STATUTORY INSTRUMENTS

# 1980 No. 1774

# SOCIAL SECURITY

## The Supplementary Benefit (Aggregation, Requirements and Resources) Amendment Regulations 1980

*Laid before Parliament in draft*

*Made* - - - - 20*th November* 1980

*Coming into Operation* 24*th November* 1980

Whereas a draft of the following regulations was laid before Parliament and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Services, with the consent of the Treasury, in exercise of the powers conferred upon him by sections 2(2), 32A(*a*) and (*b*) and 34(3)(*b*) of, and paragraphs 1(2) and 2(1), (3), (4) and (5) of Schedule 1 to, the Supplementary Benefits Act 1976(**a**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

### PART I

### GENERAL

*Citation, commencement and interpretation*

**1.**—(1) These regulations, which may be cited as the Supplementary Benefit (Aggregation, Requirements and Resources) Amendment Regulations 1980, shall come into operation on 24th November 1980.

(2) In these regulations—

"Aggregation Regulations" means the Supplementary Benefit (Aggregation) Regulations 1980(**b**);

"Requirements Regulations" means the Supplementary Benefit (Requirements) Regulations 1980(**c**);

"Resources Regulations" means the Supplementary Benefit (Resources) Regulations 1980(**d**).

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(**a**) 1976 c. 71; the Act as amended (other than sections 31, 32, 35 and 36 and Schedules 4 and 6 to 8) is set out in Part II of Schedule 2 to the Social Security Act 1980 (c. 30).

(**b**) S.I. 1980/982.

(**c**) S.I. 1980/1299.

(**d**) S.I. 1980/1300.

## PART II

### AMENDMENT OF THE AGGREGATION REGULATIONS

*Amendment of the Aggregation Regulations*

**2.**—(1) This regulation shall amend the Aggregation Regulations.

(2) In regulation 3(5) (person aged 19 receiving relevant education for whom claimant is to be treated as responsible) there shall be added at the end, after sub-paragraph (*d*), the words "except that this paragraph shall not apply to a person in circumstances to which regulation 12 of the Supplementary Benefit (Conditions of Entitlement) Regulations 1980(**a**) (circumstances in which persons receiving relevant education are to be entitled to supplementary benefit) applies".

(3) After regulation 6 there shall be added the following regulation:—

"*Polygamous relationships*

**7.**—(1) Where between members of the same household there is a polygamous relationship—

(*a*) 2 of the members of that relationship shall be treated as a married or, as the case may be, unmarried couple within the meaning of those definitions in section 34(1) of the Act; and

(*b*) the requirements and resources of all the members, and of any person who would be a dependant of any member if that member were a claimant, shall be aggregated with and treated as those of such member of that couple as may be appropriate in the circumstances.

(2) A person shall be treated as a member of a polygamous relationship where, but for the fact that the relationship includes more than 2 persons, he would be one of a married or unmarried couple".

## PART III

### AMENDMENT OF THE REQUIREMENTS REGULATIONS

**3.** The Requirements Regulations shall be amended in accordance with the Schedule to these regulations.

## PART IV

### AMENDMENT OF THE RESOURCES REGULATIONS

*Amendment of regulation 2 of the Resources Regulations*

**4.** In regulation 2 (interpretation)—

(*a*) in paragraph (1), in the definition of "liable relative"—

(i) for the words from "a spouse" to "parent" there shall be substituted the words "a spouse or former spouse, or a parent of a dependant",

(ii) for the words beginning "is making" to the end there shall be substituted the words "by reason of payments which he is making to or in respect of that child may reasonably be treated as such a father";

(a) S.I. 1980/1586.

(*b*) after paragraph (2) there shall be added the following paragraph:—

"(3) These regulations shall be subject to section 6 of the Social Security (No. 2) Act 1980(a) (supplementary benefit in cases affected by trade disputes).".

*Amendment of regulation 3 of the Resources Regulations*

**5.** In regulation 3 of the Resources Regulations (calculation of resources), after paragraph (2) there shall be added the following paragraph:—

"(3) Where a resource which falls to be taken into account in accordance with these regulations would otherwise include a fraction of a penny that fraction shall be disregarded.".

*Amendment of regulation 4 of the Resources Regulations*

**6.**—(1) This regulation shall amend regulation 4 of the Resources Regulations (notional resources).

(2) In paragraph (4) (unpaid services), for the words beginning "an unpaid service" to "comparable employment" there shall be substituted the words "for another person a service for which that person makes either no payment or a payment less than that paid for comparable employment, an amount of earnings calculated by reference to such employment".

