paragraph (3), and

(ii) immediately prior to the cessation of aggregation B satisfied the condition of paragraph (1)(b) or his entitlement was to a pension,

A shall be treated as satisfying the condition of paragraph (1)(b);

(b) if, in any other case, that period is not separated from the cessation of aggregation by any period other than one mentioned in paragraph (2), A shall be treated as having satisfied the condition of paragraph (1)(b) to the extent that B satisfied it.

(5) The condition mentioned in paragraph (4) is that the requirements and resources of A were aggregated with and treated as those of B either—

(a) under paragraph 3(1) of Schedule 1 to the Order (aggregation of married and unmarried couples); or

(b) under paragraph 3(2) of Schedule 1 to the Order (aggregation of dependants) and there are now so aggregated with A's requirements and resources those of another person which were previously so aggregated with B's.

(6) The long-term rate in paragraphs 1(a) and 2(a) of Schedule 1 (long-term rate for claimants other than partners and householders) shall be applicable where the person—

(a) is eligible for a pension; or

(b) satisfies the conditions of sub-paragraphs (a) and (b) of paragraph (1),

and the ordinary rate shall be applicable in all other cases within those paragraphs.

(7) In this regulation—

(a) "period in receipt of an allowance not subject to the condition of availability" and "period in receipt of non-contributory invalidity pension

under the Act” include any period in respect of which it was subsequently held, on appeal or review, that the person concerned was so entitled to such an allowance or pension and excludes any period in respect of which it was subsequently held, on appeal or review, that he was not so entitled;

- (b) “subject to the condition of availability” in relation to an allowance means subject to the condition of availability for employment under Article 7(1)(a)(a);
- (c) “social security office” means any office or place appointed by the Department for the purpose of claiming unemployment benefit.

*Modification of normal requirements in certain cases of actual or notional unemployment benefit disqualification*

8.—(1) This regulation applies to a claimant, not being a person to whom regulation 10 and Schedule 2 (modification of normal requirements in special cases) apply, whose right to an allowance is, pursuant to Article 7(1)(a), subject to the condition of availability for work, and who—

- (a) is disqualified for receiving unemployment benefit under section 20(1) of the Act (disqualification by reference to conduct resulting in unemployment or conducing to its continuance); or
- (b) has made a claim for unemployment benefit which has not been determined by an insurance officer appointed under section 97(1) of the Act, but in respect of which, in the opinion of the benefit officer, a question as to disqualification under the said section 20(1) arises; or
- (c) either—
  - (i) has not made a claim for unemployment benefit, or
  - (ii) has had such a claim disallowed other than by reason of disqualification under the said section 20(1),

but who would be so disqualified if he were to make such a claim or if it had not been so disallowed.

(2) Subject to paragraph (3), in relation to a claimant to whom this regulation applies, the Table, regulation 9 and paragraphs 1 and 2 of Schedule 1 shall be modified so that the weekly amount specified for his normal requirements shall be reduced—

- (a) in relation to an amount specified in the Table, by 40 per cent. of the amount for the time being specified in paragraph 4 of the Table;
- (b) in relation to an amount specified in paragraph 1 or 2 of Schedule 1, by 40 per cent. of the ordinary rate for the time being specified in the relevant paragraph;
- (c) in relation to an amount for the time being specified in sub-paragraph (a) or (b) of paragraph (9) of regulation 9, by 40 per cent. of the ordinary rate for the time being specified in the said sub-paragraph (b),

the reduction being rounded, in any case where it is not a multiple of 5p, to the nearest such multiple or, if it is a multiple of 2.5p but not of 5p, to the next lower multiple of 5p.

(3) Where—

- (a) the claimant’s available capital does not exceed £100; and
- (b) any one or more of the following is applicable—
  - (i) any member of the assessment unit is either pregnant or seriously ill,
  - (ii) the assessment unit includes a child aged less than 5 years,

- (iii) the claimant's last employment either was part-time, or was full-time but for a continuous period of not more than 6 weeks,
- (iv) the claimant's own average earnings for the last 6 weeks of his last employment or, if for a shorter period, from the whole of such employment, calculated in accordance with regulation 10 of the Resources Regulations (calculation of earnings), did not exceed his current weekly requirements (including the requirements of any partner or dependant) as determined under these regulations apart from this regulation,
- (v) the amount of the claimant's housing requirements is restricted under regulation 21,
- (vi) the claimant's circumstances are analogous in one or more respects with those set out in the preceding heads of this sub-paragraph and, in the opinion of the benefit officer, it would be appropriate for this paragraph to apply,

the reduction to be made under paragraph (2) shall be reduced by one half, rounded, if the reduction is not a multiple of 5p, as provided in that paragraph.

(4) The period for which this regulation shall apply shall be—

- (a) in a case to which sub-paragraph (a) of paragraph (1) applies, the period of the disqualification;
- (b) in a case to which sub-paragraph (b) of paragraph (1) applies, a period not exceeding 6 weeks but so that where on subsequent determination of the claim for unemployment benefit—
  - (i) disqualification is not imposed, any reduction made under paragraph (2) shall be withdrawn,
  - (ii) if disqualification is imposed, the period of such reduction shall, if different, be adjusted to correspond with the period of disqualification;
- (c) in a case to which sub-paragraph (c) of paragraph (1) applies, the period for which the claimant would be disqualified.

#### *Modification of normal requirements of boarders*

9.—(1) Where the claimant and any other members of the assessment unit are boarders paragraphs 1 to 4 of the Table and 1 to 3 of Schedule 1 (amounts of normal requirements) shall have effect as if for the amounts for the time being there specified there were substituted—

- (a) a weekly amount for board and lodging which, subject to paragraph (8), shall be determined in accordance with paragraph (4) but, except where paragraph (7) applies, shall not exceed a maximum amount determined in accordance with paragraph (6); and
- (b) a weekly allowance for personal expenses determined in accordance with paragraph (9),

so however that, except where paragraph (8) applies, the amount applicable in aggregate under sub-paragraphs (a) and (b) shall not be less than a minimum amount determined in accordance with paragraph (5).

(2) Where any part of the amount for board and lodging is met by a rent allowance under Article 59 of the Rent (Northern Ireland) Order 1978(a) an amount equal to the part so met shall be deducted from the aggregate amount applicable under paragraph (1).

(3) Where an award is to be made in respect of a period of less than one week, pursuant to regulation 6(2)(b) of the Supplementary Benefit (Determination of

(a) S.I. 1978/1050 (N.I. 20)



Questions) Regulations (Northern Ireland) 1980(a) the requirements applicable to the claimant under this regulation shall include the weekly amount to which paragraph (1)(a) applies if the weekly charge for board and lodging falls due during that period.

(4) The weekly amount for board and lodging referred to in paragraph (1)(a) shall be the full weekly amount of the charge for board and lodging, or for lodging, increased, where the charge is not inclusive of all meals, by the weekly amount of the meals not so included, at the rate, in respect of each member of the assessment unit, of—

- (a) if the meals can be obtained within the board and lodging establishment, the actual cost of such meals, calculated on a weekly basis; and
- (b) otherwise—
  - (i) for breakfast, at the daily rate of £0.95,
  - (ii) for midday meals, at the daily rate of £1.35,
  - (iii) for evening meals, at the daily rate of £1.35,

so however that in a case where meals are normally obtained free of charge or at a reduced cost such lesser increase, if any, shall be made in respect of meals as may be reasonable in the circumstances.

(5) The minimum amount referred to in paragraph (1) shall be the aggregate of—

- (a) in respect of the claimant—
  - (i) if he is a relevant person, the long-term or ordinary rate for couples,
  - (ii) otherwise, the long-term or ordinary rate for non-householders, the long-term rate being applicable where, but for this regulation, a long-term rate would have been applicable pursuant to paragraph 1(a) or 3(a) of the Table or to regulation 7 and the ordinary rate in other cases;
- (b) the amount specified in regulation 23(1)(a) (non-householder's housing contribution);
- (c) in respect of any dependant, the amount which, but for this regulation, would have been applicable under paragraph 3 of Schedule 1 (normal requirements).

