
 STATUTORY INSTRUMENTS

1983 No. 1399

SOCIAL SECURITY**The Supplementary Benefit (Requirements)
Regulations 1983**

<i>Made</i>	- - -	13th September 1983
<i>Laid before Parliament</i>		29th September 1983
<i>Coming into Operation</i>		22nd November 1983

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The Secretary of State for Social Services, with the consent of the Treasury, in exercise of powers conferred upon him by sections 1(3), 2(1A) and (2) of, and paragraphs 2(1), (3), (4) and (5) of Schedule 1 to, the Supplementary Benefits Act 1976 (a) and section 36(2) of the Social Security and Housing Benefits Act 1982 (b) and of all other powers enabling him in that behalf and for the purposes only of consolidating the regulations hereby revoked hereby makes the following regulations which accordingly are not subject to the requirement for prior parliamentary approval (c).

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (Requirements) Regulations 1983 and shall come into operation on 22nd November 1983.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“assessment unit” means the claimant and any partner and dependant of the claimant;

“allowance” means a supplementary allowance under section 1(1) (b) of the Act;

“benefit week” has the meaning assigned to it by regulation 7 of the Supplementary Benefit (Determination of Questions) Regulations 1980 (d) (date of commencement, change and termination of entitlement);

(a) 1976 c.71; the Act, as amended by the Social Security Act 1980 (c.30), is set out in Part II of Schedule 2 to the latter Act; the Act was further amended by sections 38 and 48(5) of, and Schedule 4 to, the Social Security and Housing Benefits Act 1982 (c.24).

(b) 1982 c.24.

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

(d) S.I. 1980/1643; relevant amending instruments are S.I. 1981/815, 1983/337.

“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 six months at a time when a pension or allowance was payable in respect of him;

“boarder” has the meaning assigned to it in regulation 9(13) of these regulations;

“claimant” means a claimant for supplementary benefit;

“close relative” means a parent, child, step-parent, step-child, brother or sister;

“dependant” means a person whose requirements and resources are by virtue of paragraph 3(2) of Schedule 1 to the Act aggregated with and treated as those of the claimant;

“disregarded capital” in relation to a claimant means capital which falls to be disregarded under regulation 6(2) of the Resources Regulations;

“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 not so occupied which it would be impracticable or unreasonable to expect to be sold separately, in particular the croft land where, in Scotland, the home is a croft;

“housing benefit” has the meaning assigned to it in regulation 2(3) of the Housing Benefits Regulations;

“housing benefit expenditure” means expenditure of a kind for which housing benefit may be granted;

“Housing Benefits Act” means Part II of the Social Security and Housing Benefits Act 1982 (a);

“Housing Benefits Regulations” means the Housing Benefits Regulations 1982 (b);

“non-dependant” means a person, including 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 (6) 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 National Health Service Act 1977 (c) or the National Health Service (Scotland) Act 1978 (d) or by or on behalf of the Secretary of State or by or on behalf of the Defence Council; or

(b) under arrangements made by the Secretary of State or by any body in exercise of functions on behalf of the Secretary of State under those Acts in a hospital or similar institution not so maintained or administered;

“pension” means a supplementary pension under section 1(1)(a) of the Act;

“person affected by a trade dispute” means a person whose requirements fall to be disregarded to any extent by virtue of section 8 of the Act;

(a) 1982 c.24.

(b) S.I. 1982/1124.

(c) 1977 c.49.

(d) 1978 c.29.

“prisoner” means any person whose detention in a prison, remand centre, borstal institution or detention centre is for the time being authorised by law;

“qualifying benefit” means any of the following, namely, invalidity benefit or non-contributory invalidity pension under Part II of the Social Security Act, unemployability supplement (increase of industrial injuries disablement pension) under section 58 of that Act or an allowance in respect of unemployability under article 18 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 (a);

“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 Act;

“rent” includes corresponding payments in respect of a licence or permission to occupy the home and “let” and “letting” and “tenancy” shall be correspondingly construed;

“single claimant” means a claimant who is not a partner;

“student” means a person under pensionable age who has ceased relevant education and who during a course of full-time education is either attending that course or is on vacation for any period constituting a normal vacation from it;

“the Act” means the Supplementary Benefits Act 1976;

“the Resources Regulations” means the Supplementary Benefit (Resources) Regulations 1981(b);

“the Social Security Act” means the Social Security Act 1975(c);

“the table” means the table of the normal requirements of relevant persons and householders in paragraph 2(3) of Schedule 1 to the Act.

(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 paragraph 1 of Schedule 1 to these regulations.

(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 regulations made under section 34(3)(a) of the Act.

(4) Except in so far as the context otherwise requires any reference in these regulations to—

(a) a numbered section is to the section of the Act bearing that number;

(b) a numbered regulation or Schedule is to the regulation in or Schedule to these regulations bearing that number and any reference in a regulation or Schedule to a numbered paragraph is a reference to the paragraph of that regulation or Schedule bearing that number.

Determination of requirements

3.—(1) For the purposes of Schedule 1 to the Act and subject to

(a) S.I. 1983/883; relevant amending instrument is S.I. 1983/1116.

(b) S.I. 1981/1527; relevant amending instruments are S.I. 1982/1125, 1126, 1127, 1983/505, 1240.

(c) 1975 c.14.

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 housing benefit expenditure and items within Part IV of these regulations, 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) Paragraph 1 of the table (long-term rate for couples) shall have effect as if in the second column—

- (a) after "aggregate of the" there were inserted "higher of the";
- (b) after "Social Security Pensions Act 1975 and" there were inserted "the sum for the time being specified in"; and
- (c) at the end there were added "increased by £0.05".

(2) Paragraph 2 of the table (ordinary rate for couples) shall have effect as if in the second column—

- (a) after "specified" there were inserted "in relation to sickness benefit";
- (b) for "paragraph 1 (a)" there were substituted "paragraph 1(c)";
- (c) the words "unemployment or" were omitted; and
- (d) at the end there were added "increased by £1.55".

(3) Paragraph 3 of the table (long-term rate for householders) shall have effect as if in the second column—

- (a) for "The sum" there were substituted "The higher of the sums"; and
- (b) at the end there were added "increased by £0.05".

(4) Paragraph 4 of the table (ordinary rate for householders) shall have effect as if in the second column—

- (a) after "specified" there were inserted "in relation to sickness benefit"; and

(b) at the end there were added “increased by £0.85”.

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

(6) For the purposes of the table a householder is a single claimant who—

(a) is responsible for housing expenditure 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 either not absent from the home or if absent is absent only—

(i) otherwise than as a student on normal vacation; and

(ii) for a period which has not yet continued for more than 13 weeks.

(7) For the purpose of paragraph (6) a person is responsible for housing expenditure if, otherwise than by reason only of regulation 14(5) or 19, he is to be treated under sub-paragraph (a) of regulation 14(3) as responsible for expenditure but as if that sub-paragraph applied also to housing benefit expenditure (as well as to the items of housing requirements other than the non-householder’s contribution).

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 (6) 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(6)(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 3 (normal requirements in special cases) applies nor 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) In this regulation—

(a) where entitlement to an allowance is not subject to the condition of availability for employment under section 5(1)(a), that allowance is referred to as “the prescribed allowance”;

(b) the expression “subject to the condition of availability” in relation to an allowance means subject to the condition of availability for employment under section 5(1)(a);

- (c) the expressions “period in receipt of the prescribed allowance” and “period in receipt of a qualifying benefit” include any period in respect of which it was subsequently held, on appeal or review, that the person concerned was so entitled to such allowance or pension and excludes any period in respect of which it was subsequently held that he was not so entitled;
- (d) the expression “unemployment benefit office” means any office or place appointed by the Secretary of State for the purposes of claiming unemployment benefit.
- (2) 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—
- (a) the person is eligible for the prescribed allowance or is eligible for an allowance while the partner of a person aged not less than 60; and
- (b) unless he is a person aged not less than 60 or is the partner of such a person, he has, subject to paragraph (3) to (5), been in receipt of the prescribed allowance for a continuous period of not less than 52 weeks.
- (3) For the purposes of paragraph (2)(b) a person shall be treated as having been in receipt of the prescribed allowance during the following periods:—
- (a) any period in respect of which he was in receipt of a qualifying benefit;
- (b) in the case of a person who, by reason of regulation 6(e) of the Supplementary Benefit (Conditions of Entitlement) Regulations 1981 (a) (exemption from condition of availability where no further prospect of employment due to physical or mental disablement), has become eligible for the prescribed allowance, any period in respect of which, while in receipt of an allowance, he was subject to the condition of availability, but, under regulation 8(b)(ii) of the Supplementary Benefit (Claims and Payments) Regulations 1981 (b) (information to be given in connection with payment of benefit where condition of availability applies), was required to attend at an unemployment benefit office only quarterly; and
- (c) any other period of 8 weeks or less (or of 13 weeks or less in the case of a period ending before 15th August 1983) in respect of which he was not in receipt of the prescribed allowance and which fell immediately between periods:—
- (i) in respect of which he was in receipt of the prescribed allowance; or
- (ii) to which sub-paragraph (a) or (b) applies.
- (4) A person, who is required to satisfy the condition of paragraph (2)(b) and has satisfied it, shall be treated as again satisfying it, if his entitlement to the prescribed allowance is interrupted only by—
- (a) any period of 78 weeks or less throughout which, except for any periods which do not in aggregate exceed 13 weeks, he was either a patient in any hospital or similar institution or was in, or only temporarily absent from, residential accommodation as defined in regulation 10(5);

(a) S.I. 1981/1526; relevant amending instrument is S.I. 1982/907.

(b) S.I. 1981/1525; relevant amending instrument is S.I. 1982/907.

(b) any of the periods mentioned in paragraph (3).

