1982 No. 140

SOCIAL SECURITY

The Supplementary Benefit (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1982

Made	*4th May 1982*
Coming into operation . . .	*1st June 1982*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 19(2)(*i*) of the Supplementary Benefits (Northern Ireland) Order 1977(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(**b**) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1982 and shall come into operation on 1st June 1982.

(2) In these regulations "the principal regulations" means the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981(**c**).

Amendment of regulation 17 of the principal regulations

2.—(1) Regulation 17 of the principal regulations (regular payments to third parties for fuel items) shall be amended in accordance with the following provisions of this regulation.

(2) For paragraph (2) there shall be substituted the following paragraphs—

"(2) The amount deductible shall, in respect of any fuel item, be such weekly aggregate of the following as is appropriate—

(*a*) subject to paragraph (2A), in respect of the debt to which paragraph (1) applies ("the original debt"), a weekly amount equal to 10 per cent. of the single householder rate (that 10 per cent. being, where it is not a multiple of 5 pence, rounded to the next higher such multiple) and increased, where appropriate, in accordance with paragraph (3) for such period as is necessary to discharge the original debt, so however that the amount, or, where an original debt remains outstanding in respect of more than one fuel item, the aggregate of the amounts calculated under this sub-paragraph shall not exceed three times 5 per cent. of the single householder rate;

(*b*) except where current consumption is paid for by other means (for example pre-payment meter), an amount equal to the estimated average weekly cost necessary to meet the continuing needs for that fuel item, varied, where appropriate, in accordance with paragraph (2B)(*a*).

(**a**) S.I. 1977/2156 (N.I. 27): provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), are set out in Part II of that Schedule

(**b**) 1980 c. 30

(**c**) S.R. 1981 No. 368

(2A) Where—

(*a*) an original debt remains outstanding in respect of more than one fuel item; or

(*b*) in any other case—

(i) the aggregate amount calculated under paragraph (2) exceeds the award of pension or allowance, or

(ii) the award of pension or allowance exceeds the aggregate amount calculated under paragraph (2) by the amount specified in head (i) or, as the case may be, head (ii) of paragraph (6)(*e*),

paragraph (2)(*a*) shall apply as if for "10 per cent." there were substituted "5 per cent.".

(2B) Where an amount is being paid direct to a person or body on behalf of the beneficiary or his partner in accordance with a determination under paragraph (1) and, pursuant to regulation 4(1) of the Determination of Questions Regulations (review of determinations), that determination falls to be reviewed—

(*a*) where since the date of that determination the average weekly cost estimated for the purposes of paragraph (2)(*b*) has either exceeded or has proved insufficient to meet the actual cost of continuing consumption so that in respect of the continuing needs for that fuel item the beneficiary or his partner is in credit or, as the case may be, a further debt has accrued, the benefit officer may determine that the weekly amount calculated under that paragraph shall, for a period of 26 weeks, be adjusted so as to take account of that credit or further debt;

(*b*) where an original debt in respect of any fuel item has been discharged the benefit officer may determine that the amount deductible in respect of that fuel item shall be the amount determined under paragraph (2)(*b*).".

(3) In paragraph (3)—

(*a*) after "beneficiary" there shall be inserted "or his partner"; and

(*b*) after "weekly amount" there shall be inserted ", or, where an original debt remains outstanding in respect of more than one fuel item, the aggregate of the weekly amounts,".

Transitional provision

3. Where, on the date of coming into operation of these regulations, an amount is being paid to a person or body on behalf of the beneficiary or his partner pursuant to a determination made under paragraph (1) of regulation 17 of the principal regulations prior to that date, the amount calculated under paragraph (2)(*a*) of that regulation in respect of any original debt shall, until that debt is discharged, continue to be calculated at the rate mentioned in that paragraph prior to its amendment by these regulations.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 4th May 1982.

(L.S.) *I. M. S. Jordan* (Miss)
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend regulation 17(2) and (3) of the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981.

Regulation 17(2) is amended to provide, subject to certain exceptions and to transitional provisions, for the doubling of the amount which may be deducted from weekly supplementary benefit in respect of any debt for gas or electricity and paid direct to the person or body to whom the debt is due. The amendment also provides for the amount being deducted from benefit to meet the beneficiary's continuing needs for the relevant fuel to be adjusted on review to take account of any credit balance or further debt which may have accrued in respect of the beneficiary.

Regulation 17(3) is amended to make clear that where either the beneficiary or his partner has income which is disregarded for the purposes of calculating his supplementary benefit the amount or total of the amounts deducted in respect of a fuel item may be increased by not more than one half of the amount of the income disregarded.