(6) Subject to paragraph (7), the maximum amount referred to in paragraph (1)(a) shall be, in respect of any member of the assessment unit other than a dependant, the amount estimated by the benefit officer as representing a reasonable weekly charge for full board and lodging (inclusive of all meals) of no more than suitable standard which is available in the relevant area or, if the level of charges there is unusually high, in an adjoining area and, in respect of any dependant, the amount referred to in paragraph (5)(c), increased by any excess of the actual charge over that maximum up to—

- (a) in respect of the claimant if he is under pensionable age and his allowance for personal expenses under paragraph (9) is at the long-term rate—
  - (i) if he is a relevant person, £12.60,
  - (ii) otherwise, £6.30;
- (b) in respect of the claimant if he has attained pensionable age—
  - (i) if he is a relevant person, £26.60,
  - (ii) otherwise, £13.30;
- (c) £7.00 in respect of—
  - (i) where an increase is also applicable under sub-paragraph (b), a dependant,

- (ii) in any other case, any member of the assessment unit, who is infirm by reason of physical or mental disability;
- (d) £13·30, or if the claimant is a relevant person, twice that amount, where any one or more of the following conditions is satisfied in respect of the accommodation or, as the case may be, a member of the assessment unit—
- (i) he is a person in respect of whom the Department has power to make arrangements pursuant to Article 36(1)(a) of the Health and Personal Social Services (Northern Ireland) Order 1972 (provision of accommodation in premises registered in accordance with Schedule 5 to that Order) but has declined to exercise that power,
  - (ii) the accommodation is provided in a nursing home as defined in section 10(1) of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971(a), where the Department has power, pursuant to Article 71(1) of the Health and Personal Social Services (Northern Ireland) Order 1972 (voluntary organisations), to make contractual arrangements for the provision of accommodation but has declined to exercise that power,
  - (iii) he is a person in respect of whom the Department has power to provide residential accommodation pursuant to Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1972 (care of mothers and young children) but has declined to exercise that power,
  - (iv) he is a person—
    - (aa) in respect of whom the Department has power to provide residential accommodation pursuant to Article 7 of the Health and Personal Social Services (Northern Ireland) Order 1972 (prevention of illness, care and after-care) but has declined to exercise that power, and
    - (bb) whose accommodation is in premises registered under Schedule 5 to the Health and Personal Social Services (Northern Ireland) Order 1972 (registration of homes for persons in need),
  - (v) he is a person suffering from a mental disorder within the meaning of the Mental Health Act (Northern Ireland) 1961(b) in respect of whom a Health and Social Services Board has, pursuant to Article 7 or 36(1)(b) or (c) of the Health and Personal Social Services (Northern Ireland) Order 1972(c) (prevention, care and after-care), made arrangements for the provision of residential accommodation in a private household or premises which are not required to be registered under Schedule 5 to the said Order of 1972,
  - (vi) he is a person who is resident in premises which are used for the rehabilitation of alcoholics or drug addicts,

so however that where an increase is applicable under sub-paragraph (d) no increase shall be made under either of sub-paragraphs (a) and (b) or under sub-paragraph (c) except in respect of a dependant.

(7) Except to the extent that the claimant is able to meet the balance of the actual charge over the maximum amount out of income which is not taken into account for the purposes of the Resources Regulations—

- (a) where, having regard to the relevant factors, it is not reasonable to expect him to seek alternative accommodation, paragraph (6) shall not apply;

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(a) 1971 c. 32 (N.I.)

(b) 1961 c. 15 (N.I.)

(c) Article 36(1)(c) was inserted by Article 11(2) of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26))

- (b) where, although having regard to the relevant factors it is reasonable to expect him to seek alternative accommodation, paragraph (6) shall not apply for a period not exceeding 13 weeks if, having regard to the relevant factors, this is reasonable to allow him time to find alternative accommodation;

and in this paragraph "relevant factors" means the availability of, and level of charges for, board and lodging accommodation and the circumstances mentioned in regulation 21(5)(b).

(8) Where board and lodging, or lodging, is received wholly or partly in return for services the amount applicable for board and lodging shall be—

- (a) if full free board and lodging (inclusive of all meals) is received, £4.00 in respect of each of the claimant and any partner of the claimant who provides services;
- (b) otherwise, such amount as may be reasonable in the circumstances.
- (9) The allowance for personal expenses referred to in paragraph (1)(b) shall be—
- (a) for a relevant person—
- (i) long-term rate, £18.90,
  - (ii) ordinary rate, £17.00;
- (b) for a claimant who is not a relevant person—
- (i) long-term rate, £9.45,
  - (ii) ordinary rate, £8.50;
- (c) for a dependant—
- (i) aged not less than 18, £8.50,
  - (ii) aged less than 18 but not less than 16, £5.10,
  - (iii) aged less than 16 but not less than 11, £4.35,
  - (iv) aged less than 11, £2.85,

and in sub-paragraphs (a) and (b) the long-term rate shall be applicable where, but for this regulation, a long-term rate would have been applicable pursuant to paragraph 1(a) or 3(a) of the Table or to regulation 7, and otherwise the ordinary rate.

(10) In this regulation "boarder" means a person, not being a person to whom any of paragraphs 1 to 6 of Schedule 2 applies, who—

- (a) pays a charge which is inclusive of his accommodation and at least some cooked or prepared meals which are both prepared and consumed in the accommodation or in associated premises; or
- (b) is living in a hotel, guest-house, hostel or lodging-house, or in some similar establishment; or
- (c) is a refugee as defined in regulation 6 of the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981 who is living in a special centre for the reception of refugees prior to settlement in the community,

but excluding any person whose accommodation and meals (if any) are provided by a close relative or other than on a commercial basis.

#### *Modification of normal requirements in special cases*

10.—(1) In the case of a person to whom any paragraph in column (1) of Schedule 2 applies, the provision relating to him shown in the corresponding paragraph in column (2) of that Schedule shall have effect with respect to the weekly amounts for normal requirements specified in those provisions further modified as shown in the corresponding paragraph in column (3) of that Schedule.

(2) Paragraphs 1 to 4 of the Table, regulation 9 and paragraphs 1 to 3 of Schedule 1 (amounts for normal requirements) may be further modified as may be reasonable where the circumstances are analogous to those for which Schedule 2 makes provision or relate to a member of the assessment unit, or to a permutation of members, for whom provision is not made in that Schedule.

(3) Where modifications are applicable in respect of the same or different members of an assessment unit under more than one of the provisions of regulations 8 to 10 and Schedule 2, those provisions may be further modified in respect of any such person as may be reasonable in the circumstances of the particular case.

(4) Where a person has to pay a retaining fee for accommodation to which, but for his temporary absence from it, regulation 9 (boarders) would apply and—

(a) he is a person staying in accommodation provided as mentioned in sub-paragraph (a) or (b) of paragraph (5), and paragraph 1 of Schedule 2 (residential accommodation) does not apply to him by reason only that his stay in that accommodation has not, in the opinion of the benefit officer, become other than temporary; or

(b) he is a person to whom paragraph 2 of Schedule 2 (patients) applies, the amount applicable for his normal requirements may be increased to take account of the retaining fee.

(5) In paragraph 1 of Schedule 2 “residential accommodation” means accommodation for a person whose stay in the accommodation has, in the opinion of the benefit officer, become other than temporary which is provided—

(a) pursuant to Article 15 or 36 of the Health and Personal Social Services (Northern Ireland) Order 1972; or

(b) in residential accommodation by the Department pursuant to the statutory provisions referred to in head (iii) or (iv) of regulation 9(6)(d) but, in the case of head (iv), only where the accommodation is in premises registered under Schedule 5 to the Health and Personal Social Services (Northern Ireland) Order 1972 (registration of homes for persons in need).

(6) For the purposes of paragraph 7 of Schedule 2 a person shall be treated as present with limited leave, or without leave, to enter or remain in the United Kingdom if—

(a) he is a person, other than a national of a member State or a person to whom the European Convention on Social and Medical Assistance done in Paris on 11th December 1953(a) applies, who has a limited leave (as defined in section 33(1) of the Immigration Act 1971(b)) to enter or remain in the United Kingdom which was given in accordance with any provision of immigration rules (as defined in section 33(1) of that Act) which refers to there being, or to there needing to be, no recourse to public funds, or to there being no charge on public funds, during that limited leave; or

(b) having only a limited leave to enter or remain in the United Kingdom he has remained beyond the time limited by the leave; or

(c) he is the subject of a deportation order, that is to say an order within section 5(1) of the Immigration Act 1971 requiring him to leave and prohibiting him from entering the United Kingdom; or

(d) he is an illegal entrant (as defined in section 33(1) of the Immigration Act 1971) who is not given leave under that Act to enter or remain in the United Kingdom.

(7) Where an amount in column (3) of Schedule 2 is expressed as, or involves determination by reference to, a specified percentage of a rate for householders or

(a) Cmnd. 9512

(b) 1971 c. 77

non-householders, that amount shall, if it is not a multiple of 5p, be rounded to the nearest such multiple or, if it is a multiple of 2.5p but not of 5p, to the next higher multiple of 5p.