(5) Where, after the requirements and resources of a person, A, have, under paragraph 3 of Schedule 1 to the Act (aggregation) been aggregated with and treated as those of another person, B, such aggregation comes to an end and the condition in paragraph (6) is satisfied, for the purposes of any claim made by A for an allowance 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 (4); and
- (ii) immediately before the cessation of aggregation, B satisfied the condition of paragraph (2)(b) or, by virtue of being not less than 60, was in receipt of the prescribed allowance or his entitlement was to a pension;

A shall be treated as satisfying the condition of paragraph (2)(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 (3), A shall be treated as having satisfied the condition of paragraph (2)(b) to the extent that B satisfied it.

(6) The first condition mentioned in paragraph (5) 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 Act (aggregation of requirements and resources of married and unmarried couples); or
- (b) under paragraph 3(2) of Schedule 1 to the Act (aggregation of requirements and resources 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.

(7) The long-term rate in paragraphs 1 and 2 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-paragraph (a) and, in a case where it applies, of sub-paragraph (b) of paragraph (2) of this regulation;

and the ordinary rate shall be applicable in all other cases within the said paragraphs 1 and 2 of Schedule 1.

(8) Where a person—

- (a) has, in respect of a period which includes the day preceding the appointed day, been entitled to the prescribed allowance, but did not fully satisfy the condition in paragraph (2)(b);
- (b) ceased to be entitled to an allowance because he or his partner became entitled to housing benefit on or after the appointed day;
- (c) on the date on which he would, but for the reason in sub-paragraph (b), have satisfied the conditions in paragraph (2)(b), is, or his partner is, in receipt of housing benefit; and
- (d) on that date would, if he were entitled to an allowance, not be subject to the condition of availability;

he shall be treated as having satisfied that condition on that date, "the appointed day" in this paragraph meaning, in relation to a person to whom regulation 3(1)(b) of the Housing Benefits Regulations (persons eligible for

rate rebate scheme) applies, 1st April 1983 and, in relation to any other person, 4th April 1983.

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

8.—(1) This regulation applies to a claimant—

- (a) who is not a person to whom regulation 10 and Schedule 3 (normal requirements in special cases) apply; and
- (b) whose right to an allowance is, under section 5(1)(a), subject to the condition of availability for employment; and who
- (c) is disqualified for receiving unemployment benefit under section 20(1) of the Social Security Act (disqualification by reference to conduct resulting in unemployment or conducing to its continuance); or
- (d) has made a claim for unemployment benefit which has not been determined by an insurance officer appointed under section 97(1) of that 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 who
- (e) 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 subparagraph (a) or (b) of paragraph (12) of regulation 9, by 40 per cent of the ordinary rate for the time being specified in the said subparagraph (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 disregarded capital does not exceed £100; and
- (b) any member of the assessment unit is either pregnant or seriously ill;

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 (c) of paragraph (1) applies, the period of the disqualification;
 - (b) in a case to which sub-paragraph (d) 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 (e) 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 (11), shall be determined in accordance with paragraph (4) but, subject to paragraph (10), shall not exceed the maximum amount in respect of the assessment unit as a whole referred to in paragraph (6); and
- (b) a weekly allowance for personal expenses determined in accordance with paragraph (12);

so however that, except where paragraph (11) 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 the Housing Benefits Act 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, then under regulation 6(2)(b) of the Supplementary Benefit (Determination of Questions) Regulations 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 as follows: where the charge for board and lodging includes all meals, the weekly amount shall be the full weekly amount of that charge; where the charge is not inclusive of all meals, the weekly amount shall, subject to the restriction at the end of this paragraph, be the charge for the lodging, increased in respect of each member of the assessment unit by the weekly amount of the meals not so included, that amount being at whichever of the following rates is appropriate:—

- (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

(a) S.I. 1980/1643; relevant amending instrument is S.I. 1981/815.

(b) otherwise—

- (i) for breakfast, at the daily rate of £1.00;
- (ii) for midday meals, at the daily rate of £1.45;
- (iii) for evening meals, at the daily rate of £1.45;

the restriction referred to above being that, in a case where meals are normally obtained free of charge or at reduced cost, such smaller 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 the following amounts:—

(a) in respect of the claimant the amount of—

- (i) the long-term or ordinary rate for couples, if the claimant is a relevant person; or
- (ii) if he is not a relevant person, the long-term or ordinary rate for non-householders;

and for the purposes of this sub-paragraph the long-term rate is applicable, where, but for this regulation, the long-term rate would have been applicable under paragraph 1(a) or 3(a) of the table or under regulation 7 and the ordinary rate is applicable in any other cases;

(b) the amount specified in regulation 23(1) (non-householder's 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 paragraphs (7) and (16) the maximum amount in respect of the assessment unit as a whole referred to in paragraph (1)(a) shall be—

(a) in respect of any dependant aged less than 11, 1½ times the amount referred to in paragraph (5)(c); and

(b) in respect of any member of the assessment unit other than a dependant to whom sub-paragraph (a) applies, the amount estimated by a benefit officer as representing the reasonable weekly charge for the relevant area for full board and lodging (inclusive of all meals) which is available in that area or, if the level of charges there is unusually high, in an adjoining area, and which is of a standard suitable for claimants resident in the type of accommodation which is provided either—

- (i) in a nursing home or mental nursing home within the meaning of sections 1 and 2 of the Nursing Homes Act 1975 (a) or in a nursing home as defined in section 10 of the Nursing Homes Registration (Scotland) Act 1938 (b) or a private hospital within the meaning of Part II of the Mental Health (Scotland) Act 1960 (c); or
- (ii) in a home which satisfies the provisions of the Residential Homes Act 1980 (d), or of section 61 of the Social Work (Scotland) Act 1968 (e); or
- (iii) in any other type of accommodation;

(a) 1975 c.37.

(b) 1938 c.73.

(c) 1960 c.61.

(d) 1980 c.7.

(e) 1968 c.49.

whichever may be appropriate to the accommodation provided in respect of the claimant in that assessment unit save that, in respect of persons referred to in Case C(7) or (8) of Schedule 2, the amount shall be the amount in respect of accommodation specified under head (iii) hereof.

(7) Subject to paragraphs (8) and (16), in a Case specified in Schedule 2, the maximum amount specified in paragraph 6 shall be increased by any excess of the actual charge over that maximum up to £15.35 or, if the increase is payable under Case A or C of that Schedule and the claimant is a relevant person, up to £30.70.

(8) Under the last foregoing paragraph, only one increase shall be applicable in respect of any member of the assessment unit and the amount payable by virtue of that paragraph in respect of a claimant and his partner shall not exceed £30.70 and, if any member of the assessment unit who is a boarder is receiving attendance allowance under section 35 of the Social Security Act, an increase of disablement pension under section 61 of that Act, constant attendance allowance by virtue of article 14 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983(a), or constant attendance allowance by virtue of article 14 of the Personal Injuries (Civilians) Scheme 1983(b), an increase shall only be payable to the extent that the excess of the actual charge over the maximum amount is more than the amount of whichever of the aforementioned allowances or increase of pension is in payment up to a maximum of the higher rate of attendance allowance specified in Schedule 4 to the Social Security Act.

(9) The maximum amount applicable in respect of a dependant aged less than 11 calculated in the manner referred to in paragraph 6(a) shall be rounded to the nearest multiple of 5p by treating an odd amount of 2.5p or more as 5p and by disregarding an odd amount of less than 2.5p.

(10) In the circumstances set out in sub-paragraphs (a) to (d) below, paragraph (6) shall not apply for a period not exceeding 13 weeks in relation to a claimant, except to the extent that he is able to meet out of income which is disregarded for the purposes of the Resources Regulations the balance of the actual charge over the maximum amount prescribed in paragraph (6), the aforesaid circumstances being that:—

- (a) the claimant has lived in the same accommodation for more than 12 months;
- (b) he was able to afford the charges in respect of that accommodation when he took up residence;
- (c) having regard to the availability of and level of charges for board and lodging accommodation and to the circumstances mentioned in regulation 21(5)(b), it is reasonable for paragraph (6) not to apply for the said period in order to allow the claimant time to find alternative accommodation; and
- (d) he is not a person who is being accommodated—
 - (i) by a housing authority under the Housing (Homeless Persons) Act 1977(c); or
 - (ii) by a local authority under section 1 of the Child Care Act 1980(d) or, in Scotland, section 12 of the Social Work (Scotland) Act 1968(e).

(a) S.I. 1983/883, to which there are amendments not relevant to these Regulations.

(b) S.I. 1983/686, to which there are amendments not relevant to these Regulations.

(c) 1977 c.48.

(d) 1980 c.5.

(e) 1968 c.49.

(11) Where board and lodging, or lodgings, 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 the claimant and £4.00 in respect of any partner of the claimant who provides services;
- (b) otherwise, such amounts as may be reasonable in the circumstances.

(12) The allowance for personal expenses referred to in paragraph (1)(b) shall be—

- (a) for a relevant person—
 - (i) long-term rate £19.70;
 - (ii) ordinary rate £17.70;
- (b) for a claimant who is not a relevant person—
 - (i) long-term rate £9.85;
 - (ii) ordinary rate £8.85;
- (c) for a dependant—
 - (i) aged not less than 18, £8.85;
 - (ii) aged less than 18, but not less than 16, £5.30;
 - (iii) aged less than 16, but not less than 11, £4.55;
 - (iv) aged less than 11, £2.95;

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 under paragraph 1(a) or 3(a) of the table or under regulation 7; otherwise the ordinary rate shall be applicable.

(13) Subject to paragraph (14), in this regulation “boarder” means a person, not being a person to whom any of paragraphs 1 to 9 of Schedule 3 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 1981(a), who is living in a special centre for the reception of refugees prior to settlement in the community.

(14) There shall be excluded from the definition of “boarder” in paragraph (13) any person:—

- (a) whose accommodation and meals (if any) are provided by a close relative or other than on a commercial basis; or
- (b) who is in the opinion of the benefit officer on holiday and during a period which has not yet continued for more than 13 weeks is absent from the home or from a hospital or similar institution in which he is normally a patient; or
- (c) who is aged under 19 but not less than 16 and is in the care of a local authority under the provisions of a relevant enactment, except such

(a) S.I. 1981/1526, to which there are amendments not relevant to these Regulations.

a person who is personally liable to pay the cost of his accommodation and maintenance direct to someone other than a local authority.