(3) In paragraph (6) (payment to or in respect of third party), after sub-paragraph (*b*) there shall be added at the end the words "unless, having regard to the purpose of the payment, the terms under which it is made and its amount, it is unreasonable to do so".

(4) In paragraph (10) (high irregular earners), for sub-paragraph (*b*) to the end of the paragraph there shall be substituted the following:—

"(*b*) the aggregate gross earnings payable to him in respect of the 13 weeks immediately preceding the claim exceed the product of—

(i) the figure derived by multiplying by 10 the weekly amount of normal requirements applicable at the date of the claim to a person to whom paragraph 4 of the table in paragraph 2 of Schedule 1 to the Act (ordinary rate for householders) applies, and

(ii) the number of weeks, if any, during those 13 weeks in respect of which he was not in receipt of supplementary pension or allowance,

he shall be treated as having earnings at the rate of the figure derived in accordance with head (i) for the number of weeks, beginning with the date of the claim, equal to the result (any fraction being disregarded) of dividing that excess by that figure.".

*Amendment of regulation 6 of the Resources Regulations*

**7.** In regulation 6 of the Resources Regulations (capital resources to be disregarded)—

(*a*) in paragraph (1)(*a*)(ii), for the words "purchased" and "purchase" there shall be substituted the words "acquired" and "acquisition" respectively;

(*b*) for paragraph (1)(*d*) there shall be substituted "(*d*) any savings of mobility allowance paid under the Social Security Act which the recipient intends to use in connexion with mobility, or, for a period not

(a) 1980 c. 39.

exceeding 12 months from the date of receipt, any arrears of attendance or mobility allowance paid under that Act or of supplementary benefit;".

*Amendment of regulation 9 of the Resources Regulations*

**8.** In regulation 9 of the Resources Regulations (calculation of income resources), in paragraph (2) (period to which income attributable)—

(*a*) in sub-paragraph (*c*), for the words beginning "or the first day" to the end there shall be substituted the words "or the earliest succeeding benefit week in which, having regard to the method by which supplementary benefit is payable in a particular case, it would be practicable to take it into account";

(*b*) in sub-paragraph (*d*), for the word "received" wherever it occurs there shall be substituted the word "payable".

*Amendment of regulation 11 of the Resources Regulations*

**9.**—(1) This regulation shall amend regulation 11 of the Resources Regulations (calculation of other income).

(2) In paragraph (2) (other income to be taken into account in full), in sub-paragraph (*a*), for the words beginning "any benefit" to "1975" there shall be substituted the words "any payment made by virtue of any scheme made under the Industrial Injuries and Diseases (Old Cases) Act 1975(**a**) and any benefit under the Social Security Act(**b**)".

(3) In paragraph (3) (payments by liable relatives)—

(*a*) after the words "and in the case of any lump sum payment shall" there shall be inserted the words "subject to paragraphs (3A) and (3B)";

(*b*) the proviso shall be omitted.

(4) After paragraph (3) there shall be added the following paragraphs:—

"(3A) Paragraph (3) shall not apply to a lump sum in any case in which the liable relative is making to or in respect of the member of the assessment unit to or in respect of whom it is paid periodical payments at a rate of an amount equal to or exceeding that specified in paragraph (3)(*a*), but excluding for this purpose the sum of £2.00 there mentioned, or paragraph (3)(*b*) as appropriate ("the specified rate"); and in any case where he ceases to make such payments or is making them only at a lower rate (whether initially, or because the specified rate has increased and the periodical payments have not correspondingly increased, or because the periodical payments have been reduced), paragraph (3) shall apply with the modification, in any case except one in which the periodical payments have ceased, that the lump sum is attributable at a rate equal to the difference between the rate specified in paragraph (3)(*a*) or (*b*) as appropriate and the periodical payment.

(3B) The amount of a lump sum taken into account for the purposes of applying to it the provisions of paragraph (3) shall, in any week in which the assessment is made, be whichever is the lesser of—

(*a*) the amount received, less, where an assessment is made on review or on a repeat claim, the aggregate amount of income assumed from it by virtue of a previous determination;

(*b*) such part of the amount as may at that time reasonably be considered to form part of the resources of the assessment unit.".