### PART III

#### ADDITIONAL REQUIREMENTS

##### *Additional requirements*

**11.**—(1) The items to which the category of additional requirements relates are those for which provision is made in Schedule 3.

(2) The weekly amount of the additional requirements of a claimant, including the requirements of any partner or dependant of his, shall be determined—

(a) in relation to heating, in accordance with regulation 12 and Part I of Schedule 3;

(b) in relation to items other than heating, in accordance with regulation 13 and Part II of Schedule 3.

(3) The requirements which by virtue of Article 3(3) (exclusion of medical, surgical, optical, aural and dental requirements) are not included in a person's requirements exclude the items to which paragraphs 1, 9, 10 and 13 of Schedule 3 relate.

##### *Heating*

**12.**—(1) Subject to paragraphs (2) to (5), the weekly amount specified in column (2) of any paragraph in Part I of Schedule 3 shall be applicable to the claimant in respect of a member of the assessment unit to whom column (1) of the corresponding paragraph applies.

(2) The provisions of Part I of Schedule 3 shall be subject to the following conditions—

(a) no amount shall be applicable under paragraphs 1(1), 2 to 5 and 7 where any member of the assessment unit is a person affected by a trade dispute;

(b) no amount shall be applicable under paragraphs 1(2) and (3) and 6 in respect of a person who is affected by a trade dispute;

(c) no amount shall be applicable during absence from the home—

(i) under paragraphs 2, 3 and 5, if all members of the assessment unit have been absent for a continuous period of more than 4 weeks,

(ii) under paragraph 4, if all members of the assessment unit are absent, unless an amount for housing requirements is applicable by virtue of regulation 14(4)(a),

(iii) under paragraph 7, in respect of a person who has been absent for a continuous period of more than 13 weeks;

(d) where—

(i) an item in column (1) of paragraph 1 applies in respect of more than one member of an assessment unit, only one amount shall be applicable in respect of that item,

(ii) more than one of the items in column (1) of paragraphs 1 and 2 apply in respect of a member, or members, of an assessment unit, the amount applicable to the claimant under both of those paragraphs shall be the amount specified in column (2) of paragraph 1(2);

(e) only one amount shall be applicable under paragraph 7;

- (f) subject to sub-paragraphs (g) and (h), an amount shall not be applicable to the claimant under more than one, paragraphs 1 and 2 counting as one for this purpose, of paragraphs 1 to 7 and, if there is a choice, the higher or highest amount shall be applicable;
- (g) where a separate charge is payable as mentioned in column (1) of paragraph 4—
- (i) if the charge provides for all the necessary heating of the home—
    - (aa) no amount shall be applicable under paragraphs 1 to 3 and 5, and
    - (bb) only one amount shall be applicable under paragraphs 4, 6 and 7,
  - (ii) if the charge provides for part only or none of the necessary heating of the home—
    - (aa) amounts may be applicable both under paragraph 4 and under either paragraphs 1 and 2 or paragraph 3,
    - (bb) no amount shall be applicable under paragraph 5,
    - (cc) an amount may be applicable under one, but not both, of paragraphs 6 and 7,
    - (dd) amounts shall be applicable under one only of sub-heads (aa) and (cc);
- (h) where an amount is applicable under regulation 15 for rent which is inclusive of heating no amount shall be applicable under paragraphs 1 to 5;
- (i) where column (1) of paragraph 6 applies in respect of more than one member of an assessment unit an amount shall be applicable to the claimant under column (2) of that paragraph in respect of each such member.
- (3) Where paragraph 4 of Schedule 3 applies to—
- (a) a claimant who is not a partner and has been absent from the home for a continuous period of more than 13 weeks; or
  - (b) a person to whom regulation 9 or paragraph 1 or 2 of Schedule 2 applies,
- the amount applicable shall be the full amount of the separate charge in respect of the items referred to in column (1) of that paragraph.
- (4) In relation to a person to whom regulation 9 (normal requirements of boarders) or regulation 10(2) or any of paragraphs 1 to 8 of Schedule 2 (normal requirements in certain special cases) applies—
- (a) if he is a person to whom regulation 9 applies, an amount shall be applicable under paragraph 1 or 6 of Schedule 3 only if and to the extent that the charge for board and lodging, or for lodging, does not provide for the heating required;
  - (b) if he is a person to whom paragraph 1 or 2 of Schedule 2 applies, no amount shall be applicable under paragraph 1 or 6 of Schedule 3;
  - (c) if he is a person to whom any of paragraphs 3 to 8 of Schedule 2 applies, no amount shall be applicable under Part I of Schedule 3;
  - (d) if he is a person to whom regulation 10(2) applies, amounts shall be applicable under Part I of Schedule 3 if and to the extent that it is reasonable in the circumstances.
- (5) For the purposes of Part I of Schedule 3 “householder” means a person (including a partner) who satisfies the conditions of sub-paragraphs (a) and (b) of paragraph (5) of regulation 5 (meaning of householder) but where a person satisfies the condition of sub-paragraph (a) but, contrary to sub-paragraph (b), shares responsibility for, or control of, the expenditure there referred to with another member of the same household—

- (a) paragraphs 2 to 5 of Schedule 3 shall apply to him as if the amounts specified in column (2) of those paragraphs were divided by the number of the persons in the household who share responsibility or control;
- (b) paragraph 7 of Schedule 3 shall apply as if he was a householder.

*Items other than heating*

13.—(1) Subject to paragraphs (2) to (7), the weekly amount specified in column (2) of any paragraph in Part II of Schedule 3 shall be applicable to the claimant—

- (a) in relation to any of those paragraphs, other than paragraphs 14 and 16, in respect of a member of the assessment unit to whom column (1) of the corresponding paragraph applies;
- (b) in relation to paragraphs 14 and 16, where the condition in column (1) of the paragraph is satisfied.

(2) No more than one amount and, if there is a choice, the higher or highest amount shall be applicable under paragraph 13 of Schedule 3 in respect of any one person.

(3) No amount shall be applicable under Part II of Schedule 3, other than under paragraphs 11 and 13(a), (d) and (e), where any member of the assessment unit is a person affected by a trade dispute.

(4) No amount shall be applicable under paragraphs 11 and 13(a), (d) and (e) of Schedule 3 in respect of a person affected by a trade dispute.

(5) Subject to paragraph (6), where a long-term rate for normal requirements is applicable to the claimant, whether as a person to whom paragraph 1(a) or 3(a) of the Table applies or under regulation 7, amounts shall only be applicable to him under Part II of Schedule 3, other than paragraphs 8 and 11, to the extent that in aggregate they would, but for this paragraph, exceed 50p.

(6) Paragraph (5) shall not apply where an amount is applicable in respect of a dependant under any of paragraphs 9, 10, 13 and 17 of Schedule 3.

(7) In relation to a person to whom regulation 9 (normal requirements of boarders) or regulation 10(2) or any of paragraphs 1 to 8 of Schedule 2 (normal requirements in certain special cases) applies—

- (a) if he is a person to whom regulation 9 applies, an amount shall be applicable in respect of any item to which paragraphs 9, 10, 13, 14 and 16 of Schedule 3 relate only if, and to the extent that, the charge for board and lodging, or for lodging, does not provide for that item;
- (b) no amount shall be applicable under paragraph 8 or 11 of Schedule 3 if he is a person to whom paragraph 1 of Schedule 2 applies or if he is a person, other than a partner, to whom paragraph 2 of Schedule 2 applies;
- (c) except where regulations made pursuant to Article 19(2)(d) (review of determinations) so provide, no amount shall be applicable under paragraph 9 of Schedule 3 if he is a person to whom paragraph 1 or 2 of Schedule 2 applies;
- (d) no amount shall be applicable under paragraph 10, 13, 14, 16 or 17 of Schedule 3 if he is a person to whom paragraph 1 or 2 of Schedule 2 applies;
- (e) no amount shall be applicable under Part II of Schedule 3 if he is a person to whom any of paragraphs 3 to 8 of Schedule 2 applies;
- (f) if he is a person to whom regulation 10(2) applies, amounts shall be applicable under Part II of Schedule 3 if and to the extent that it is reasonable in the circumstances.

## PART IV

## HOUSING REQUIREMENTS

*Housing requirements*

14.—(1) The items to which housing requirements relate are—

- (a) rent;
- (b) mortgage payments;
- (c) repairs and insurance;
- (d) interest on loans for repairs and improvements;
- (e) miscellaneous outgoings;
- (f) items applicable in special cases;
- (g) non-householder's contribution.

