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## SCHEDULES

### SCHEDULE 1

#### PROVISIONS FOR DETERMINING RIGHT TO AND AMOUNT OF SUPPLEMENTARY BENEFITS

#### PART II

##### CALCULATION OF REQUIREMENTS

###### *Application of paragraphs 7 to 11*

- 5 (1) Subject to sub-paragraph (2) below, the amounts specified in paragraphs 7 to 11 of this Schedule are not applicable to persons falling within any of paragraphs 12 to 16 of this Schedule.
- (2) Where one only of the persons falling within paragraph 3(1) of this Schedule falls within paragraph 14 or 16 (person in hospital or in legal custody), sub-paragraph (1) above shall not exclude the application of the amounts specified in paragraphs 7 to 11 of this Schedule to the other, but the amount applicable to that other person under paragraph 7 or 8 of this Schedule shall be that applicable under paragraph 7(b) or 8(b)(i), as the case may be.

###### *Amounts preceded by A, B or C*

- 6 (1) Where, in paragraphs 7 and 8 of this Schedule, amounts are preceded by A, B or C—
- (a) the amount preceded by A is applicable if neither of the others is applicable ;
  - (b) the amount preceded by B is applicable if either—
    - (i) the requirements are those of a person eligible for a supplementary pension and neither he, nor a person whose requirements are aggregated with, and treated as, his under paragraph 3 of this Schedule, has attained the age of 80 ; or
    - (ii) the requirements are those of a person who has been in receipt of a supplementary allowance for a continuous period of not less than two years and his right to the allowance is not, and was not at any time during the last two years of that period, subject to the condition of registration for employment under section 5 of this Act;
  - (c) the amount preceded by C is applicable if the requirements are those of a person eligible for a supplementary pension and either he, or a person whose requirements are aggregated with, and treated as, his under paragraph 3 of this Schedule, has attained the age of 80.
- (2) Where—
- (a) an amount applicable to the requirements of any person under paragraphs 7 and 8 of this Schedule is preceded by B or C ; and

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- (b) supplementary benefit is, or would, but for this paragraph, be, awarded in accordance with paragraph 4 of this Schedule at an increased amount so as to take account of exceptional expenses ;
- then, subject to sub-paragraph (3) below, the increase shall be made only to the extent that its weekly amount would, but for this sub-paragraph, exceed—
- (i) 50p where the amount applicable is preceded by B ; and
- (ii) 75p where the amount applicable is preceded by C.
- (3) Sub-paragraph (2) above does not apply to an increase or part of an increase attributable to—
- (a) heating expenses ; or
- (b) expenses taken into account, but not fully met, under paragraph 11(1)(b) of this Schedule ; or
- (c) expenses of a person whose requirements are, under paragraph 3(2) of this Schedule, aggregated with, and treated as, those of the person entitled to the supplementary benefit.

*Normal requirements*

7 Requirements of persons, other than blind persons—

		£	
(a) husband and wife or other persons falling within paragraph 3(1) of this Schedule	A	20.65	
	B	24.85	
	C	25.10	
(b) person living alone or householder not falling within sub-paragraph (a) above who is directly responsible for household necessities and rent (if any)	A	12.70	
	B	15.70	
	C	15.95	
(c) any other person aged—	(i) not less than 18 years	A	10.15
		B	12.60
		C	12.85
	(ii) less than 18 but not less than 16 years		7.80
	(iii) less than 16 but not less than 13 years		6.50
	(iv) less than 13 but not less than 11 years		5.35
	(v) less than 11 but not less than 5 years		4.35
(vi) less than 5 years		3.60	

*Blind persons*

8 Requirements of persons who are or include blind persons—

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(a) husband and wife or other persons falling within paragraph 3(1) of this Schedule—	(i) if one of them is blind	A	21.90
		B	26.10
		C	26.35
	(ii) if both of them are blind	A	22.70
		B	26.90
		C	27.15
(b) any other blind person aged—	(i) not less than 18 years	A	13.95
		B	16.95
		C	17.20
	(ii) less than 18 but not less than 16 years		8.70
	(iii) less than 16 but not less than 13 years		6.50
	(iv) less than 13 but not less than 11 years		5.35
	(v) less than 11 but not less than 5 years		4.35
(vi) less than 5 years		3.60	

*Persons disqualified for unemployment benefit*

9 (1) If a person's right to a supplementary allowance is subject to the condition of registration for employment under section 5 of this Act, then, in relation to any period during which—

- (a) he is disqualified for receiving unemployment benefit under the Social Security Act 1975 by virtue of section 20(1) of that Act (disqualification by reference to conduct resulting in unemployment or conducing to its continuance); or
- (b) he is not so disqualified, but the circumstances are as mentioned in subparagraph (2) below ;

this Part of this Schedule shall have effect, as regards the determination of the amount of any supplementary allowance to which he is entitled, as if the amount specified in the entry in paragraph 7 or 8 of this Schedule which relates to his requirements (disregarding for this purpose the requirements of any other person which are, or may be, aggregated with, and treated as, his by virtue only of paragraph 3(2) of this Schedule) were reduced by a sum equal to—

- (i) 40 per cent of the amount so specified ; or
- (ii) if the amount so specified exceeds the amount preceded by A in paragraph 7(b) of this Schedule, 40 per cent of the last-mentioned amount;

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disregarding any amount by which that sum exceeds a multiple of 5p.