(**a**) 1975 c. 16.
(**b**) *See also* section 66(2) of the Social Security Pensions Act 1975 (c. 60).

(5) In paragraph (4)(*k*) (non-dependants' housing contributions), for the reference to "regulation 21(3)" there shall be substituted a reference to "regulation 22(3)" and for the word "notional" there shall be substituted the word "fixed".

(6) In paragraph (5) (other income subject to disregard), after sub-paragraph (*c*) there shall be inserted the following sub-paragraph:—

"(*cc*) the amount, if any, by which the amount receivable from letting any part of the home, calculated on a weekly basis, less where applicable any amounts calculated in accordance with regulation 22(2) of the Requirements Regulations (incidental and inclusive amounts), exceeds the aggregate amounts applicable for housing requirements under regulations 15 to 20 of those regulations;".

(7) After paragraph (5) there shall be inserted the following paragraph:—

"(5A) In a case to which regulation 6 of the Supplementary Benefit (Aggregation) Regulations 1980(a) (circumstances in which 2 persons, in that and this regulation referred to as A and B, are not to be treated as an unmarried couple) applies, in the calculation of resources for the purpose of determining A's entitlement to supplementary pension or allowance during the period of adjustment, the preceding paragraphs shall apply to the extent that there shall be taken into account only—

(*a*) any child benefit in respect of any dependant of A of whom B is not a parent;

(*b*) any family income supplement under the Family Income Supplements Act 1970, but only to the extent that it would be payable if any dependant of B were disregarded;

(*c*) any payment to which paragraph (3) applies made to or in respect of any dependant of A of whom B is not the parent; and

(*d*) any income of any dependant of A of whom B is not a parent, but only to the extent that it falls to be taken into account under this regulation or regulation 12.".

*Patrick Jenkin,*
Secretary of State for Social Services.

13th November 1980.

We consent,

*John MacGregor,*
*Peter Morrison,*
Two of the Lords Commissioners of Her Majesty's Treasury.

20th November 1980.

(a) S.I. 1980/982.

## SCHEDULE *Regulation 3*

### AMENDMENT OF THE REQUIREMENTS REGULATIONS

1. In regulation 2(1) (interpretation)—

(*a*) in the definition of "blind" there shall be inserted at the end ", 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";

(*b*) in the definition of "non-dependant" after "person" where it first appears there shall be inserted ", other than a boarder,"; and

(*c*) in the definition of "rent" after " 'letting' " there shall be inserted "and 'tenancy' ".

2. In regulation 3 (determination of requirements) there shall be inserted the following paragraph—

"(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.".

3. In regulation 6(3) (normal requirements of persons other than relevant persons and householders) there shall be inserted at the end "nor to any person aged not less than 18, or aged not less than 16 with a dependant, who is blind".

4. In regulation 8(4) (modification of normal requirements in certain cases of actual or notional unemployment benefit disqualification), in sub-paragraph (*b*) for "the period of" there shall be substituted "a period not exceeding" and in each of sub-paragraphs (*b*) and (*c*) "beginning with a date determined by reference to conduct in respect of which that sub-paragraph is applied" shall be omitted.

5. In regulation 9(9)(*b*) (definition of boarder)—

(*a*) in head (i) after "meals" there shall be inserted "which are both prepared and consumed in the accommodation or in associated premises"; and

(*b*) for head (ii) there shall be substituted—

"(ii) is living in a hotel, guest-house, hostel or lodging-house, or in some similar establishment, or

(iii) is a refugee as defined in regulation 6 of the Supplementary Benefit (Conditions of Entitlement) Regulations 1980(**a**) who is living in a special centre for the reception of refugees prior to settlement in the community,".

6. In regulation 10 (modification of normal requirements in special cases) the following paragraphs shall be inserted at the appropriate places—

"(3A) Where a person to whom paragraph 2 of Schedule 2 (patients) applies has to pay a retaining fee for accommodation to which, but for his temporary absence from it, regulation 9 (boarders) would apply, the amount applicable under that paragraph may be increased to take account of the retaining fee.

(4A) For the purposes of paragraph 9A of Schedule 2 a person shall be treated as present with limited leave, or without leave, to enter or remain in the United Kingdom if—

(*a*) he is a person, other than a national of a member State or a person to whom the European Convention of Social and Medical Assistance done in Paris on 11th December 1953(**b**) applies, who has a limited leave (as defined in section 33(1) of the Immigration Act 1971(**c**)) 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

(**a**) S.I. 1980/1586. (**b**) Cmd. 9512. (**c**) 1971 c. 77.