(2) The housing requirements of a claimant, including the requirements of any partner or dependant of his, shall be—

- (a) except in a case to which paragraph (1)(g) applies, the aggregate of any amounts which, in accordance with paragraphs (3) and (4), are applicable in his case under regulations 15 to 20 subject to any restriction or reduction applicable under regulation 21 or 22;
- (b) in a case to which paragraph (1)(g) applies, the amount applicable under regulation 23,

and where any one or more, but not all, members of an assessment unit are affected by a trade dispute those requirements shall be treated as those of the other members of the unit.

(3) Except in relation to the item specified in paragraph (1)(g), an amount shall be applicable under this Part only where a member of the assessment unit is responsible for the expenditure to which the amount relates and—

- (a) a person shall be treated as responsible for expenditure—
  - (i) for which he is liable, in particular as owner-occupier or party to the lease or tenancy agreement of the home, other than to a person who is a member of the same household,
  - (ii) which, because the person liable is not meeting it, he has to meet if he is to continue to live in the home and for which the benefit officer is satisfied that it is reasonable in the circumstances to treat him as responsible,
  - (iii) in relation to an amount applicable under paragraph (1) of regulation 17 by virtue of sub-paragraph (a) or (b) of that paragraph, where he is the person there specified (owner-occupiers and rental purchasers),
  - (iv) in relation to an amount applicable under regulation 20(2) (analogous expenditure), where it is reasonable in the circumstances,
  - (v) which he in practice shares with one or more other members of the household, not being close relatives of his, at least one of whom is responsible under one of the preceding heads of this sub-paragraph, and for which the benefit officer is satisfied that it is reasonable in the circumstances to treat him as sharing responsibility;

so however that a claimant shall be treated as responsible for any expenditure for which a dependant of his would otherwise be treated as responsible and that where different members of the household are responsible for expenditure on different items but one member only is responsible for any expenditure to which regulation 15 or 16 (rent and mortgage payments) relates and in respect of which any amount is applicable under regulation 17(1)(a) (maintenance and insurance for owner-occupiers), that member shall, so long as he satisfies



the condition of regulation 5(5)(c) (meaning of householder), be treated also as the person responsible for expenditure on the other items;

- (b) where responsibility for expenditure is shared the amount so applicable shall be calculated by reference to the appropriate proportion of that expenditure but not so as to reduce the aggregate amount applicable to the claimant under this Part below the amount specified in regulation 23(1)(a) (non-householder's contribution).

(4) Notwithstanding that all members of the assessment unit are absent from the home, amounts may be applicable under this Part—

- (a) if the absence has not exceeded, and, in the opinion of the benefit officer is unlikely to exceed, a period of substantially more than one year and in the circumstances it is reasonable that the assessment unit should retain the accommodation;
- (b) for a period not exceeding one year where this is reasonable pending completion of the sale of the home,

but where a student, as defined in the Resources Regulations, and any other members of the assessment unit are absent during a vacation from his, or their, term-time accommodation no amount shall be allowed in respect of that accommodation.

(5) No amount shall be allowed under this Part in respect of a person—

- (a) to whom paragraph 3 of Schedule 2 applies;
- (b) unless under paragraph (4), to whom regulation 9 or any of the provisions of Schedule 2, other than paragraphs 3 and 6 to 10 applies;
- (c) unless it is reasonable in the circumstances, to whom regulation 10(2) applies;
- (d) to whom paragraph 6 of Schedule 2 (prisoners) applies, except that this sub-paragraph shall not apply in the case of any person remanded in custody or committed in custody for trial or to be sentenced.

(6) No amount shall be allowed under this Part where—

- (a) all members of the assessment unit are persons to whom paragraph 7 of Schedule 2 applies; or
- (b) any member of the assessment unit is a person to whom paragraph 8 of Schedule 2 applies.

### Rent

**15.**—(1) Subject to paragraphs (2) to (7), there shall be applicable under this regulation the amount, calculated on a weekly basis, of the rent payable for the home and of any additional charge made by a landlord in respect of the home because of letting of any part of the home, taking in lodgers or accommodating non-dependants.

(2) No amount shall be allowed under paragraph (1) in respect of any part of the rent which is irrecoverable from the tenant by virtue of Parts IV, V or VI of the Rent (Northern Ireland) Order 1978 (rents under regulated and restricted tenancies).

(3) Where the amount payable for rent is inclusive of any of the items mentioned in sub-paragraphs (a) to (d) there shall, in respect of those items, be deducted from the amount applicable under paragraphs (1) and (2)—

- |                         |        |
|-------------------------|--------|
| (a) for heating .....   | £5·60; |
| (b) for lighting .....  | £0·45; |
| (c) for cooking .....   | £0·65; |
| (d) for hot water ..... | £0·65; |

so however that where the benefit officer is satisfied that the inclusive rent does not provide for all the necessary expenditure of the assessment unit on the item in

question the amount of the deduction to be made under the relevant sub-paragraph shall be such lesser amount as he considers reasonable in the circumstances, and that where the claimant is not a partner and has been absent from the home for a continuous period of more than 13 weeks, or for a shorter period if (for example because of the application of paragraph 1 or 2 of Schedule 2) a householder rate of normal requirements is no longer applicable, no deduction shall be made under this paragraph provided the absence is temporary and expenditure on the item unavoidable.

(4) Where the amount payable for rent is inclusive of any item which is identified in regulation 4(1) (meaning of normal requirements), other than an item mentioned in sub-paragraphs (a) to (d) of paragraph (3), there shall, in respect of that item, be deducted from the amount applicable under paragraphs (1) and (2) the amount which in the opinion of the benefit officer is attributable to the item.

(5) Where for the administrative convenience of the landlord arrangements are made for rent payable for a year to be paid for 53 weeks, or irregularly, or so that no rent is payable for or collected in certain periods, or so that rent for different periods in the year is of different amounts, the weekly amount applicable shall be the rent payable for the year divided by 52.

(6) Where for a specific purpose, such as to meet or contribute to redecoration costs or in compensation for disturbance while improvements are carried out, payment of rent is waived, the rent shall, for a period not exceeding 8 weeks, be treated as still payable.

(7) Where any amount of the rent is met by a rent rebate under Article 18 or 120 of the Housing (Northern Ireland) Order 1981(a), or by a rent allowance under Article 59 of the Rent (Northern Ireland) Order 1978, the amount so met shall be deducted from the amount applicable under paragraphs (1) and (2).

(8) There shall be treated as rent for the purposes of this regulation the amount payable in respect of the home—

- (a) under a co-ownership scheme, that is to say a scheme under which the home is let by a housing association (as defined in Article 114 of the Housing (Northern Ireland) Order 1981) and the tenant (or his personal representative) will; under the terms of the tenancy agreement or of the agreement under which he became a member of the association, be entitled, on his ceasing to be a member and subject to any conditions stated in either agreement, to a sum calculated by reference directly or indirectly to the value of the home;
- (b) under a rental purchase agreement, that is to say where the home is being acquired through payments for a fixed period of rent which includes a capital element attributable to the landlord's interest in the home;
- (c) for land purchase annuity or analogous outgoings;
- (d) by way of mesne profits.

#### *Mortgage payments*

16.—(1) There shall be applicable under this regulation in respect of any mortgage or other loan taken out for the purpose of acquiring an interest in the home, the amount, calculated on a weekly basis, which is payable and attributable to interest on the loan.

(2) Where after an amount has been allowed under paragraph (1)—

- (a) interest rates fall; or
- (b) the amount of the loan capital outstanding is reduced,

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(a) S.I. 1981/156 (N.I. 3)

but the amount of the instalments payable to the lender remains constant, the amount applicable shall not be adjusted to take account of such a fall or reduction except where regulation 4(4) of the Supplementary Benefit (Determination of Questions) Regulations (Northern Ireland) 1980(a) so provides.

(3) Where—

(a) of two persons, A and B, who were formerly a married or unmarried couple, A has, for a purpose other than that specified in paragraph (1), taken out a mortgage charged on his interest in the home;

(b) A has left the home and either cannot or will not pay the interest on that mortgage; and

(c) B has to pay the interest in order to continue living in the home,

there shall be applicable under this regulation the amount of the interest on that mortgage.

(4) Where—

(a) a person has taken out a mortgage for business purposes which is charged on his interest in the home; and

(b) he intends to sell his interest in the home to discharge his business liabilities, the amount, calculated on a weekly basis, attributable to interest on that mortgage shall be applicable under this regulation for a period not exceeding 6 months where this is essential to enable the interest in the home to be realised on reasonable terms.