(15) In this regulation “a relevant enactment” means the Social Work (Scotland) Act 1968 (a), the Family Law Reform Act 1969 (b), the Children and Young Persons Act 1969 (c), the Matrimonial Causes Act 1973 (d), the Guardianship Act 1973 (e), the Children Act 1975 (f), the Domestic Proceedings and Magistrates Courts Act 1978 (g), or the Child Care Act 1980 (h).

(16)—(a) Subject to sub-paragraphs (b) and (c)—

- (i) in respect of any person to whom, immediately before 21st November 1983 (the date on which regulation 5 of the Supplementary Benefit (Requirements, Resources and Single Payments) Amendment Regulations 1983 (i) came into operation), the provisions of paragraph (5) of regulation 9 of the Supplementary Benefit (Requirements) Regulations 1980 (j) (non-application of prescribed maximum requirements) applied by virtue of sub-paragraph (a) of that paragraph, those provisions shall continue to apply for 12 months from that date so long as the claimant remains in the same accommodation or is temporarily absent for a period not exceeding 8 weeks;
 - (ii) in respect of any person to whom, immediately before the said 21st November 1983 the provisions of the said paragraph (5) applied by virtue of sub-paragraph (b) of that paragraph, those provisions shall apply for the period for which they would have applied, but for their substitution by the said amendment Regulations of 1983;
- (b) subject to sub-paragraph (c) a claimant, who was entitled to an increase by virtue of regulation 9(4)(a) of the said regulations of 1980 immediately before the said 21st November 1983 shall continue to be entitled to such an increase up to a maximum of, if he is a relevant person, £12.60, or, in any other case, £6.30, for 12 months from that date so long as he remains in the same accommodation or is temporarily absent for a period not exceeding 8 weeks;
- (c) Sub-paragraphs (a) and (b) shall not apply in respect of any person who is resident in premises which are used for rehabilitation of alcoholics or drug addicts and sub-paragraph (b) shall not apply to a claimant who is entitled to an increase by virtue of regulation 9(7) of these regulations.

Modifications of normal requirements in special cases

10.—(1) In the case of a person to whom any paragraph in column (1) of Schedule 3 applies, the provision, which in the corresponding paragraph in column (2) of that Schedule relates to him, or, if he had been a relevant person, would have related to him, 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 Schedule 2 and paragraphs 1 to 3 of Schedule 1 (amounts for normal requirements) may be

- | | | | | |
|--|----------------|----------------|---------------------|----------------|
| (a) 1968 c.49. | (b) 1969 c.46. | (c) 1969 c.54. | (d) 1973 c.18. | (e) 1973 c.29. |
| (f) 1975 c.72. | (g) 1978 c.22. | (h) 1980 c.5. | (i) S.I. 1983/1240. | |
| (j) S.I. 1980/1299; relevant amending instrument was S.I. 1982/1125. | | | | |

further modified as may be reasonable where the circumstances are analogous to those for which Schedule 3 makes provision or those circumstances 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 3, 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 any of sub-paragraphs (a) to (c) of paragraph (5) and paragraph 1 of Schedule 3 (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 3 (patients) applies;

the amount applicable for his normal requirements may be increased to take account of the retaining fee.

(5) For the purposes of paragraph 1 of Schedule 3 a person under the age of 18 who is in the care of a local authority under Part II or III of the Social Work (Scotland) Act 1968 (promotion of social welfare, children in need of care) shall not be treated as being in residential accommodation, but, save as aforesaid, in that paragraph “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) under Part III of the National Assistance Act 1948 (a) (local authority services), other than in premises which are registered under section 1 of the Residential Homes Act 1980 (b) and which are used for the rehabilitation of alcoholics and drug addicts;
- (b) under section 59 of the Social Work (Scotland) Act 1968 (provision of residential and other establishments by local authorities) other than in premises which are registered under section 61 of that Act (registration of establishments for accommodation of persons for the purposes of the Act) and which are used for the rehabilitation of alcoholics or drug addicts; or
- (c) in residential accommodation by a local social services authority under the statutory provisions referred to in paragraph (4) or (5) of Case C of Schedule 2, but in the case of paragraph (5) of that Case, only where the accommodation is in premises registered under the provisions of the Residential Homes Act 1980 (registration etc. of residential homes), other than in premises which, although so registered, are used for the rehabilitation of alcoholics and drug addicts.

(6) For the purposes of paragraph 10 of Schedule 3 a person shall be treated as present with limited leave, or without leave, to enter or remain in the United Kingdom if—

(a) 1948 c.29.

(b) 1980 c.7.

- (a) he is a person, other than a national of a member State or a person to whom the European Convention of 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 3 is expressed as, or involves determination by reference to, a specified percentage of a rate for householders or non-householders, that percentage 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 4.

(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 4;
- (b) in relation to items other than heating, in accordance with regulation 13 and Part II of Schedule 4.

(3) The requirements which by virtue of section 1(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, 10, 11, and 14 of Schedule 4 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 4 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 4 shall be subject to the following conditions—

- (a) no amount shall be applicable under paragraphs 1(1), 2 to 6 and 8 where any member of the assessment unit is a person affected by a trade dispute;

(a) Cmnd. 9512.

(b) 1971 c.77.

- (b) no amount shall be applicable under paragraphs 1(2) and (3) and 7 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 6, if all members of the assessment unit have been absent for a continuous period of more than four weeks;
 - (ii) under paragraph 8, 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 applies 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 8;
- (f) subject to sub-paragraphs (g) and (h), an amount shall not be applicable to the claimant under more than one of the paragraphs 1 to 8 (and, for that purpose, paragraphs 1 and 2 shall count as one) and, if there is a choice, the higher or highest amount shall be applicable;
- (g) no amount shall be applicable to a householder under any of paragraphs 1 to 3 or 6 to 8 where the home is occupied under a tenancy or co-ownership as a condition of which (in either case) a charge, not subject to refund or surcharge, is payable in respect of heating, so however that where, in the opinion of the benefit officer, such charge provides for part only or none of the necessary heating of the home—
- (i) amounts may be applicable under either paragraphs 1 and 2 or paragraph 3;
 - (ii) no amount shall be applicable under paragraph 6;
 - (iii) an amount may be applicable under one, but not both, of paragraphs 7 and 8;
 - (iv) amounts shall be applicable under only one of heads (i) and (iii) above;
- (h) where an amount is applicable under paragraph 5 no amount shall be applicable under paragraphs 1 to 3 or 6 to 8;
- (i) where column (1) of paragraph 7 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 4 applies to a person—
- (a) who is not a partner and has been absent from the home for a continuous period of more than 13 weeks; or
 - (b) to whom regulation 9 or paragraph 1, 2 or 6 of Schedule 3 applies;
- the amount applicable shall, instead of the excess referred to in column (2) of that paragraph 4, be the full amount of the separate charge in respect of the items referred to in column (1) of that paragraph, but no amount shall be applicable under paragraphs 1 to 3 or 6 to 8 of schedule 4.

(4) In relation to a person to whom regulation 9 (normal requirements of boarders) or regulation 10(2) or any of paragraphs 1 to 11 of Schedule 3 (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 7 of Schedule 4 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, 2 or 6 of Schedule 3 applies, no amount shall be applicable under paragraph 1 or 7 of Schedule 4;
- (c) if he is a person to whom any of paragraphs 3 to 5 and 7 to 11 of Schedule 3 applies, no amount shall be applicable under Part I of Schedule 4;
- (d) if he is a person to whom regulation 10(2) applies, amounts shall be applicable under Part I of Schedule 4, if and to the extent that it is reasonable in the circumstances.

(5) For the purposes of Part I of Schedule 4 “householder” means a person (including a partner) who satisfies the conditions of sub-paragraphs (a) and (b) of paragraph (6) 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 6 of Schedule 4 shall apply to him as if the amounts specified in column (2) of those paragraphs were divided by the number of persons in the household who share responsibility or control;
- (b) paragraph 8 of Schedule 4 shall apply as if he were 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 4 shall be applicable to the claimant—

- (a) in relation to any of those paragraphs, other than paragraphs 15, 17 and 18, in respect of a member of the assessment unit to whom column (1) of the corresponding paragraph applies;
- (b) in relation to paragraph 17, in respect of the first-mentioned person, A, to whom column (1) of that paragraph applies;
- (c) in relation to paragraphs 15 and 18, 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 14 of Schedule 4 in respect of any one person.

(3) No amount shall be applicable under Part II of Schedule 4, other than under paragraphs 12, 14(a), (d) and (e) and 17, where any member of the assessment unit is a person affected by a trade dispute.

(4) No amount shall be applicable under paragraphs 12, 14(a), (d) and (e) and 17 of Schedule 4 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 4, other than paragraphs 9 and 12 to the extent that in aggregate those amounts exceed 50p.

(6) Paragraph (5) shall not apply where an amount is applicable in respect of a dependant under any of paragraphs 10, 11, 14, 17, 19 and 20 of Schedule 4.