(*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. In regulation 12 (heating)—

(*a*) in paragraph (2)(*d*) for "the maximum amount in aggregate applicable under paragraphs 1 and 2" there shall be substituted "where column (1) in both of paragraphs 1 and 2 applies in respect of a member, or members, of an assessment unit, the amount applicable to the claimant under those paragraphs"; and

(*b*) in paragraph (4) for the second "9" and, in paragraph 4(*c*), for "9" there shall be substituted "9B".

8. In regulation 13 (items of additional requirements other than heating)—

(*a*) in paragraph (5) after "claimant" there shall be inserted ", whether as a person to whom paragraph 1(*a*) or 3(*a*) of the table applies or"; and

(*b*) in paragraph (7) for the second "9" and, in paragraph 7(*f*), for "9" there shall be substituted "9B".

9. In regulation 14 (housing requirements)—

(*a*) in paragraph (2) after sub-paragraph (*b*) there shall be inserted ", 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";

(*b*) in paragraph (3)(*a*)—

(i) at the end of head (i) there shall be inserted ", other than to a person who is a member of the same household",

(ii) after head (iv) there shall be inserted ", so however that a claimant shall be treated as responsible for any expenditure for which a dependant of his would otherwise be treated as responsible and that where different members of the household are responsible for expenditure on different items but one member only is responsible for any expenditure to which regulation 15 or 16 (rent and mortgage payments) relates or in respect of which any amount is applicable under regulation 17(1)(*a*) (maintenance and insurance for owner-occupiers), that member shall, so long as he satisfies the condition of regulation 5(2)(*c*) (meaning of householder), be treated also as the person responsible for expenditure on the other items"; and

(*c*) after paragraph (5) there shall be inserted the following paragraph—

"(6) No amount shall be allowed under this Part of the regulations where—

(*a*) all members of the assessment unit are persons to whom paragraph 9A of Schedule 2 applies; or

(*b*) any member of the assessment unit is a person to whom paragraph 9B of Schedule 2 applies.".

10. In regulation 15 (rent)—

(*a*) in paragraph (2)(*b*) there shall be inserted at the end "so however that this sub-paragraph shall not apply if and so long as the rent has not been registered but an application for registration has been made and not withdrawn";

(*b*) at the end of paragraph (3) there shall be inserted ", and that where the claimant is not a partner and has been absent from the home for a continuous period of more than thirteen weeks no deduction shall be made under this paragraph provided the absence is temporary and expenditure on the item unavoidable"; and

(*c*) after paragraph (3) there shall be inserted the following paragraph—

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

11. In regulation 17 (maintenance and insurance)—

(*a*) in paragraph (1)(*c*) for "either or both of maintenance and insurance" there shall be substituted "or to meet the costs of either or both of all repairs to, and the insurance of, the structure of the home"; and

(*b*) in paragraph (2) for "of the home and insurance" there shall be substituted ", and insurance,".

12. In regulation 18(1) (interest on loans for repairs and improvements) after "the amount" there shall be inserted ", calculated on a weekly basis,".

13. In regulation 20 (special cases) the following paragraphs shall be inserted at the appropriate places—

"(2A) Where a sum is borrowed (with or without security), other than by way of a mortgage to which regulation 16 (mortgage payments) applies, for the purpose of acquiring an interest in the home, there shall be applicable the amount of the interest, calculated on a weekly basis, on the sum borrowed.

(6) Subject to paragraph (7), 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) Acts 1955 and 1961;

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

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

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

(7) Paragraph (6)—

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

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(**a**) 1977 c. 42.
(**b**) 1971 c. 28.
(**c**) 1980 c. 51.
(**d**) 1980 c. 52.
(**e**) 1976 c. 80.

(*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.".

14. In regulation 21 (restrictions where amounts excessive)—

(*a*) in paragraph (1) after "20" there shall be inserted ", and subject to any reduction applicable under regulation 22,"; and

(*b*) in paragraph (4) "; and" at the end of sub-paragraph (*a*), and the whole of sub-paragraph (*b*), shall be omitted.