#### *Maintenance and insurance*

17.—(1) Where a person is—

(a) an owner-occupier;

(b) a person in respect of whom an amount is applicable by reason of regulation 15(8)(b) (rental purchaser); or

(c) any other person who, as a condition of the lease or agreement under which the home is occupied, is liable to undertake or to meet the costs of either or both of all repairs to, and the insurance of, the structure of the home,

there shall be applicable under this regulation the weekly amount of £1.70 for maintenance and insurance or, where the actual costs of maintenance and insurance exceed that amount, such higher amount, if any, as is reasonable having regard to any special circumstances (for example a high fire risk) justifying higher than average expenditure.

(2) For the purposes of this regulation “maintenance and insurance” means essential routine minor maintenance and insurance of the structure of the home.

#### *Interest on loans for repairs and improvements*

18.—(1) Subject to paragraph (2), there shall be applicable under this regulation the amount, calculated on a weekly basis, of any interest payable on sums borrowed, with or without security, for repairs and improvements to the home.

(2) Where the claimant has available capital in excess of £300, the excess shall be set against the amount borrowed and interest allowed only by reference to any balance.

(3) In this regulation “repairs and improvements” means major repairs necessary to maintain the fabric of the home and any of the following measures undertaken with a view to improving its fitness for occupation—

(a) installation of any of a fixed bath or shower, wash basin, sink and lavatory and necessary associated plumbing;

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(a) S.R. 1980 No. 423; the relevant amending regulations are S.R. 1982 No. 240

- (b) damp-proofing measures;
- (c) provision or improvement of ventilation and natural lighting;
- (d) provision of electric lighting and sockets;
- (e) provision or improvement of drainage facilities;
- (f) improvements to the structural condition of the home;
- (g) improvements to the facilities for storing, preparing and cooking food;
- (h) provision of heating, including central heating;
- (i) provision of storage facilities for fuel and refuse;
- (j) improvements to the insulation of the home;
- (k) other improvements which are reasonable in the circumstances.

#### *Miscellaneous outgoings*

19. The amounts, calculated on a weekly basis, of the following miscellaneous outgoings payable in respect of the home shall be applicable under this regulation—

- (a) general rates, less any rate rebate;
- (b) charges or rates in respect of water, sewerage and allied environmental services;
- (c) recurring charges for the emptying of cess-pits and septic tanks and the cost of fluid and materials to service a chemical toilet;
- (d) ground rent;
- (e) service charges (for example for maintenance, insurance, management and the cleaning of common areas) but subject to deduction, where the charges provide for any item which is identified in regulation 4(1) (meaning of normal requirements) or referred to in sub-paragraphs (a) to (d) of regulation 15(3) (deductions from inclusive rent), of the amount which in the opinion of the benefit officer is attributable to that item;
- (f) contributions to the cost of improvements (including redecoration) made by a squatters' organisation or association, provided that the home is occupied with the permission of the owner;
- (g) outgoings analogous to those mentioned in this Part.

#### *Special cases*

20.—(1) Amounts shall be applicable in respect of expenditure on the home in special cases in accordance with the following provisions of this regulation.

(2) Where amounts are not applicable under any of regulations 15 to 19 because of the special character of the accommodation occupied as the home, for example where the home is a caravan or a houseboat, an amount shall be applicable under this regulation calculated by reference to any expenditure analogous to that for which amounts are allowable under those regulations.

(3) A garage rented separately from the home shall be treated as part of the home for the purposes of regulations 15 to 19 provided that all reasonable efforts are being made to terminate the liability.

(4) Where the assessment unit changes its home amounts shall be applicable under regulations 15 to 19 in respect of both the old and the new home—

- (a) for a period of overlap not exceeding 4 weeks where the overlap of liability is unavoidable;
- (b) where this is reasonable because the old home was left through fear of domestic violence.

(5) Where the assessment unit moves into accommodation for which an amount is applicable under regulation 15 (rent) and—

(a) there were reasonable grounds for the assessment unit not to remain in the previous accommodation (for example because it was unsuited to the needs of the assessment unit or because the move was made for the purpose of improving employment prospects); and

(b) the rent is payable to a landlord for a period in advance, the amount applicable for rent and for any items to which regulation 19 relates which are similarly payable, may, for a single week, be increased—

(i) in a case where the landlord is the Northern Ireland Housing Executive, up to a maximum of twice the amount which would otherwise be applicable,

(ii) in any other case, up to a maximum of 4 times that amount,

subject to compensating adjustments in the following weeks.

(6) Subject to paragraph (7), where—

(a) the home is occupied with security of tenure, that is to say under a protected or statutory tenancy for the purposes of the Rent (Northern Ireland) Order 1978(a) excluding any case in which the tenant has been given a notice to which any Case in Part II of Schedule 4 to that Order (cases in which Court must order possession) applies;

(b) a member of the assessment unit acquires some other interest in the home; and

(c) but for this paragraph the aggregate of the amounts applicable under the preceding provisions of this Part would be increased as a result of the acquisition;

the aggregate amount so applicable shall initially be restricted to that applicable immediately before the acquisition and shall be increased subsequently only to the extent that this is necessary to take account of any increase, after the date of the acquisition, in expenditure on any item of housing requirements.

(7) Paragraph (6)—

(a) shall not apply where the member of the assessment unit became liable to complete the acquisition at a time when a pension or allowance was not payable in respect of him;

(b) shall cease to apply if its application becomes inappropriate by reason of any major change in the circumstances of the assessment unit affecting their ability to meet expenditure on items of housing requirements.

#### *Restriction where amounts excessive*

**21.**—(1) Where the amounts applicable under regulations 15 to 20, and subject to any restriction applicable under regulation 22, are excessive they shall be subject to restriction in accordance with this regulation.

(2) Subject to paragraphs (3) and (4), the amounts so applicable shall be regarded as excessive and shall be restricted, and the excess not allowed, if, and to the extent that—

(a) in the case of an amount applicable under any of those regulations, the home, excluding any part which is let or is normally occupied by boarders, is unnecessarily large for the assessment unit and any non-dependants or is located in an unnecessarily expensive area; or

(b) in the case of an amount applicable under regulation 15, otherwise than by virtue of regulation 15(8)(a), the rent is excessive by comparison with that for similar available accommodation in the area.

(3) Where, having regard to the relevant factors, it is not reasonable to expect the assessment unit to seek alternative cheaper accommodation no restriction shall be made under this regulation.

(4) Where paragraph (3) does not apply and the claimant (or other member of the assessment unit) was able to meet the financial commitments for the home when these were entered into no restriction shall be made under this regulation during the first 6 months of any period of entitlement to a pension or allowance or during the next 6 months if, and so long as, the claimant uses his best endeavours to obtain cheaper accommodation.

(5) In this regulation "the relevant factors" are—

- (a) the availability of suitable accommodation and the level of housing costs in the area; and
- (b) the circumstances of the assessment unit including in particular the age and state of health of its members, the employment prospects of the claimant and the effect on the education of any dependants were a change in accommodation to result in a change of school.

*Reduction in amounts applicable for certain occupants of the home*

22.—(1) The amounts applicable under regulations 15 to 20 shall be reduced in accordance with the following paragraphs where any part of the home is let, other than to a boarder, or is occupied by non-dependants.

(2) Where any part of the home is let the reduction shall be by the amount, calculated on a weekly basis, receivable from the letting less—

(a) in respect of incidental expenses of the letting—

- (i) £2.50 where the letting is on a furnished basis,
  - (ii) half that amount where it is on an unfurnished basis,
  - (iii) £0.35 in the case of any other letting (for example of garage or outbuildings) and additionally, in the case of land, any expenses necessarily incurred (for example on repairs to fencing or upkeep of land);
- (b) where any part of the amount receivable is attributable to an item specified in any of sub-paragraphs (a) to (d) of regulation 15(3), such amount in respect of that item as may be reasonable in the circumstances;
- (c) any amount, calculated on a weekly basis, attributable to capital repayments, excluding any amount applicable by virtue of regulation 16(2), of a payment for which an amount is applicable under regulation 16(1) or (3) or 18 provided that—

- (i) any possible reduction or suspension has been obtained from the lender in the amount of the capital repayments,
- (ii) the claimant's available capital does not exceed the outstanding capital by more than £300.

(3) Subject to paragraph (5), where the home is also occupied by a non-dependant the reduction shall be by the amount of a housing contribution calculated in accordance with paragraph (4).