- (2) The circumstances referred to in sub-paragraph (1)(b) above are that the person concerned—
- (a) has not made a claim for unemployment benefit; or
  - (b) has made such a claim, but the claim has not yet been determined ; or
  - (c) has had such a claim disallowed otherwise than by reason of his being disqualified as mentioned in sub-paragraph (1)(a) above ;
- but in the opinion of the Commission he would be so disqualified if he were to make such a claim, or if his claim had been determined, or if it had not been disallowed for a different reason.

#### *Attendance requirements*

- 10 (1) The amounts applicable under paragraphs 5 to 9 of this Schedule shall be increased on account of the attendance requirements of a severely disabled person who is either entitled to an attendance allowance, or a child in respect of whose disablement the relevant person is entitled to an attendance allowance, by—
- (a) £12.20 where the entitlement is to the higher weekly rate of attendance allowance referred to in section 35(3) of the Social Security Act 1975 ; and
  - (b) £8.15 where the entitlement is to the lower weekly rate of attendance allowances so referred to.
- (2) In this paragraph—
- " attendance allowance " means an attendance allowance under Chapter II of Part II of the Social Security Act 1975 ;
  - " attendance requirements " means such requirements of a disabled person for attention or supervision from another person as entitle any person to attendance allowance;
  - " relevant person ", in relation to a child, means the person claiming or in receipt of supplementary benefit or a person whose requirements are, under paragraph 3 of this Schedule, aggregated with, and treated as, those of the person claiming, or in receipt of, supplementary benefit.
- (3) For the purposes of this paragraph the provisions of regulations under Chapter VI of Part II of the Social Security Act 1975 relating to overlapping benefits shall not be treated as affecting the rate of attendance allowance to which a person is entitled.

#### *Rent*

- 11 (1) The amounts applicable under paragraphs 5 to 10 of this Schedule shall be increased—
- (a) where the person claiming, or in receipt of, supplementary benefit, or a person whose requirements are aggregated with, and treated as, his under paragraph 3(1) of this Schedule, is a householder, by the amount of the net rent payable, reduced where appropriate under sub-paragraph (2) below (adjustment for non-dependants sharing the accommodation), or such part of that amount as is reasonable in the circumstances ;
  - (b) in any other case, by £1.20.
- (2) Where another person, not being a person whose requirements are aggregated with, and treated as, the requirements of the householder under paragraph 3 of this

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Schedule, resides, otherwise than as a sub-tenant, in the premises for which the rent is paid, then, unless the householder or a person whose requirements are aggregated with, and treated as, his under paragraph 3(1) is blind, the amount mentioned in sub-paragraph (1)(a) above may be reduced by an amount not exceeding such part of the net rent as is reasonably attributable to that other person.

- (3) In sub-paragraphs (1) and (2) above " net rent " means—
- (a) the rent payable for one week ; and
  - (b) so much of any outgoings borne by the householder as is attributable to one week, including rates, a reasonable allowance towards any necessary expenditure on repairs or insurance, and such proportion as is for the time being attributable to interest of any sum payable in respect of a mortgage debt or heritable security charged on the house in which the householder resides, or on any interest in the house ;
- less any proceeds of sub-letting any part of the premises in respect of which the rent is paid or the outgoings are incurred.
- (4) Where any amount of the rent or rates is met by a rent rebate or rent allowance under Part II of the Housing Finance Act 1972, or by any rate rebate, the amount so met shall be deducted from the increase to be made under sub-paragraph (1)(a) above.
- (5) The provisions of this sub-paragraph have effect as respects the exercise of the power under sub-paragraph (1)(a) above to take account of part only of the net rent payable (reduced where appropriate under sub-paragraph (2) above) for any period for which a rent rebate or rent allowance is made to a person in receipt of supplementary benefit, or to a person whose requirements are aggregated with, and treated as, his under paragraph 3(1) of this Schedule.
- (a) The said power shall not be exercisable—
    - (i) subject to paragraph (b) below, on the ground that the rent is an excessive rent for the house ; or
    - (ii) subject to paragraph (c) below, on the ground that the rent is excessive because of the size, location or character of the house ; or
    - (iii) on the ground that the rent is excessive having regard to the resources of the tenant and of any person whose requirements are aggregated with, and treated as, his under paragraph 3(1) of this Schedule.
  - (b) Paragraph (a)(i) above shall not apply to rent disregarded in pursuance of paragraph 14 of Schedule 4 to the Housing Finance Act 1972.
  - (c) Paragraph (a)(ii) above—
    - (i) shall not apply where a rent allowance is granted for the period and a reduction falls to be made under sub-paragraph (2) above (adjustment for non-dependants sharing the accommodation); and
    - (ii) where rent is reduced under paragraph 17 of Schedule 3 to the said Act of 1972, shall only apply to the amount of the rent after the reduction.
  - (d) The foregoing provisions of this sub-paragraph shall not apply where the rebate or allowance has been restricted under paragraph 14 of Schedule 3 to the said Act of 1972.
  - (e) This sub-paragraph shall not affect the provisions of sub paragraph (1)(a) above so far as they relate to any amount which is not rent which is eligible to be met by a rebate or an allowance as defined in section 25 of the said Act of 1972.