15. In regulation 22 (reduction in amounts applicable for certain occupants of the home)—

(*a*) in paragraph (1) for "21" there shall be substituted "20" and after "let" there shall be inserted ", other than to a boarder,";

(*b*) in paragraph (4)(*c*)(iii) for the words beginning with "on" to "sub-paragraph (*d*)" there shall be substituted "a claim has been made and if the maximum, instead of some lesser, amount had been applicable under regulation 23(1) (non-householder's contribution)"; and

(*c*) in paragraph (5)(*a*) "or has regained his eyesight within the previous 6 months" shall be omitted.

16. In Schedule 2 (modification of normal requirements in special cases)—

(*a*) paragraph 2 shall be amended—

(i) in column (3) of sub-paragraph (*c*) by inserting at the end "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",

(ii) in column (1) by inserting after sub-paragraph (*e*) ", 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"; and

(*b*) the following paragraphs shall be inserted at the appropriate places—

"*Persons from abroad*

| | | |
|---|---|---|
| 9A. Person (further defined in regulation 10(4A)) who is present with limited leave, or without leave, to enter or remain in the United Kingdom— | 9A. (*a*) Paragraphs 1 and 2 of the table; | 9A. (*a*) The ordinary rate for householders if the member of the couple mentioned in sub-paragraph (*a*) in column (1) as not also so present satisfies the conditions of sub-paragraphs (*a*) to (*c*) of regulation 5(2) (meaning of householder) and otherwise the ordinary rate for non-householders; |
| (*a*) if one of a married or unmarried couple the other of whom is not also so present (with limited leave or without leave); | (*b*) paragraphs 1 to 4 of the table and 1 to 3 of Schedule 1. | (*b*) nil. |
| (*b*) in any other case. | | |

| | | |
|---|---|---|
| *Persons temporarily treated as not one of an unmarried couple* | | |
| 9B. Person, in that regulation referred to as A, to whom regulation 6 of the Supplementary Benefit (Aggregation) Regulations 1980(a) (circumstances in which persons are not an unmarried couple) applies. | 9B. Paragraphs 3 and 4 of the table and 1 of Schedule 1. | 9B. Nil. |
| *Member of polygamous relationship* | | |
| 11. Person to whom regulation 7 of the Supplementary Benefit (Aggregation) Regulations 1980 (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. | 11. Paragraphs 3 and 4 of the table and 1 and 2 of Schedule 1. | 11. 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." |

17. Schedule 3 (additional requirements) shall be amended—

(*a*) in paragraph 4 (heating)—

(i) in column (1) by omitting the words from "the amount" to the end of the paragraph, and

(ii) in column (2) by substituting the following paragraph—

"4. Any amount be which the weekly amount of the separate charge exceeds that specified for the item in the relevant sub-paragraph mentioned in column (1) of this paragraph.";

(*b*) in paragraph 9(*a*) (attendance needs), by substituting in column (1) "2" for "three";

(*c*) in paragraph 11 (blindness), in column (1) by omitting "or has regained his eyesight within the previous 6 months" and in column (2) by inserting "or 3(*a*)" after "paragraph 1" and "and of dependants aged not less than 18" after "claimant";

(*d*) in paragraph 13(*e*) (diet), by omitting "extra" in column (2); and

(*e*) in paragraph 16(*c*) (hospital fares), by substituting in column (2) "but as if the words "except for an amount equal to 20 per cent. of the long-term rate for householders" were omitted" for "less 20 per cent. of the long-term rate for householders".

(a) S.I. 1980/982.

## EXPLANATORY NOTE

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

These Regulations amend, and correct minor errors in, regulations made under the Supplementary Benefits Act 1976 as extensively amended by the Social Security Act 1980.

Part I (regulation 1) contains provisions relating to citation, commencement and definitions.

Part II (regulation 2) amends the Supplementary Benefit (Aggregation) Regulations 1980. Provision is made so that a claimant is not treated as responsible for any member of the same household who is aged 19 and still at college or school (and whose requirements and resources would otherwise be aggregated with those of the claimant) who for example himself is the parent of and responsible for a child of his (so that he is eligible to claim benefit). It inserts a new regulation to provide for the aggregation of requirements and resources in a household where there is a polygamous relationship between members of that household.

Part III (regulation 3) introduces the Schedule to the regulations which amends the Supplementary Benefit (Requirements) Regulations 1980.