(7) In relation to a person to whom regulation 9 (normal requirements of boarders) or regulation 10(2) or any of paragraphs 1 to 11 of Schedule 3 (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 10, 11, 14, 15, and 18 of Schedule 4 relate only if and to the extent that the charge for board and lodging, or for lodging, does not provide for that item;
- (b) if he is a person to whom regulation 9 or paragraph 1 of Schedule 3 applies and is a partner, the amount applicable under paragraph 17(b) or (c) of Schedule 4 shall be determined in accordance with column (2) of paragraph 17(a);
- (c) no amount shall be applicable under paragraph 9 or 12 of Schedule 4 if he is a person to whom paragraph 1 or 6 of Schedule 3 applies or if he is a person, other than a partner, to whom paragraph 2 of Schedule 3 applies;
- (d) except where regulations made under section 14(2)(d) (review of determinations) so provide, no amount shall be applicable under paragraph 10 of Schedule 4 if he is a person to whom paragraph 1, 2 or 6 of Schedule 3 applies;
- (e) no amount shall be applicable under paragraph 11, 14, 15, 18, or 19 of Schedule 4 if he is a person to whom paragraph 1, 2 or 6 of Schedule 3 applies;
- (f) no amount shall be applicable under Part II of Schedule 4 if he is a person to whom any of paragraphs 3 to 5 and 7 to 11 of Schedule 3 applies;
- (g) if he is a person to whom regulation 10(2) applies, amounts shall be applicable under Part II of Schedule 4 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) mortgage payments;
- (b) repairs and insurance;
- (c) interest on loans for repairs and improvements;
- (d) miscellaneous outgoings;
- (e) non-householders' contribution;
- (f) housing benefit supplement.

(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)(e) applies, the aggregate of any amounts which, in accordance with paragraphs (3) and (4), are applicable in his case under regulations 15 to 19 subject to any restriction or reduction applicable under regulations 21 to 22;

- (b) in a case to which paragraph (1)(e) 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)(e) (non-householder's contribution) an amount shall be applicable under this Part of the regulations 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, 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 16 by virtue of sub-paragraph (a) of that paragraph, where he is the person there specified (owner-occupiers);
 - (iv) 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 either is responsible under one of the preceding heads of this sub-paragraph or has an equivalent responsibility for housing benefit expenditure and for which the benefit officer is satisfied that it is reasonable in the circumstances to treat him as sharing responsibility;
 - (v) for which, being a claimant, a dependant of his would otherwise be treated as responsible;
- (b) where responsibility for expenditure is shared, the amount so applicable shall be calculated by reference to the appropriate proportion of that expenditure.

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

- (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 and any other members of the assessment unit are absent during a normal vacation from his, or their, term-time accommodation, no amount shall be allowed in respect of that accommodation.

(5) For the purposes of this Part of these regulations other than regulation 23 (non-householder's contribution)—

- (a) a garage rented separately from the home shall be treated as part of the home provided that all reasonable efforts are being made to terminate the liability;
- (b) where the assessment unit changes its home, "the home" shall include both the old and the new home—

- (i) for a period of overlap not exceeding 4 weeks where the overlap of liability is unavoidable; or
 - (ii) where this is reasonable because the old home was left through fear of domestic violence.
- (6) No amount shall be applicable under regulations 15 to 18 in respect of housing benefit expenditure.
- (7) No amount shall be allowed under this Part of the regulations in respect of a person—
- (a) to whom paragraph 3 of Schedule 3 applies;
 - (b) unless under paragraph (4), to whom regulation 9 or any of the provisions of Schedule 3, other than paragraphs 3 and 9 to 13 applies;
 - (c) unless it is reasonable in the circumstances, to whom regulation 10(2) applies;
 - (d) to whom paragraph 9 of Schedule 3 (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.
- (8) No amount shall be allowed under this Part of the regulations where—
- (a) all members of the assessment unit are persons to whom paragraph 10 of Schedule 3 applies; or
 - (b) any member of the assessment unit is a person to whom paragraph 11 of Schedule 3 applies.

Mortgage payments

15.—(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;

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 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.

(a) S.I. 1980/1643; relevant amending instrument is S.I. 1982/907.

(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.

(5) In its application to Scotland this regulation shall have effect with the substitution of references to a heritable security for those to a mortgage.

Maintenance and insurance

16.—(1) Where a person is—

- (a) an owner-occupier including a person who occupies the home—
 - (i) under a co-ownership scheme, that is to say a scheme under which the home is let by a housing association (as defined in section 189(1) of the Housing Act 1957 (a) and, in Scotland, in section 208(1) of the Housing (Scotland) Act 1966 (b)) 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;
 - (ii) 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;
- (b) 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

17.—(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 disregarded capital in excess of £500, the excess shall be set against the amount borrowed and interest allowed only by

(a) 1957 c.56.

(b) 1966 c.49.

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;
- (b) damp-proofing measures;
- (c) provision or improvement of ventilation and natural lighting;
- (d) provision of electric lighting and sockets;
- (e) provision or improvements 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

18.—(1) The amounts, calculated in accordance with paragraph (2), of the following outgoings payable in respect of the home shall be applicable under this regulation—

- (a) charges or rates in respect of water and, except in Scotland, of sewerage and allied environmental services;
- (b) payments by way of rent or ground rent (in Scotland feu duty) under or relating to a long tenancy as defined for the purposes of regulations 7(2) and 8(2)(c) of the Housing Benefits Regulations (no eligibility for rent rebate or allowance where dwelling occupied under long tenancy) or under or relating to a tenancy or licence to which regulation 8(2)(a) of these regulations (Crown tenants not eligible for rent allowances) applies;
- (c) payments under a co-ownership scheme to which regulation 8(2)(d) of the Housing Benefits Regulations (co-owners not eligible for rent allowances) applies;
- (d) recurring charges for the emptying of cess-pits and septic tanks and the cost of fluid and materials to service a chemical toilet;
- (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), of the amount which, in the opinion of the benefit officer, is attributable to that item, and excluding any amount which is not housing benefit expenditure by virtue of paragraph 8 of Schedule 3 to the Housing Benefits Regulations (deductions for services other than charges for fuel);
- (f) where the home or any part of the home is occupied under a crofting tenancy for the purposes of the crofters (Scotland) Acts 1955 and 1961 (a) the amount of the rent payable in respect of the home or that part of the home;

(a) 1955 c.21, 1961 c.58.

(g) outgoings analogous to those mentioned in this Part.

(2) Amounts applicable under paragraph (1) shall be calculated on a weekly basis but in the case of charges or rates mentioned in sub-paragraph (a) of that paragraph where regulation 5B(1)(a), (b) and (c)(i) of the Supplementary Benefit (Determination of Questions) Regulations 1980(a) (determination of water charges) applies the amount applicable shall be determined by reference to the administrative arrangements for collection.

(3) Where the payments, amounts or outgoings mentioned in paragraph (1)(b), (c), (f) or (g) are inclusive of any of the items mentioned in sub-paragraphs (a) to (d) of paragraph 3 of Schedule 3 to the Housing Benefits Regulations (deductions for charges for heating, hot water, lighting and cooking), there shall be deducted from the amount applicable under the preceding provisions of this regulation the appropriate amount specified in that paragraph 3, so however that—

- (a) where the benefit officer is satisfied that the payment, amounts or, as the case may be, outgoings do not provide for all the necessary expenditure of the assessment unit on the item in question the amount of the deduction to be made accordingly shall be such lesser amount as he considers reasonable in the circumstances; and
- (b) 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 3) a householder rate of normal requirements is no longer applicable, no deductions shall be made under this paragraph provided the absence is temporary and expenditure on the item unavoidable.

(4) Where the payments, amounts or outgoings mentioned in paragraph (1)(b), (c), (f) or (g) are inclusive of any item which is identified in regulation 4(1) other than any item mentioned in sub-paragraphs (a) to (d) of paragraph 3 of the Housing Benefits Regulations, 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 administrative convenience arrangements are made for the payments, amounts or outgoings mentioned in paragraph (1)(b), (c), (f) or (g) payable for a year to be paid for 53 weeks, or irregularly, or so that no such payments, amounts or outgoings are payable for or collected in certain periods, or so that payments, amounts or outgoings for different periods in the year are of different amounts, the weekly amount applicable shall be the amount payable for the year divided by 52.

(6) Where for a specific purpose, payment of the payments, amounts or outgoings mentioned in paragraph (1)(b), (c), (f) or (g) are waived, they shall, for a period not exceeding 8 weeks, be treated as payable.

Housing benefit supplement

19.—(1) Subject to paragraphs (3) and (4), where—

- (a) the resources of the assessment unit are sufficient to meet its requirements as determined apart from this regulation; and
- (b) a member of the assessment unit has been granted one or more housing benefits other than under regulation 9 of the Housing Benefits Regulations (certificated cases) or would have been so

(a) S.I. 1980/1643; relevant amending instruments are S.I. 1982/914, 1983/337.

granted but for regulation 20(1) of those regulations (minimum amount of housing benefit);

there shall be applicable to the claimant an amount (“housing benefit supplement”) determined in accordance with paragraph (2).

(2) The amount referred to in paragraph (1) shall be the difference, calculated on a weekly basis, between—

- (a) the aggregate amount of any eligible rates and eligible rent as ascertained for the purposes of the Housing Benefits Regulations less the amount of any deductions made under regulation 18 of those regulations (deductions for non-dependants); and
- (b) the actual amount of the housing benefit entitlement.

(3) The amount applicable under paragraphs (1) and (2) shall be increased in the circumstances mentioned in sub-paragraphs (a) and (b) of regulation 22(5) by the amount of any deduction made under regulation 18 of the Housing Benefit Regulations.

(4) Where—

- (a) for the purposes of ascertaining eligible rent under the Housing Benefits Regulations an amount has been deducted under paragraph 2 of Schedule 3 of those regulations in respect of a charge for an item of fuel; and
- (b) if any of paragraphs 3 to 5 of that Schedule had applied, the deduction made in respect of that item would have been of a lesser amount;

for the purposes of paragraph (2)(a) there shall be added to the eligible rent the difference between the amounts mentioned in sub-paragraphs (a) and (b) of this paragraph.

(5) No amount shall be applicable under this regulation where any member of the assessment unit is a person to whom section 8 or 9 (persons affected by, or returning to full-time employment following, trade disputes) applies.