(4) For the purposes of paragraph (3) a housing contribution shall be assumed in respect of each non-dependant, or group of non-dependants, who—

- (a) form an assessment unit for the purposes of a current entitlement to a pension or allowance; or
- (b) are not members of such a unit but would if a pension or allowance were payable, or were payable to one of them, be members of a single assessment unit,

and the amount of the reduction shall be—

(c) in respect of—

- (i) an assessment unit within sub-paragraph (a),
- (ii) an assessment unit within sub-paragraph (b) where the person to whom the pension or allowance would be payable is aged less than 18,
- (iii) an assessment unit within sub-paragraph (b), where a claim has been made and if the maximum, instead of some lesser, amount had been applicable under regulation 23(1) (non-householder's contribution), a pension or allowance would be payable to a person aged not less than 18,

the sum of £3·10;

(d) in any other case, the sum of £6·55.

(5) No reduction shall be made under paragraph (3)—

- (a) where the claimant, or the partner of the claimant, is blind;
- (b) in respect of a non-dependant who is giving residential assistance in respect of which an amount under paragraph 14(1) of column (2) of Schedule 3 (additional requirements, domestic assistance) either is applicable or would be applicable—
  - (i) but for the application of regulation 13(3) (member of the assessment unit affected by a trade dispute), or
  - (ii) if the assistance given by the non-dependant were not provided by a Health and Social Services Board;
- (c) in respect of a non-dependant or group of non-dependants—
  - (i) whose usual home is, in the opinion of the benefit officer, elsewhere, and
  - (ii) in respect of whom an amount under regulation 23 (non-householder's contribution) is not applicable.

#### *Non-householder's contribution*

**23.—**(1) There shall be applicable to a person to whom this regulation applies, in respect of his contribution to the housing expenses of the household of which he is a member—

(a) the weekly amount of £3·10; or

(b) where he establishes—

- (i) that the amount is insufficient having regard to his actual contribution to the housing expenses of the household,
- (ii) that, having regard to the resources of the household as a whole, hardship would otherwise occur, and
- (iii) that his entry into the household was on the clear understanding that a contribution to the housing expenses of the household in excess of that amount would be required,

such additional weekly amount as may be reasonable up to a maximum, in aggregate, of £6·55.

(2) This regulation applies to a claimant where neither he nor any other member of the assessment unit satisfies the condition of sub-paragraph (a) of paragraph (5) of regulation 5 (meaning of householder).

## PART V

## REVOCATIONS

*Revocations*

24. The regulations specified in column (1) of Schedule 4 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 23rd March 1983.

(L.S.)

*A. N. Burns*

Assistant Secretary

The Department of Finance and Personnel for Northern Ireland hereby consents to the foregoing regulations.

Sealed with the Official Seal of the Department of Finance and Personnel for Northern Ireland on 23rd March 1983.

(L.S.)

*Desmond Cole*

Assistant Secretary



## SCHEDULE 1

Regulations 5(4) and 6(1)

## Normal Requirements

Description of rate (1)	Weekly amount (2)
<i>Married and unmarried couples</i>	
A. Rates for couples—	
(a) long-term .....	52·30
(b) ordinary .....	41·70
(the long-term and ordinary rates being specified respectively in paragraph 1 of the Table as modified by regulation 5(2) and in paragraph 2 as modified by regulation 5(1), the long-term rate being applicable in pension cases and in allowance cases where the conditions of regulation 7 are satisfied and the ordinary rate in the remaining cases).	
<i>Single claimants</i>	
B. Rates for householders—	
(a) long-term .....	32·70
(b) ordinary .....	25·70
(the long-term and ordinary rates being specified respectively in paragraph 3 of the Table as modified by regulation 5(3) and in paragraph 4 as modified by regulation 5(1), the long-term rate being applicable in pension cases and in allowance cases where the conditions of regulation 7 are satisfied and the ordinary rate in the remaining cases).	
1. Rates for non-householders aged not less than 18 or less than 18 with a dependant—	
(a) long-term .....	26·15
(b) ordinary .....	20·55
(the appropriate rate being determined in accordance with regulation 7).	
2. Rates for non-householders aged less than 18 without a dependant—	
(a) long-term .....	20·05
(b) ordinary .....	15·80
(the appropriate rate being determined in accordance with regulation 7).	
<i>Dependants</i>	
3. Rates for dependants aged—	
(a) not less than 18 .....	20·55
(b) less than 18 but not less than 16 .....	15·80
(c) less than 16 but not less than 11 .....	13·15
(d) less than 11 .....	8·75

## SCHEDULE 2

Regulation 10

## Modification of Normal Requirements in Special Cases

Cases (1)	Provisions modified (2)	Modified amount (3)
<p><i>Persons in residential accommodation</i></p> <p>1. Person in, or only temporarily absent from, residential accommodation who is—</p> <p>(a) a relevant person whose partner is also in, or only temporarily absent from, residential accommodation;</p> <p>(b) a claimant who is not a relevant person.</p>	<p>1. (a) Paragraphs 1 and 2 of the Table;</p> <p>(b) paragraphs 3 and 4 of the Table and 1 and 2 of Schedule 1.</p>	<p>1. (a) Twice the amount specified in sub-paragraph (b) in this column;</p> <p>(b) the higher of the two sums for the time being specified in Article 8(1)(a) of the Social Security Pensions (Northern Ireland) Order 1975(a) (of which amount 80 per cent. is in respect of the cost of the residential accommodation and 20 per cent. for personal expenses).</p>
<p><i>Patients</i></p> <p>2. Patient who is—</p> <p>(a) a relevant person whose partner is also a patient but, where he has a dependant, only if both he and his partner have been patients for a continuous period of more than 8 weeks;</p> <p>(b) either a relevant person or his partner and has been a patient (whether or not his partner is also a patient) for a continuous period of more than 8 weeks provided that sub-paragraph (a) does not apply;</p>	<p>2. (a) Paragraphs 1 and 2 of the Table;</p> <p>(b) paragraphs 1 and 2 of the Table;</p>	<p>2. (a) 40 per cent. of the long-term rate for householders plus, if he has a dependant, the amount of the increase specified in sub-paragraph (c) in this column;</p> <p>(b) the amount applicable under paragraph 1 or 2 of the Table less 20 per cent. of the long-term rate for householders;</p>

<i>Cases</i> (1)	<i>Provisions modified</i> (2)	<i>Modified amount</i> (3)
(c) a claimant who is not a partner and is not a person to whom sub-paragraph (e) applies and, if he has a dependant, has been a patient for a continuous period of more than 8 weeks;	(c) paragraphs 3 and 4 of the Table and 1 and 2 of Schedule 1;	(c) 20 per cent. of the long-term rate for householders plus, if the claimant has a dependant, the difference between the ordinary rate for householders and the amount applicable to the dependant, or if more than one dependant to the older or oldest of them, under paragraph 3 of Schedule 1;
(d) a dependant who has been a patient for a continuous period of more than 12 weeks;	(d) paragraph 3 of Schedule 1;	(d) 20 per cent. of the long-term rate for householders;
(e) a claimant who is not a partner and has been a patient for a continuous period of more than one year in respect of whom—	(e) paragraphs 1 and 2 of Schedule 1.	(e) nil, or such amount as the benefit officer considers reasonable having regard to the views of the hospital staff and the patient's relatives if available.
<p>(i) a person has been appointed to act pursuant to Article 19(2)(b),</p> <p>(ii) his pension or allowance is paid to an administrative officer of the hospital or other institution either as, or at the request of, the person so appointed, and</p> <p>(iii) a registered medical practitioner treating him certifies that all or part of his pension or allowance cannot be used by him or on his behalf,</p>		
and where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he		