Part IV (regulations 4-9) amends the Supplementary Benefit (Resources) Regulations 1980. The interpretation regulation is amended so as to restrict the definition of liable relative in particular to the parent of a child or other young person who is in the assessment unit and to make the regulations specifically subject to the provisions of the Social Security (No. 2) Act 1980 in so far as it relates to the resources of persons affected by trade disputes. Regulation 5 inserts a rounding provision. Regulation 6 amends regulation 4 of the Resources Regulations, which provides that a person may be treated as possessing resources which he does not possess, so as to provide for underpaid services to be taken into account at a realistic rate and for payments to third parties to be taken into account where it is reasonable to do so; it also substitutes the formula for determining whether a person is a high irregular earner and if so the notional amount of earnings to be taken into account. Regulation 7 amends the provisions relating to disregard of capital resources so as to provide for arrears of supplementary benefit to be disregarded for 12 months. Regulation 8 amends the provisions relating to periods to which income resouces are attributable so as to allow for a resource to be taken into account in a benefit week later than that in which it is payable. Regulation 9 amends the provisions relating to calculation of income resources other than earnings. In particular, the provisions treating as income lump sums paid by liable relatives are modified where the relative is making periodical payments to the person to whom the lump sum is paid and are amended so as to identify in every case the amount of lump sum to be taken into account. In addition, provision is made so as to restrict the income resources which are to be taken into account where a member of an unmarried couple is entitled to claim benefit in his own right by virtue of the Supplementary Benefit (Aggregation) Regulations 1980.

The Schedule sets out the amendments to the Supplementary Benefit (Requirements) Regulations 1980. Paragraph 1 amends the definition of "blind" and "rent" in regulation 2(1), and paragraph 5 that of "boarder" in regulation 9(9)(*b*), and paragraph 2 inserts a rounding provision. Paragraph 3 amends regulation 6(3) (which provides for the normal requirements of persons who do not fully satisfy the householder conditions of regulation 5(2)) in relation to people who are blind, and paragraph 4 amends regulation 8(4) in relation to the period of modification of normal requirements in certain cases

of actual or notional unemployment benefit disqualification. Paragraph 6 inserts two new paragraphs into regulation 10 (modification of normal requirements in special cases), one relating to patients who have to pay a retaining fee for accommodation from which they are temporarily absent and the other defining the circumstances in which for the purposes of paragraph 9A of Schedule 2 to the regulations a person is to be treated as present with limited leave, or without leave, to enter or remain in the United Kingdom. Paragraphs 7 and 8 make minor amendments to regulations 12 (heating) and 13 (items of additional requirements other than heating) including amendments consequential on those made by paragraph 6. Paragraph 9 amends regulation 14 (housing requirements), in particular to provide for housing requirements of a member of an assessment unit affected by a trade dispute to be treated as those of members not so affected, in relation to responsibility for expenditure for which one member of the household is liable to another and where different members of the household are responsible for different items of expenditure and as to the application of Part IV of the regulations where paragraphs 9A and 9B of Schedule 2 to the regulations apply. Paragraph 10 amends regulation 15 (rent) in relation to the amount to be allowed where an application for registration of the rent has been made and not withdrawn and to deductions from the amount applicable for rent. Paragraphs 11 and 12 make minor amendments to regulations 17 (maintenance and insurance) and 18(1) (interest on loans for repairs and improvements). Paragraph 13 inserts three new paragraphs into regulation 20 (special cases), one of which provides for an amount to be applicable where a sum is borrowed, other than by way of a mortgage to which regulation 16 (mortgage payments) applies, for the acquisition of an interest in the home, and the other two of which make provision restricting increases in amounts applicable where some further interest is acquired in a home which is already occupied with security of tenure. Paragraphs 14 and 15 make minor amendments to regulations 21 (restrictions where amounts excessive) and 22 (reduction in amounts applicable for certain occupants of the home). Paragraph 16 amends Schedule 2 to the regulations (modification of normal requirements in special cases), in particular by inserting three new paragraphs relating to the normal requirements of persons with limited leave, or without leave, to enter or remain in the United Kingdom, to persons temporarily treated as not one of an unmarried couple and to members of Polygamous relationships. Paragraph 17 makes minor amendments to paragraphs 4 (heating), 9 (attendance needs), 11 (blindness), 13 (diet) and 16 (hospital fares) of Schedule 3 (additional requirements) to the regulations.

SI 1980/1774
ISBN 0-11-007774-1




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