Special cases

20.—(1) Subject to paragraph (2), where—

- (a) the home is occupied with security of tenure, that is to say—
 - (i) under a protected or statutory tenancy for the purposes of the Rent Act 1977(a) or the Rent (Scotland) Act 1971(b), excluding any case in which the tenant has been given a notice to which any Case in Part II of Schedule 15 to the Act of 1977 or, as the case may be, Part II of Schedule 3 to the Act of 1971 (cases in which Court must order possession where dwelling-house subject to regulated tenancy) applies;
 - (ii) under a secure tenancy for the purposes of Chapter II of Part I of the Housing Act 1980(c) or Part II of the Tenants’ Rights Etc. (Scotland) Act 1980(d) (security of tenure of public sector tenants);
 - (iii) where the tenant is a protected occupier or statutory tenant for the purposes of the Rent (Agriculture) Act 1976(e); or
 - (iv) under a crofting tenancy for the purposes of the Crofters (Scotland) Act 1955 and 1961;

(a) 1977 c.42.

(b) 1971 c.28.

(c) 1980 c.51.

(d) 1980 c.52.

(e) 1976 c.80.

- (b) a member of the assessment unit acquires some other interest in the home; and
- (c) in consequence of the acquisition the aggregate of any amounts which would, but for this paragraph, be applicable under regulations 15, 16, and 18 (excluding any amount applicable under regulation 18(1)(a) in respect of water charges) exceed the amount of the eligible rent for the purposes of regulation 16 of the Housing Benefits Regulations immediately before the acquisition;

the aggregate amount so applicable shall initially be restricted to the amount of the eligible rent 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.

(2) Paragraph (1)—

- (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.

Restrictions where amounts excessive

21.—(1) Where the amounts applicable under regulations 15 to 18 and, subject to any reduction 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 the home, excluding any part which is let or is normally occupied by boarders, is unnecessarily large for the assessment unit and any other non-dependants or is located in an unnecessarily expensive area.

(3) Where, having regard to the relevant factors, it is not reasonable to expect the assessment unit to seek alternative cheaper accommodation no restrictions 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 six months of any period of entitlement to a pension or allowance nor during the next six 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 18, but excluding any amount which may be applicable under regulation 18(1)(a) in respect of

water charges 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 any amount, calculated on a weekly basis, attributable to capital repayments excluding any amount, applicable by virtue of regulation 15(2), of a payment for which an amount is applicable under regulation 15(1) or (3) or 17, provided that—

- (a) any possible reduction or suspension has been obtained from the lender in the amount of the capital repayments;
- (b) the claimant's disregarded capital does not exceed the outstanding capital by more than £500.

(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 a non-dependant who is not in receipt of a pension or allowance and in respect of whom the conditions specified in paragraph (6) are not fulfilled—
 - (i) where he is aged 18 or more but under 21, £3.95;
 - (ii) where he is aged 21 or more but is under pensionable age, £4.70,
 - (iii) where he is of pensionable age, £2.20;
- (d) in respect of a group of non-dependants to whom sub-paragraph (b) applies, the amounts ascertained under sub-paragraph (c) as though for the reference to the non-dependant there were substituted a reference to the head of the group of non-dependants;
- (e) for a non-dependant who is aged 18 or more and in receipt of a pension or allowance or who is a person in respect of whom the conditions specified in paragraph (6) are fulfilled, or for a group of non-dependants to whom sub-paragraph (a) applies of which the head is aged 18 or more, £2.20.

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

- (a) where the claimant, or the partner of the claimant, is blind;
- (b) for a non-dependant who is giving residential assistance in respect of which an amount under paragraph 15(1) of column (2) of Schedule 4 (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 local authority;
 - (c) in respect of a non-dependant, who is not a boarder, or in respect of a group of non-dependants, none of whom is a boarder—
 - (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.
 - (d) for a non-dependant or group of non-dependants in respect of whom a deduction is required to be made under regulation 18 of the Housing Benefits Regulations in the calculation of a rent rebate or a rent allowance for the claimant or his partner;
 - (e) for a non-dependant who is receiving full-time education at an educational establishment and whose needs are provided for, in whole or in part, by the claimant or his partner, or for a group of non-dependants where the head of that group is receiving such education and his needs are so provided for;
 - (f) for a non-dependant who is a boarder, income from whom is treated as earnings of the claimant under regulation 10(2)(b) of the Resources Regulations, or for a group of non-dependants of which the head is a boarder, income from whom is so treated.
- (6) The conditions referred to in paragraph (4)(c) and (e) are, in respect of a non-dependant,—
- (a) that he has income consisting only of one or more of the following benefits—
 - (i) unemployment benefit under section 14 of the Social Security Act;
 - (ii) sickness benefit under section 14 of that Act;
 - (iii) maternity allowance under section 22 of that Act;
 - (iv) injury benefit under section 56 of that Act (a) (including such benefit payable by virtue of regulations made under section 39(5) of the Social Security and Housing Benefits Act 1982); or
 - (v) child benefit under the Child Benefit Act 1975 (b);
 - (b) that each of the ninety days immediately preceding the relevant day was a day—
 - (i) in respect of which he was in receipt of a benefit specified in any of heads (i) to (iv) of sub-paragraph (a) or would have been entitled to any such benefit but for section 14(3) of the Social Security Act (first three days) or section 17(1)(e) of that Act (Sundays and certain other days); or
 - (ii) which, for the purposes of Part I of the Social Security and Housing Benefits Act 1982 (statutory sick pay), was a day of incapacity for work in relation to his contract of service (and, if more than one, to each such contract) and fell within a period of entitlement to statutory sick pay; and

(a) Section 56 is repealed by section 39(1) of the Social Security and Housing Benefits Act 1982 (c.24) with effect from 6th April 1983 (see Article 2 of, and Schedule to, the Social Security and Housing Benefits Act 1982 (Commencement No 1) Order 1982 (S.I. 1982/893), but transitional and saving provision may be made under section 39(5) of that Act.

(b) 1975 c.61.

- (c) that, subject to paragraphs (7) and (8), the Secretary of State has been furnished with a statement signed by the non-dependant to the effect that he fulfils the first two conditions.

(7) Where—

- (a) a determination (in this paragraph referred to as “the original determination”) has been made by a benefit officer that a reduction under paragraph (3) of the amount specified in paragraph (4)(c) (i) or (ii) shall be made in respect of a non-dependant in the claimant’s household;
- (b) that claimant, within 28 days of notice of the original determination having been given or sent to him requests that it be reviewed or appeals to an Appeal Tribunal;
- (c) upon the determination made on the review of or on appeal from the original determination each of the conditions specified in paragraph (6) is fulfilled; and
- (d) the first two conditions—
- (i) were fulfilled at the date of the original determination; or
 - (ii) became fulfilled at some time after that date but before the date of the determination made on the review of or on appeal from the original determination;

the third condition shall, for the purposes of this regulation, be treated as having been fulfilled, in a case to which sub-paragraph (d) (i) applies, from the date of the original determination, or, in a case to which sub-paragraph (d) (ii) applies, from the date on which the first two conditions became fulfilled.

(8) Where—

- (a) the claimant was entitled to a pension or allowance in the benefit week beginning in the calendar week beginning 28th March 1983;
- (b) in that benefit week a reduction was made under paragraph (3) of the amount specified in paragraph (4)(c) as then in force;
- (c) the first two conditions were fulfilled on the first day of the benefit week beginning in the calendar week beginning 4th April 1983 (“the second benefit week”); and
- (d) the third condition was fulfilled within the period of 28 days beginning with the first day of the second benefit week;

the third condition shall be treated as having been fulfilled from the first day of the second benefit week.

(9) Where the claimant was entitled to a pension or allowance in the benefit week beginning in the calendar week beginning 28th March 1983 (“the first benefit week”) and in the benefit week beginning in the calendar week beginning 4th April 1983 (“the second benefit week”) and—

- (a) in the first benefit week income was derived from a person who paid a charge for board and lodging in the home and in the calculation of the claimant’s resources an amount fell to be taken into account under regulation 10(2)(b) (i) of the Resources Regulations, as then in force;
- (b) in the second benefit week—
- (i) an amount would have fallen to be taken into account under that regulation 10(2)(b) (i), if it had been still in force, in respect of income derived from that person;

- (ii) a deduction was applicable in respect of that person under this regulation or regulation 18 of the Housing Benefits Regulations or both of them; and
- (iii) the amount of the deduction mentioned in head (ii) exceeded the amount mentioned in head (i) after the application of any disregard of the latter amount under regulation 10(5) of the Resources Regulations;

there shall, for the period of entitlement, be applicable to him an amount equal to the excess mentioned in head (iii), except that if in any benefit week following the second benefit week there is any increase in the claimant's total income by way of supplementary benefit which is attributable to a change of circumstances, the amounts so applicable shall be reduced by the amount of that increase.

(10) In this regulation—

- (a) a reference to the head of a group of non-dependants is—
 - (i) where paragraph (4)(a) applies, to the person to whom the pension or allowance is payable; and
 - (ii) where paragraph (4)(b) applies, to the person to whom the pension or allowance would be payable;
- (b) in paragraph (6) “relevant day” means—
 - (i) in relation to a determination of a claim for a pension or allowance, except where paragraph (7) applies, any day within the period of seven days ending with that on which the claim is made;
 - (ii) in relation to a request to review a determination, except where paragraph (7) or (8) applies, any day within the period of seven days ending with that on which the review is requested;
 - (iii) where paragraph (7) applies, any day subsequent to the original determination referred to in that paragraph; and
 - (iv) where paragraph (8) applies, the first day of the second benefit week referred to in that paragraph;
- (c) in paragraphs (6), (7) and (8) a reference to the first two conditions is to those specified in sub-paragraphs (a) and (b) of paragraph (6) and a reference to the third condition is to that specified in sub-paragraph (c) of that paragraph; and
- (d) in paragraph (9) “period of entitlement” means a continuous period, beginning with the beginning of the second benefit week, during which the claimant is entitled to a pension or an allowance and throughout which regulation 10(2)(b) (i) of the Resources Regulations would, if still in force, continue to apply in respect of income derived from the person mentioned in paragraph (9) of this regulation and ending—
 - (i) when the claimant ceases to be entitled to a pension or an allowance;
 - (ii) when the said regulation 10(2)(b) (i) would, if still in force, cease to apply in respect of such income; or
 - (iii) on the day immediately preceding the day on which the sums mentioned in paragraph (4) of this regulation are first increased after the coming into operation of this sub-paragraph;
 whichever is the earliest.