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(6) In the application of this paragraph to Scotland, the following provisions shall have effect in substitution for sub-paragraphs (4) and (5) above—

“(4) Where any amount of the rent or rates is met by a rent rebate or rent allowance under Part II of the Housing (Financial Provisions) (Scotland) Act 1972, or by any rate rebate, the amount so met shall be deducted from the increase to be made under sub-paragraph (1)(a) above.

(5) The provisions of this sub-paragraph have effect as respects the exercise of the power under sub-paragraph (1)(a) above to take account of part only of the net rent payable (reduced where appropriate under sub-paragraph (2) above) for any period for which a rent rebate or rent allowance is made to a person in receipt of supplementary benefit, or to a person whose requirements are aggregated with, and treated as, his under paragraph 3(1) of this Schedule.

(a) The said power shall not be exercisable—

(i) subject to paragraph (b) below, on the ground that the rent is an excessive rent for the house ; or

(ii) subject to paragraph (c) below, on the ground that the rent is excessive because of the size, location or character of the house; or

(iii) on the ground that the rent is excessive having regard to the resources of the tenant and of any person whose requirements are aggregated with, and treated as, his under paragraph 3(1) of this Schedule.

(b) Paragraph (a)(i) above shall not apply to rent disregarded in pursuance of paragraph 15 of Schedule 3 to the Housing (Financial Provisions) (Scotland) Act 1972.

(c) Paragraph (a)(ii) above—

(i) shall not apply where a rent allowance is granted for the period and a reduction falls to be made under sub-paragraph (2) above (adjustment for non-dependants sharing the accommodation); and

(ii) where rent is reduced under paragraph 17 of Schedule 2 to the said Act of 1972, shall only apply to the amount of the rent after the reduction.

(d) The foregoing provisions of this sub-paragraph shall not apply where the rebate or allowance has been restricted under paragraph 14 of Schedule 2 to the said Act of 1972.

(e) This sub-paragraph shall not affect the provisions of sub-paragraph (1)(a) above so far as they relate to any amount which is not rent for the purposes of Part II of the said Act of 1972.”.

#### *Trade disputes*

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Requirements of persons falling within paragraph 3 of this Schedule, where the requirements of any one or more, but not both or all, of such persons are to be disregarded by virtue of section 8

The amount which, if the persons were not persons falling within paragraph 3 of this Schedule, would be applicable under paragraph 7(c) or 8(b) of this Schedule to the person or persons whose requirements are
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of this Act (persons affected by trade disputes).	not to be so disregarded, such amount being increased in accordance with paragraphs 10 and 11 of this Schedule in the case of the amounts mentioned in those paragraphs.
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Requirements of persons falling within paragraph 3 of this Schedule, where the requirements of any one or more, but not both or all, of such persons are to be disregarded by virtue of section 8 of this Act (persons affected by trade disputes).	The amount which, if the persons were not persons falling within paragraph 3 of this Schedule, would be applicable under paragraph 7(c) or 8(b) of this Schedule to the person or persons whose requirements are not to be so disregarded, such amount being increased in accordance with paragraphs 10 and 11 of this Schedule in the case of the amounts mentioned in those paragraphs.
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*Persons in local authority homes*

13	Requirements of a person for whom accommodation is provided under Part III of the National Assistance Act 1948.	The aggregate of such of the sums prescribed for the purposes of section 22(3) and (4) of that Act (minimum rate of payment for accommodation and personal requirements) as are applicable to his case.
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	Requirements of a person for whom accommodation is provided under Part III of the National Assistance Act 1948.	The aggregate of such of the sums prescribed for the purposes of section 22(3) and (4) of that Act (minimum rate of payment for accommodation and personal requirements) as are applicable to his case.
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*Persons in hospital*

14	Requirements of a person residing as a patient in any hospital.	Such amount, if any, as may be appropriate, having regard to all the circumstances.
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	Requirements of a person residing as a patient in any hospital.	Such amount, if any, as may be appropriate, having regard to all the circumstances.
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*Persons paying for board and lodging*

15	Requirements of a person paying inclusive charge for board and lodging.	Such amount as may be appropriate, not being less than the amount which
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would be applicable under paragraphs 7 to 10 of this Schedule.

Requirements of a person paying inclusive charge for board and lodging.

Such amount as may be appropriate, not being less than the amount which would be applicable under paragraphs 7 to 10 of this Schedule.

*Persons in legal custody*

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Requirements of a person in prison or otherwise detained in legal custody.

Nil (except for any amount applicable by virtue of paragraph 3 of this Schedule).

Requirements of a person in prison or otherwise detained in legal custody.

Nil (except for any amount applicable by virtue of paragraph 3 of this Schedule).