Cases (1)	Provisions modified (2)	Modified amount (3)
<i>Persons from abroad</i>		
<p>7. Person (further defined in regulation 10(6)) who is present with limited leave, or without leave, to enter or remain in the United Kingdom—</p> <p>(a) if one of a married or unmarried couple the other of whom is not also so present (with limited leave or without leave);</p> <p>(b) in any other case.</p>	<p>7. (a) Paragraphs 1 and 2 of the Table;</p> <p>(b) paragraphs 1 to 4 of the Table and 1 to 3 of Schedule 1.</p>	<p>7. (a) The ordinary rate for householders if the member of the couple mentioned in sub-paragraph (a) in column (1) as not also so present satisfies the conditions of sub-paragraphs (a) to (c) of regulation 5(5) (meaning of householder) and otherwise the ordinary rate for non-householders;</p> <p>(b) nil.</p>
<i>Persons temporarily treated as not one of an unmarried couple</i>		
<p>8. Person referred to as A in regulation 7 of the Supplementary Benefit (Aggregation) Regulations (Northern Ireland) 1981(a) (circumstances in which two persons are not to be treated as an unmarried couple) to whom that regulation applies.</p>	<p>8. Paragraphs 3 and 4 of the Table and 1 of Schedule 1.</p>	<p>8. Nil.</p>
<i>Persons affected by trade dispute</i>		
<p>9. Where either (but not both) of a relevant person and his partner is a person affected by a trade dispute.</p>	<p>9. Paragraphs 1 and 2 of the Table.</p>	<p>9. The ordinary rate for non-householders.</p>
<i>Member of polygamous relationship</i>		
<p>10. Person to whom regulation 8 of the Supplementary Benefit (Aggregation) Regulations (Northern Ireland) 1981 (polygamous relationships) applies who is not a person who under paragraph (1) of that regulation is to be treated as one of a married or unmarried couple.</p>	<p>10. Paragraphs 3 and 4 of the Table and 1 and 2 of Schedule 1.</p>	<p>10. The difference between the long-term or ordinary rate for couples applicable in respect of the couple to whom paragraph (1) of the regulation mentioned in column (1) of this paragraph applies and the corresponding rate, long-term or ordinary as the case may be, for householders.</p>

Cases (1)	Provisions modified (2)	Modified amount (3)
shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.		
<i>Certain unmarried students</i>		
3. Student, as defined in the Resources Regulations, and any other member of the assessment unit where the student—	3.—(1) In relation to the student, paragraphs 1 and 2 of the Table.	3.—(1) The weekly amount of the allowance for which he, or he and his partner, are not but would, if they had been a married couple, have been eligible under any scheme made under the Students Awards Regulations (Northern Ireland) 1982(a).
(a) is one of an unmarried couple;		
(b) if he and his partner were a married couple would, in respect of the student's partner or of a dependant, satisfy the conditions for payment of the allowance specified in sub-paragraph (1) in column (3); and	(2) In relation to dependants of the student, paragraph 3 of Schedule 1.	(2) Nil.
(c) is a claimant to whom regulation 6(j) of the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981(b) (exemption of unmarried students from condition of availability in certain circumstances) applies.		
<i>Single claimants without accommodation</i>		
4. Claimant, not being a relevant person, who is without accommodation.	4. Paragraphs 1 and 2 of Schedule 1.	4. The ordinary rate for non-householders.
<i>Members of religious orders</i>		
5. Person who is a member of and fully maintained by a religious order.	5. Paragraphs 3 and 4 of the Table and 1 to 3 of Schedule 1.	5. Nil.
<i>Prisoners</i>		
6. Person who is a prisoner.	6. Paragraphs 3 and 4 of the Table and 1 to 3 of Schedule 1.	6. Nil.

(a) S.R. 1982 No. 235, amended by S.R. 1982 No. 393

(b) S.R. 1981 No. 371; the relevant amending regulations are S.R. 1982 No. 295

## SCHEDULE 3

Regulations 11 to 13

## Additional Requirements

## PART I

## HEATING

<i>Items and cases applicable</i> (1)	<i>Weekly amount</i> (2)
<i>Heating</i>	
1.—(1) Person for whom extra warmth needs to be provided— (a) because he suffers from chronic ill health, due for example to bronchitis, rheumatism, arthritis or anaemia; or (b) because of restricted mobility due to some physical reason, for example, general frailty.	1.—(1) £1·90.
(2) Person for whom extra warmth needs to be provided because he suffers from— (a) physical illness or physical disability to the extent that he is confined to the home or unable to leave it alone; or (b) a serious physical illness.	(2) £4·65.
(3) Person who suffers from— (a) a serious physical illness such that a constant temperature must be maintained; or (b) a physical illness or physical disability to the extent that he is confined to bed or cannot walk unaided within the home, and needs extra heating day and night.	(3) £4·65.
2. Person who is a householder where, having regard in particular to whether the rooms are draughty or damp or exceptionally large— (a) the home is difficult to heat adequately; (b) the home is exceptionally difficult to heat adequately, for example, because it is very old or in a very exposed situation.	2. (a) £1·90; (b) £4·65.
3. Person who is a householder where the home, excluding any bathroom, lavatory or hall, consists of— (a) not more than 4 rooms; (b) 5 or more rooms; and is centrally heated by a single system, including night storage heaters, which (notwithstanding that individual parts of the system may be operated independently of each other) is operated from a central point and is the normal means of heating the living or dining areas.	3. (a) £1·90; (b) £3·80.
4. Person who is a householder where, as a condition of the tenancy of the home, a separate charge, not subject to rebate or surcharge, is payable for any of the items specified in sub-paragraphs (a) to (d) of regulation 15(3) (deductions from inclusive rent for items of fuel costs).	4. Any amount by which the weekly amount of the separate charge exceeds that specified for the item in the relevant sub-paragraph mentioned in column (1) of this paragraph.
5. Person who is a householder where the home is part of an estate built with a heating system of which the Department has in its discretion recognised the running costs to be disproportionately high.	5. Where the home, excluding any bathroom, lavatory or hall, consists of—

Items and cases applicable (1)	Weekly amount (2)
<p>6. Person in respect of whom—</p> <p>(a) any of the following is payable—</p> <p>(i) mobility allowance(a) or attendance allowance under the Act,</p> <p>(ii) increase under section 61 of the Act of the weekly rate of disablement pension where constant attendance is needed,</p> <p>(iii) constant attendance allowance under Article 14 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978(b),</p> <p>(iv) a grant under Article 30(3) of the Health and Personal Social Services (Northern Ireland) Order 1972(c) (costs of vehicles for disabled persons) towards the cost of maintaining a vehicle belonging to a person referred to in Article 30(1) of that Order, or</p> <p>(v) an amount pursuant to Article 26 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978 (provision of expenses in respect of appropriate aids for disabled living) in respect of the cost of providing a vehicle for, or maintaining a vehicle belonging to, a disabled person; or</p> <p>(b) an invalid carriage or other vehicle has been provided pursuant to Article 30 of the Health and Personal Social Services (Northern Ireland) Order 1972.</p>	<p>(a) not more than 4 rooms, £3·80;</p> <p>(b) 5 or more rooms, £7·60.</p> <p>6. £4·65.</p>
<p>7. Person who is a householder and he, or any other member of the assessment unit, is aged—</p> <p>(a) not less than 70; or</p> <p>(b) less than 5.</p>	<p>7. £1·90.</p>

(a) See the Social Security (Northern Ireland) Act 1975 c. 15 section 37A as inserted by the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)) Article 24

(b) S.I. 1978/1525

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

## PART II

## ITEMS OTHER THAN HEATING

<i>Items and cases applicable</i> (1)	<i>Weekly amount</i> (2)
<p><i>In respect of age</i></p> <p>8. Person aged not less than 80.</p>	<p>8. 25p.</p>
<p><i>Attendance needs</i></p> <p>9. Where—</p> <p>(a) in the opinion of the benefit officer a member of the assessment unit who is aged not less than 2 needs—</p> <p>(i) frequent attention in connection with his bodily functions, or</p> <p>(ii) continual supervision in order to avoid substantial danger to himself or others, throughout the day or night, and is likely to continue to do so for at least 6 months; and</p> <p>(b) either—</p> <p>(i) a claim by or in respect of him has not been made for attendance allowance under section 35 of the Act because he has not satisfied the condition in subsection (2)(b) of that section (6 months qualifying period), but the benefit officer is satisfied that he will make such a claim within 6 months of any amount being allowed under this paragraph, or</p> <p>(ii) such a claim has been made but it has not yet been determined by an insurance officer appointed under section 97(1) of the Act,</p> <p>but this paragraph shall cease to apply to that member if no claim is made within that 6 months or, as the case may be, when the claim is so determined, unless it is disallowed on the grounds only that conditions as to residence and presence prescribed pursuant to section 35(1) of the Act are not met.</p>	<p>9. The actual cost of attendance, calculated on a weekly basis, up to the amount of the lower rate of attendance allowance specified in the second column of paragraph 1 of Part III of Schedule 4 to the Act.</p>
<p><i>Baths</i></p> <p>10. Person who on medical grounds needs more than one bath a week.</p>	<p>10. 20p for each additional bath needed.</p>
<p><i>Blindness</i></p> <p>11. Person aged not less than 16 who is blind.</p>	<p>11. £1·25 increased, if he is a person to whom paragraph 1 or 3(a) of Schedule 1 (normal requirements of certain claimants and of dependants aged not less than 18) applies, by the difference between the amount so applicable and the corresponding (long-term or ordinary as the case may be) rate for householders.</p>
<p><i>Boarding-out fees</i></p> <p>12. Person whose child, being a member of the assessment unit, is being boarded out prior to adoption, but this paragraph shall</p>	<p>12. The weekly amount of the boarding-out fees, not</p>