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 the weekly amount of £3.10.

(2) This regulation applies to a claimant who is aged 18 or over where neither he nor any other member of the assessment unit satisfies the condition of sub-paragraph (a) of paragraph (6) of regulation 5 (meaning of householder).

(3) Where the claimant was entitled to an allowance in the benefit week beginning in the calendar week beginning 28th March 1983 (“the first benefit week”) and in the benefit week beginning in the calendar week beginning 4th April 1983 (“the second benefit week”) and—

(a) (i) in the first benefit week he was aged 16 or 17 and the provisions of this regulation then in force applied to him; and

(ii) in the second benefit week those provisions would, if they had been in force, have continued to apply to him;

those provisions shall, for the period of entitlement, continue to apply to him;

(b) in the first benefit week an amount was applicable to him under paragraph (1)(b) of this regulation as then in force, that amount shall, for the period of entitlement, continue to be applicable to him, except that if in any benefit week following the second benefit week there is any increase in the claimant's total income by way of supplementary benefit which is attributable to a change of circumstances, the amount so applicable shall be reduced by the amount of that increase.

(4) In paragraph (3) “period of entitlement” means a continuous period, beginning with the beginning of the second benefit week, during which the claimant is entitled to a pension or allowance, and—

(a) in relation to sub-paragraph (a), throughout which the provisions mentioned therein would, if still in force, continue to apply to him and ending—

(i) when the claimant ceases to be entitled to an allowance, or

(ii) when those provisions would, if still in force, cease to apply to him, or

(iii) on the day before the provisions of paragraph (2) apply to him, whichever is the earliest;

(b) in relation to sub-paragraph (b), throughout which an amount would continue to be applicable to him under the paragraph (1)(b) specified therein and ending—

(i) when the claimant ceases to be entitled to a pension or an allowance, or

(ii) an amount would cease to be applicable to him under that paragraph (1)(b) if still in force.

whichever is the earlier.

PART V

REVOCATIONS

Revocations

24. The regulations specified in column 1 of Schedule 5 are hereby revoked to the extent specified in column 3 of that Schedule.

Signed by authority of the Secretary of State for Social Services.

Rhodes Boyson,
Minister of State,
Department of Health and Social Security.

5th September 1983.

We consent,

Nigel Lawson,
D. J. F. Hunt,
Two of the Lords Commissioners of
Her Majesty's Treasury.

13th September 1983.

SCHEDULE 1 Regulations 5(5) 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 	54.55
(b) ordinary 	43.50
(the long-term and ordinary rates being specified respectively in paragraph 1 of the table as modified by regulation 5(1) and in paragraph 2 as modified by regulation 5(2), 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 	34.10
(b) ordinary 	26.80
(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(4), the long-term rate being applicable in pension cases and in allowance cases where the conditions of regulation 7 are satisfied and the ordinary rates in the remaining cases).	
1. Rates for non-householders aged not less than 18 or less than 18 with a dependant—	
(a) long-term 	27.25
(b) ordinary 	21.45
(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 	20.90
(b) ordinary 	16.50
(the appropriate rate being determined in accordance with regulation 7).	
<i>Dependants</i>	
3. Rates for dependants aged—	
(a) not less than 18 	21.45
(b) less than 18 but not less than 16 	16.50
(c) less than 16 but not less than 11 	13.70
(d) less than 11 	9.15

Regulation 9(7)

SCHEDULE 2

Modification of Normal Requirements of Boarders
Cases in which Increases over Maximum Requirements are
Prescribed by regulation 9(7)

Case	Person in respect of whom Increase is prescribed
<i>(a)</i>	<i>(b)</i>
A	A claimant who has attained pensionable age or a relevant person or his partner either of whom is aged 65 or over;
B	a claimant or any other member of the assessment unit who is infirm by reason of physical or mental disability;
C	<p>a claimant in respect of whom or of whose accommodation one or more of the following conditions are satisfied (and for this purpose the two conditions in paragraph (5) below count as one):—</p> <p>(1) he is a person in respect of whom a local authority has power to make arrangements under section 26(1)(a)(ii) of the National Assistance Act 1948(a) (provision of accommodation in premises registered under the Residential Homes Act 1980) but has declined to exercise that power;</p> <p>(2) the accommodation is provided in a nursing home or mental nursing home as defined in sections 1 and 2 of the Nursing Homes Act 1975(b) where a health authority has power under section 23(1) of the National Health Service Act 1977 (c) (voluntary organisations and other bodies) to make contractual arrangements for the provision of accommodation but has declined to exercise that power;</p> <p>(3) the accommodation is provided in a nursing home as defined in section 10 of the Nursing Home Registration (Scotland) Act 1938(d) or in a private hospital within the meaning of Part III of the Mental Health (Scotland) Act 1960(e) where the Secretary of State has power under section 16 of the National Health Service (Scotland) Act 1978(f) (assistance to voluntary organisations) to make contractual arrangements for the provision of accommodation but has declined to exercise that power;</p> <p>(4) he is a person in respect of whom a local social services authority has power to provide residential accommodation under section 21 of, and paragraph 1 of Schedule 8 to, the National Health Service Act 1977 (care of mothers and young children) but has declined to exercise that power;</p> <p>(5) he is a person—</p> <p>(a) in respect of whom a local social services authority has power to provide residential accommodation under section 21 of, and paragraph 2 of Schedule 8 to, the National Health Service Act 1977 (prevention, care and after-care) but has declined to exercise that power; and</p> <p>(b) whose accommodation is in premises registered under the Residential Homes Act 1980(g) (registration of disabled persons, and old persons, homes);</p> <p>(6) he is a person in need within the meaning of section 94(1) of the Social Work (Scotland) Act 1968(h) who does not come within the provisions of section 12 of that Act;</p>

(a) 1948 c.29.
(e) 1960 c.61.

(b) 1975 c.37.
(f) 1978 c.29.

(c) 1977 c.49.
(g) 1980 c.7.

(d) 1938 c.73.
(h) 1968 c.49.

SCHEDULE 2—*continued*

Case	Person in respect of whom Increase is prescribed
<i>(a)</i>	<i>(b)</i>
	<p data-bbox="483 421 1251 611">(7) he is a person suffering from a mental disorder within the meaning of the Mental Health Act 1959 (a) or the Mental Health (Scotland) Act 1960 in respect of whom a local social services authority has, under section 21 of, and paragraph 2 of schedule 8 to, the National Health Service Act 1977 (prevention care and after-care), made arrangements for the provision of residential accommodation in a private household or in premises which are not required to be registered under the Residential Homes Act 1980;</p> <p data-bbox="483 618 1251 669">(8) he is a person who is resident in premises which are used for the rehabilitation of alcoholics or drug addicts.</p>

(a) 1959 c.72.

Regulation 10

SCHEDULE 3

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 section 6(1)(a) of the Social Security Pensions Act 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</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 higher of the two sums for the time being specified in section 6(1)(a) of the Social Security Pensions Act 1975 (hereafter in this paragraph referred to as "the relevant sum specified in section 6(1)(a)" 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 relevant sum specified in section 6(1)(a);</p>

(a) 1975 c.60.

SCHEDULE 3—*continued*

Cases (1)	Provisions Modified (2)	Modified amount (3)
<p>more than eight weeks provided that sub-paragraph (a) does not apply;</p> <p>(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 eight weeks;</p> <p>(d) a dependant who has been a patient for a continuous period of more than 12 weeks;</p> <p>(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—</p> <p>(i) a person has been appointed to act under section 14(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 can-</p>	<p>(c) paragraphs 3 and 4 of the table and 1 and 2 of Schedule 1;</p> <p>(d) paragraph 3 of Schedule 1;</p> <p>(e) paragraphs 1 and 2 of Schedule 1.</p>	<p>(c) 20 per cent, of the relevant sum specified in section 6(1)(a) 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;</p> <p>(d) 20 per cent of the relevant sum specified in section 6(1)(a);</p> <p>(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>

SCHEDULE 3—continued

Cases (1)	Provisions Modified (2)	Modified amount (3)
<p>not be used by him or on his behalf;</p> <p>and where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding twenty-eight days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.</p> <p><i>Certain unmarried students</i></p> <p>3. Student, as defined in the Resources Regulations, and any other member of the assessment unit where the student—</p> <p>(a) is one of an unmarried couple;</p> <p>(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</p> <p>(c) is a claimant to whom regulation 6(j) of the Supplementary Benefit (Conditions of Entitlement) Regulations 1981 (exemption of unmarried students from condition of availability in certain circumstances) applies.</p>	<p>3.—(1) In relation to the student, paragraphs 1 and 2 of the table.</p> <p>(2) In relation to dependants of the student, paragraph 3 of Schedule 1.</p>	<p>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 the Education (Students' Dependants Allowances) Regulations 1983(a), other than regulation 6(6), or the Student's Allowances (Scotland) Regulations 1971(b).</p> <p>(2) Nil.</p>

(a) S.I. 1983/1185.

(b) S.I. 1971/124; relevant amending instrument is S.I. 1974/1187.

SCHEDULE 3—*continued*

Cases (1)	Provisions Modified (2)	Modified amount (3)
<p><i>Single claimants without accommodation</i></p> <p>4. Claimant, not being a relevant person, who is without accommodation.</p> <p><i>Polish Resettlement</i></p> <p>5. Person for whom accommodation is provided under section 3 of, and Part II of the Schedule to, the Polish Resettlement Act 1947 (a) if—</p> <p>(a) a relevant person;</p> <p>(b) any other person other than the partner of a relevant person.</p> <p><i>Persons attending residential re-establishment courses</i></p> <p>6. Person attending a course provided by the Secretary of State under section 30 of, and paragraph 1 of Schedule 5 to, the Act, whether in consequence of a direction under section 10(1) of the Act or otherwise, or a course for similar purposes approved by him, for which temporary board and lodging is provided.</p>	<p>4. Paragraphs 1 and 2 of Schedule 1.</p> <p>5. Paragraphs 1 to 4 of the table and 1 to 3 of Schedule 1.</p> <p>6. Paragraphs 1 to 4 of the table and 1 to 3 of Schedule 1.</p>	<p>4. A weekly amount equal to 7 times the combined total of the rates for the time being specified in regulation 9(4)(b)(i), (ii) and (iii) (daily rates for breakfast and midday and evening meals).</p> <p>5. The weekly amount of the charge payable in respect of the person, and any partner, under section 3(6) of, and Part II of the Schedule to, the Polish Resettlement Act 1947 increased, in respect of personal expenses, by the amount for the time being specified in regulation 9(12)(b)(i) or, where subparagraph (a) in column (1) applies, twice that amount.</p> <p>The weekly amount of any charge for board and lodging made by the Secretary of State under section 30(2) increased—</p> <p>(a) where column (1) of this paragraph applies to either a relevant person or his partner (but not both), by the ordinary rate for couples;</p> <p>(b) in any other case in respect of personal expenses, by one-third of the ordinary rate for householders.</p>

(a) 1947 c.19.

SCHEDULE 3—*continued*

Cases (1)	Provisions Modified (2)	Modified amount (3)
<p><i>Persons in resettlement units</i></p> <p>7. Person being afforded temporary board and lodging in a resettlement unit under section 30 of, and paragraph 2 of Schedule 5 to, the Act.</p>	<p>7. Paragraphs 3 and 4 of the table and 1 to 3 of Schedule 1.</p>	<p>7. The weekly amount of any charge for board and lodging made by the Secretary of State under section 30(2) increased, in respect of personal expenses, by 20 per cent. of the long-term rate for householders, reduced as to the latter amount, where applicable, by one-seventh in respect of each of the first two days of the stay in the resettlement unit.</p>
<p><i>Members of religious orders</i></p> <p>8. Person who is a member of and fully maintained by a religious order.</p>	<p>8. Paragraphs 3 and 4 of the table and 1 to 3 of Schedule 1.</p>	<p>8. Nil.</p>
<p><i>Prisoners</i></p> <p>9. Person who is a prisoner.</p>	<p>9. Paragraphs 3 and 4 of the table and 1 to 3 of Schedule 1.</p>	<p>9. Nil.</p>
<p><i>Persons from abroad</i></p> <p>10. 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>10. (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>10. (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 subparagraphs (a) to (c) of regulation 5(6) (meaning of householder) and otherwise the ordinary rate for non-householders;</p> <p>(b) Nil.</p>

SCHEDULE 3—*continued*

Cases (1)	Provisions Modified (2)	Modified amount (3)
<p><i>Persons temporarily treated as not one of an unmarried couple</i></p> <p>11. Person referred to as A in regulation 7 of the Supplementary Benefit (Aggregation) Regulations 1981^(a) (circumstances in which persons are not an unmarried couple), to whom that regulation applies.</p> <p><i>Persons affected by trade dispute</i></p> <p>12. Where either (but not both) of a relevant person and his partner is a person affected by a trade dispute.</p> <p><i>Members of polygamous relationship</i></p> <p>13. Person to whom regulation 8 of the Supplementary Benefit (Aggregation) Regulations 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>11. Paragraphs 3 and 4 of the table and 1 of Schedule 1.</p> <p>12. Paragraphs 1 and 2 of the table.</p> <p>13. Paragraphs 3 and 4 of the table and 1 and 2 of Schedule 1.</p>	<p>11. Nil.</p> <p>12. The ordinary rate for non-householders.</p> <p>13. 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>

(a) S.I. 1981/1524.

Regulations 11 to 13

SCHEDULE 4

ADDITIONAL REQUIREMENTS

PART I

HEATING

Items and cases applicable (1)	Weekly amount (2)
<i>Heating</i>	
<p>1.—(1) Person for whom extra warmth needs to be provided—</p> <p>(a) because he suffers from chronic ill health, due for example to bronchitis, rheumatism, arthritis or anaemia; or</p> <p>(b) because of restricted mobility due to some physical reason, for example, general frailty.</p> <p>(2) Person for whom extra warmth needs to be provided because he suffers from—</p> <p>(a) physical illness or physical disability to the extent that he is confined to the home or unable to leave it alone; or</p> <p>(b) a serious physical illness.</p> <p>(3) Person who suffers from—</p> <p>(a) a serious physical illness such that a constant temperature must be maintained; or</p> <p>(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.</p>	<p>1. (1) £2.05.</p> <p>(2) £5.05.</p> <p>(3) £5.05.</p>
<p>2. Person who is a householder where, having regard in particular to whether the rooms are draughty or damp or exceptionally large—</p> <p>(a) the home is difficult to heat adequately;</p> <p>(b) the home is exceptionally difficult to heat adequately, for example because it is very old or in a very exposed situation.</p>	<p>2. (a) £2.05; (b) £5.05</p>
<p>3. Person who is a householder where the home, excluding any bathroom, lavatory or hall, consists of—</p> <p>(a) not more than four rooms</p> <p>(b) five or more rooms;</p> <p>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.</p>	<p>3. (a) £2.05 (b) £4.10</p>
<p>4. Person who is a householder in respect of whom an amount is applicable under regulation 18(1)(b), (c) or (f) (long tenancy, Crown tenancy, co-ownership or crofting tenancy) where, as a</p>	<p>4. Any amount by which the weekly amount of the separate charge exceeds that specified for the item in the</p>

SCHEDULE 4—*continued*

Items and cases applicable (1)	Weekly amount (2)
condition of his tenancy or co-ownership, a separate charge, not subject to refund or surcharge, is payable for any of the items mentioned in subparagraphs (a) to (d) of paragraph 3 of Schedule 3 to the Housing Benefits Regulations.	relevant sub-paragraph mentioned in column (1) of this paragraph.
<p>5. A person either who, not being a partner, has been absent from home for a continuous period of more than 13 weeks or to whom regulation 9 or paragraph 1, 2 or 6 of Schedule 3 applies and—</p> <p>(a) is entitled to housing benefit under regulation 9 of the Housing Benefits Regulations (certificated cases); and</p> <p>(b) for the purposes of calculating his eligible rent under regulation 16 of those regulations a deduction is being made for fuel under any of paragraphs 3 to 6 of Schedule 3 to those regulations.</p>	<p>5. The weekly amount of the deduction being made under any of paragraphs 3 to 6 of the Schedule 3 mentioned in column (1).</p>
<p>6. Person who is a householder where the home is part of an estate built with a heating system of which the Secretary of State has in his discretion recognised the running costs to be disproportionately high.</p>	<p>6. Where the home, excluding any bathroom, lavatory or hall, consists of—</p> <p>(a) not more than four rooms, £4.10;</p> <p>(b) five or more rooms, £8.20.</p>
<p>7. Person in respect of whom—</p> <p>(a) any of the following is payable:—</p> <p>(i) mobility allowance or attendance allowance under the Social Security Act;</p> <p>(ii) increase under section 61 of the Social Security 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 1983(a)</p> <p>(iv) a grant under paragraph 2 of Schedule 2 to the National Health Service Act 1977(b) (costs of vehicles for disabled persons) or, in Scotland, section 46(3) of the National Health Service (Scotland) Act 1978(c) (provision of vehicles for disabled persons) towards the cost of maintaining a vehicle belonging to a person referred to in that paragraph or, as the case may be, section; or</p> <p>(v) an amount under article 26 of the Naval, Military and Air Forces etc (Disablement</p>	<p>7. £5.05.</p>

(a) S.I. 1983/883, to which there are amendments not relevant to these Regulations.

(b) 1977 c.49.

(c) 1978 c.29.

SCHEDULE 4—*continued*

Items and cases applicable (1)	Weekly amount (2)
<p>and Death) Service Pensions Order 1983 (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 under section 5(2)(a) of the National Health Service Act 1977 (provision of vehicles for disabled persons) or, in Scotland, section 46(1) of the National Health Service (Scotland) Act 1978.</p> <p>8. 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>8. £2.05.</p>

PART II

ITEMS OTHER THAN HEATING

Items and cases applicable (1)	Weekly amount (2)
<p><i>In respect of age</i></p> <p>9. Person aged not less than 80.</p> <p><i>Attendance needs</i></p> <p>10. 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 six 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 Social Security Act because he has not satisfied the condition in subsection (2)(b) of that section (six months qualifying period), but the benefit officer is satisfied that he will make such a claim within six 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</p>	<p>9. 25p.</p> <p>10. 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 Social Security Act.</p>

SCHEDULE 4—*continued*

Items and cases applicable (1)	Weekly amount (2)
<p>officer appointed under section 97(1) of that Act;</p> <p>but this paragraph shall cease to apply to that member if no claim is made within that six 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 under section 35(1) of that Act are not met.</p>	
<p><i>Baths</i></p> <p>11. Person who on medical grounds needs more than one bath a week.</p>	<p>11. 25p for each additional bath needed.</p>
<p><i>Blindness</i></p> <p>12. Person aged not less than 16 who is blind.</p>	<p>12. £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>13. Person whose child, being a member of the assessment unit, is being boarded out prior to adoption; but this paragraph shall apply only to the first eight 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>13. The weekly amount of the boarding-out fees, not exceeding the maximum amount of the fees payable by the appropriate local authority for a child of the age in question who is boarded out under the Boarding-Out of Children Regulations 1955 (a) or the Boarding-Out of Children (Scotland) Regulations 1959 (b) 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>14. 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 swal-</p>	<p>14. (a) £3.35;</p>

(a) S.I. 1955/1377; relevant amending instruments are S.I. 1965/654, 1982/447.

(b) S.I. 1959/835.