<i>Items and cases applicable</i> (1)	<i>Weekly amount</i> (2)
<p>apply only to the first 8 weeks after the commencement of the boarding-out or for such longer period as the benefit officer may allow for completion of the adoption arrangements.</p>	<p>exceeding the maximum amount of the fees payable by the appropriate Health and Social Services Board for a child of the age in question who is boarded out under the Children and Young Persons (Boarding-Out) Regulations (Northern Ireland) 1976(a) less the amount applicable in respect of the normal requirements of the child under paragraph 3 of Schedule 1.</p>
<p><i>Diet</i></p> <p>13. Person who needs a special diet because he—</p> <p>(a) suffers from diabetes; a peptic, including stomach and duodenal, ulcer; a condition of the throat which causes serious difficulty in swallowing; ulcerative colitis; a form of tuberculosis for which he is being treated with drugs; or from some illness for which he requires a diet analogous to that required for any of the other illnesses specified in this sub-paragraph;</p> <p>(b) is convalescing from a major illness or operation or suffering from an illness not specified in sub-paragraph (a), and the diet involves extra cost;</p> <p>(c) is a dependant and is living in the same accommodation as a person suffering from a form of respiratory tuberculosis for which he is being treated with drugs;</p> <p>(d) suffers from renal failure for which he is treated by dialysis; or</p> <p>(e) suffers from a condition, other than one specified in sub-paragraph (a), for which he has to follow a diet which involves extra cost, substantially in excess of the amount specified in sub-paragraph (a) in column (2).</p>	<p>13. (a) £3.35;</p> <p>(b) £1.45;</p> <p>(c) £1.45;</p> <p>(d) £9.60;</p> <p>(e) the weekly cost of the diet except in so far as it consists of proprietary foods or substances available under the Health and Personal Social Services (Northern Ireland) Order 1972.</p>
<p><i>Domestic assistance</i></p> <p>14. Where—</p> <p>(a) a charge is made for assistance with the ordinary domestic tasks (for example, cleaning and cooking but excluding window cleaning and errands) of the assessment unit;</p> <p>(b) such assistance is essential because adult members of the assessment unit are unable to carry out all those tasks by reason of old age, ill health, disability or heavy family responsibilities; and</p>	<p>14.—(1) Where, exceptionally, residential assistance is needed, for example where the person assisted is very severely disabled, the weekly amount of the charge for assistance provided this does not exceed twice the ordinary rate for non-householders; and</p>

Items and cases applicable (1)	Weekly amount (2)
<p>(c) the assistance is not provided by a Health and Social Services Board, or by a close relative who incurs only minimal expenses.</p>	<p>(2) in any other case, the weekly amount of the charge for assistance provided that it is reasonable in the circumstances.</p>
<p><i>Hire purchase</i></p> <p>15. Person who has entered into a hire purchase agreement where—</p> <p>(a) the agreement relates to items of essential furniture or household equipment, as defined pursuant to Article 5 (supplementary benefit to meet exceptional need), which are not used solely or primarily by persons who are not members of the assessment unit;</p> <p>(b) the person entered into the agreement before a pension or allowance began to be paid in respect of him;</p> <p>(c) there are substantial grounds for believing that during the term of the agreement the pension or allowance will cease to be so payable;</p> <p>(d) the claimant's available capital in excess of £300 is not sufficient to pay the balance of the outstanding instalments in a lump sum; and</p> <p>(e) payment of those instalments is not, in the events which have happened, provided for by an insurance provision (for example in respect of unemployment) in the agreement.</p>	<p>15. The amount of any instalments falling due (excluding any arrears) postponement of payment of which is not acceptable to the other party to the agreement, calculated on a weekly basis, or so much of that amount as relates to items within sub-paragraph (a) in column (1).</p>
<p><i>Laundry</i></p> <p>16. Where—</p> <p>(a) the laundry of the assessment unit cannot be done at home because all adult members of the household are ill, disabled or infirm or because there are no suitable washing or drying facilities; or</p> <p>(b) the quantity is substantially greater, for example because of incontinence, than the amount which would normally be generated by an assessment unit of the same composition.</p>	<p>16. The amount by which the estimated average weekly laundry costs exceed £0.45.</p>
<p><i>Special wear and tear on clothing</i></p> <p>17. Person who suffers from a physical or mental condition which has the consequence that his clothing or footwear wears out unusually quickly.</p>	<p>17. The estimated extra cost, calculated on a weekly basis, of repairing or replacing the clothing or footwear.</p>
<p><i>Storage of furniture</i></p> <p>18. Where—</p> <p>(a) a person has stored essential household effects belonging to and intended for the use of the assessment unit;</p>	<p>18. The weekly amount of the cost of storage.</p>

<i>Items and cases applicable</i> (1)	<i>Weekly amount</i> (2)
<p>(b) storage of the items is necessary and the cost of storage is reasonable;</p> <p>(c) the person is using his best endeavours to obtain accommodation which will remove the necessity for storage;</p> <p>but an amount shall not be allowed under this paragraph for those items for more than 12 months.</p>	

## SCHEDULE 4

Regulation 24

## Revocations

<i>Regulations revoked</i> (1)	<i>Reference</i> (2)	<i>Extent of revocation</i> (3)
The Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1980	S.R. 1980 No. 347	The whole regulations
The Supplementary Benefit (Aggregation, Requirements and Resources) (Amendment) Regulations (Northern Ireland) 1980	S.R. 1980 No. 422	The whole regulations
The Supplementary Benefit (Requirements and Resources) (Amendment) Regulations (Northern Ireland) 1981	S.R. 1981 No. 241	The whole regulations
The Supplementary Benefit (Requirements and Conditions of Entitlement) (Amendment) Regulations (Northern Ireland) 1981	S.R. 1981 No. 282	The whole regulations
The Supplementary Benefit (Requirements and Resources) (Amendment) Regulations (Northern Ireland) 1982	S.R. 1982 No. 239	Regulation 2
The Supplementary Benefit Up-rating Regulations (Northern Ireland) 1982	S.R. 1982 No. 242	In regulation 1(2), the definition of "Requirements Regulations", regulations 2 and 3 and Schedule 1
The Supplementary Benefit (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1982	S.R. 1982 No. 295	In regulation 1(2), the definition of "Requirements Regulations", and regulation 5

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations are made for the purpose only of consolidating the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1980 with subsequent amending regulations. They provide for the determination of requirements for the purposes of determining the right to and amount of supplementary benefit under the Supplementary Benefits (Northern Ireland) Order 1977 ("the 1977 Order") as amended by the Social Security (Northern Ireland) Order 1980.

Part I contains general provisions affecting the interpretation of the regulations. Regulations 1 and 2 relate to citation, commencement and interpretation. Regulation 3 provides that, for the purposes of Schedule 1 to the 1977 Order (and subject to provisions in that Schedule), requirements shall be determined in accordance with these regulations and includes a rounding provision.

Part II relates to the determination of normal requirements and contains provisions specifying the items to which the category of normal requirements relates (regulation 4); varying the rates set out in the 1977 Order for the normal requirements of couples and householders and defining householder (regulation 5); providing for the amounts of the normal requirements of other persons, including children (regulation 6 and Schedule 1); setting out the conditions for entitlement to the long-term rates for normal requirements (regulation 7); and modifying the amounts otherwise applicable for normal requirements, in certain cases of disqualification for unemployment benefit (regulation 8), for boarders (regulation 9) and in special cases (regulation 10 and Schedule 2).

Part III relates to the determination of additional requirements. Regulation 12 and Part I of Schedule 3 contain provision for heating and regulation 13 and Part II of Schedule 3 for the other items of additional requirements.

Part IV relates to the determination of housing requirements and contains provisions specifying the items to which the category of housing requirements relates (regulation 14) and providing for the determination of amounts applicable for those items, namely, rent (regulation 15), mortgage payments (regulation 16), maintenance and insurance (regulation 17), interest on loans for repairs and improvements (regulation 18), miscellaneous outgoings (regulation 19) and items in special cases (regulation 20). The amounts applicable under regulations 15 to 20 are subject to restriction where they are excessive (regulation 21) and to reduction in respect of lettings and housing contributions of non-dependants (regulation 22). Separate provision is made for a non-householder's contribution to housing expenses (regulation 23).

Part V (regulation 24), with Schedule 4, specifies provisions which are revoked.