SCHEDULE 4—*continued*

Items and cases applicable (1)	Weekly amount (2)
<p>lowing; 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 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>(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, which are available under the National Health Service Act 1977 (a) or, in Scotland, the National Health Service (Scotland) Act 1978 (b).</p>
<p><i>Domestic assistance</i></p> <p>15. 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>(c) the assistance is not provided by a local authority, nor by a close relative who incurs only minimal expenses.</p>	<p>15.—(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, where applicable, an amount equal to the amount, calculated on a weekly basis, of any secondary Class 1 contribution payable under the Social Security Act arising from employment consisting of the rendering of that assistance; and</p> <p>(2) in any other case, the weekly amount of the charge for assistance, provided that it is reasonable in the circumstances.</p>

(a) 1977 c.49.

(b) 1978 c.29.

SCHEDULE 4—*continued*

Items and cases applicable (1)	Weekly amount (2)
<p><i>Hire purchase</i></p> <p>16. 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 in regulation 9 of the Supplementary Benefit (Single Payments) Regulations 1981(a), 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 disregarded capital in excess of £500 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>16. 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>Hospital fares</i></p> <p>17. Person, A, who regularly visits another person, B, who is a patient in any hospital or similar institution where—</p> <p>(a) either—</p> <p>(i) A and B are not members of the same assessment unit but either were members of the same household prior to the hospitalisation of B or are close relatives; or</p> <p>(ii) B's partner is also in a hospital or similar institution and A is a dependant of either B or B's partner;</p>	<p>17. (a) Subject to the proviso that no amount shall be allowed under this subparagraph for costs incurred for travel outside the United Kingdom and subject to head (iii) below, the amount of estimated—</p> <p>(i) weekly average cost of second class public transport by whichever method (excluding air travel) is used by A and also, where A is incapable of undertaking the journey alone and needs to be accompanied, by a companion of A, or</p> <p>(ii) where private transport is used although public transport is available, weekly average cost of the petrol not exceeding the public transport</p>

(a) S.I. 1981/1528; relevant amending instrument is S.I. 1982/907.

SCHEDULE 4—*continued*

Items and cases applicable (1)	Weekly amount (2)
<p>(b) either—</p> <p>(i) A and B are partners; or</p> <p>(ii) A is a dependant of a relevant person who is either B or B's partner; and B has been a patient for a continuous period of not more than eight weeks;</p> <p>(c) either—</p> <p>(i) A and B are partners; or</p> <p>(ii) A is a dependant of a relevant person who is either B or B's partner; and B has been a patient for a continuous period of more than eight weeks;</p> <p>(d) A and B are members of the same assessment unit and B is a dependant who has been a patient for a continuous period of—</p> <p>(i) not more than 12 weeks;</p> <p>(ii) more than 12 weeks;</p>	<p>cost, or where public transport is not available, weekly average cost of the petrol; but</p> <p>(iii) the amount allowed under this sub-paragraph in respect of journeys undertaken by taxi shall, if public transport is not available or if the person concerned is unable to use other transport by reason of physical disability, be the cost of the taxi fare, and in any other case the cost of second-class public transport by the method appropriate to the case;</p> <p>(b) an amount determined in accordance with sub-paragraph (a) in this column reduced, where the rate of normal requirements applicable to B or his partner is—</p> <p>(i) the long-term rate for couples, by £13.65;</p> <p>(ii) the ordinary rate for couples, by £9.90;</p> <p>(c) an amount determined in accordance with sub-paragraph (a) in this column reduced, where the rate of normal requirements applicable to B or his partner is—</p> <p>(i) the long-term rate for couples, by £6.85;</p> <p>(ii) the ordinary rate for couples, by £3.10;</p> <p>(d) an amount determined in accordance with sub-paragraph (a) in this column but, in a case falling within sub-paragraph (d) (i) in column (1), that amount reduced, where B is aged—</p>

SCHEDULE 4—*continued*

Items and cases applicable (1)	Weekly amount (2)
<p>(e) A is a dependant of B who is a claimant, is not a relevant person and has been a patient for a continuous period of—</p> <p>(i) not more than eight weeks;</p> <p>(ii) more than eight weeks.</p>	<p>(i) not less than 18, by £14.65;</p> <p>(ii) less than 18 but not less than 16, by £9.70;</p> <p>(iii) less than 16 but not less than 11, by £6.90;</p> <p>(iv) less than 11, by £2.35;</p> <p>(e) the amount determined in accordance with sub-paragraph (a) in this column but, in a case falling within sub-paragraph (e) (i) in column (1), that amount reduced, where the rate of normal requirements applicable to B is—</p> <p>(i) the long-term rate for householders, by £27.30;</p> <p>(ii) the ordinary rate for householders, by £20.00;</p> <p>(iii) the long-term rate for non-householders, by £20.45;</p> <p>(iv) the ordinary rate for non-householders, by £14.65.</p>
<p><i>Laundry</i></p> <p>18. 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>18. 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>19. Person who suffers from a physical or mental condition which has the consequence that his clothing or footwear wears out unusually quickly.</p>	<p>19. The estimated extra cost, calculated on a weekly basis, of repairing or replacing the clothing or footwear.</p>
<p><i>Special clothing or footwear</i></p> <p>20. Where the cost of an item of necessary clothing or footwear for any person, other than an</p>	<p>20. The estimated extra cost, calculated on a weekly</p>

SCHEDULE 4—*continued*

Items and cases applicable (1)	Weekly amount (2)
<p>item available under the National Health Service Act 1977, significantly exceeds the cost of such an item in standard sizes or fittings by reason of his stature or size or of any physical disability of his.</p> <p><i>Storage of furniture</i></p> <p>21. Where—</p> <p>(a) a person has stored essential household effects belonging to and intended for the use of the assessment unit;</p> <p>(b) storage of the items is necessary and the storage is reasonable;</p> <p>(c) the person is using his best endeavours to obtain accommodation which will remove the necessity for storage; and</p> <p>(d) the person is not a person to whom section 4(3), (4) or (5) of the Housing (Homeless Persons) Act 1977(a) (duties of housing authorities to persons who are homeless or threatened with homelessness) applies;</p> <p>but an amount shall not be allowed under this paragraph for those items for more than 12 months.</p>	<p>basis, of the item above that of such an item in standard sizes or fittings.</p> <p>21. The weekly amount of the cost of storage.</p>

(a) 1977 c.48.

SCHEDULE 5
REVOCATIONS

Regulation 24

Column 1 <i>Regulations revoked</i>	Column 2 <i>References</i>	Column 3 <i>Extent of Revocation</i>
The Supplementary Benefit (Requirements) Regulations 1980	S.I. 1980/1299	The whole regulations.
The Supplementary Benefit (Aggregation, Requirements and Resources) Amendment Regulations 1980	S.I. 1980/1774	The whole regulations.
The Supplementary Benefit (Requirements) Amendment Regulations 1981	S.I. 1981/513	The whole regulations.
The Supplementary Benefit (Requirements and Resources) Amendment Regulations 1981	S.I. 1981/1016	The whole regulations.
The Supplementary Benefit (Requirements and Conditions of Entitlement) Amendment Regulations 1981	S.I. 1981/1197	The whole regulations.
The Supplementary Benefit (Requirements and Resources) Amendment Regulations 1982	S.I. 1982/1125	Regulation 2.
The Supplementary Benefit (Housing Benefits) (Requirements and Resources) Consequential Amendments Regulations 1982	S.I. 1982/1126	Regulation 1, in so far as it relates to regulation 2, and regulation 2.
The Supplementary Benefit Up-rating Regulations 1982	S.I. 1982/1127	In regulation 1(2), the definition of "Requirements Regulations", Regulations 2 and 3 and Schedule 1.
The Supplementary Benefit (Housing Benefits) (Requirements) Consequential Amendment Regulations 1982	S.I. 1982/1634	The whole regulations.
The Supplementary Benefit (Housing Benefits) (Requirements and Resources) Consequential Amendment Regulations 1983	S.I. 1983/505	Regulation 1(b) and (c), in so far as it relates to regulation 2, and regulation 2.

SCHEDULE 5—*continued*

Column 1 <i>Regulations revoked</i>	Column 2 <i>References</i>	Column 3 <i>Extent of Revocation</i>
The Supplementary Benefit (Requirements) (Long-term Rates) Amendment Regulations 1983	S.I. 1983/700	The whole regulations.
The Supplementary Benefit (Requirements, Resources and Single Payments) Amendment Regulations 1983	S.I. 1983/1240	Regulations 2 and 5.
The Supplementary Benefit Up-rating Regulations 1983	S.I. 1983/1245	Regulation 2 and Schedules 1 and 2.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are made for the purpose only of consolidating the regulations hereby revoked and, accordingly, by virtue of paragraph 20 of Schedule 3 to the Social Security Act 1980 (c.30) no reference of them has been made to the Social Security Advisory Committee. They provide for the determination of requirements for the purposes of determining the right to and amount of supplementary benefit under the Supplementary Benefits Act 1976 ("the 1976 Act"), as extensively amended by the Social Security Act 1980.

Part I contains general provisions affecting the interpretation of the Regulations. Regulations 1 and 2 relate to citation, commencement and definitions. Regulation 3 provides that, for the purposes of Schedule 1 to the 1976 Act (and subject to provisions in the Schedule), requirements shall be determined in accordance with these regulations.

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 ordinary rates set out in the 1976 Act for the normal requirements of couples and householders and providing for the meaning of 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 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 3).

Part III relates to the determination of additional requirements (regulation 11 and Schedule 4). Regulation 12 and Part I of Schedule 4 contain provision for heating and regulation 13 and Part II of Schedule 4 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 mortgage payments (regulation 15), maintenance and insurance (regulation 16), interest on loans for repairs and improvements (regulation 17), miscellaneous outgoings (regulation 18), housing benefit supplement (regulation 19) and items in special cases (regulation 20). The amounts applicable under regulations 15 to 18 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).

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