STATUTORY INSTRUMENTS

1987 No. 358

SOCIAL SECURITY

The Supplementary Benefit (Conditions of Entitlement) Amendment Regulations 1987

Made - - - -	*5th March 1987*
Laid before Parliament	*16th March 1987*
Coming into force	*6th April 1987*

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 5, 6(2) and (3) and 34(1)**(a)** of the Supplementary Benefits Act 1976**(b)** and sections 166(2) and (3) of the Social Security Act 1975**(c)** and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee of the proposals as to these regulations other than proposals as to regulations 3 and 5 which the Committee agreed should not be referred to it **(d)**, hereby makes the following Regulations:–

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Supplementary Benefit (Conditions of Entitlement) Amendment Regulations 1987 and shall come into force on 6th April 1987.

(2) In these Regulations–

"the Conditions of Entitlement Regulations" means the Supplementary Benefit (Conditions of Entitlement) Regulations 1981**(e)**

Amendment of regulation 2 of the Conditions of Entitlement Regulations

2. In paragraph (1) of regulation 2 of the Conditions of Entitlement Regulations (interpretation)–

(a) after the definition of "person affected by a trade dispute" there shall be inserted the following definition–

" "relevant enactment" has the meaning assigned to it in regulation 2(1) of the Supplementary Benefit (Single Payments) Regulations 1981**(f)**;";

(b) after the definition of "training allowance" there shall be added the following definition–

" "voluntary organisation" means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority."

Amendment of regulation 4 of the Conditions of Entitlement Regulations

3. For paragraph (c) of regulation 4 of the Conditions of Entitlement Regulations (meaning of employment for the purposes of section 5) there shall be substituted the following paragraph–

(a) *See* definitions of "prescribed" and "regulations".
(b) 1976 c.71. as amended by section 6(1) of, and Part I of Schedule 2 to, the Social Security Act 1980 (c.30).
(c) 1975 c.14, section 166 was applied by section 33(2) of the Supplementary Benefits Act 1976 (c.71).
(d) *See* section 10 of the Social Security Act 1980 (c.30).
(e) S.I. 1981/1526, the relevant amending instruments are S.I. 1982/907, 1984/938.
(f) S.I. 1981/1528, the relevant amending instrument is S.I. 1986/1259.

(c) for which he would normally be engaged–

(i) for not less than 30 hours a week; or

(ii) if he is mentally or physically disabled, for such lesser number of hours as, having regard to his disability, he is usually capable of working; or

(iii) in either case, if he is normally engaged for less than the number of hours prescribed in the preceding sub-paragraphs, such employment provided that he is available to be employed for such further number of hours which would in aggregate with the number of hours for which he is normally engaged be not less than the number of hours so prescribed for his case.".

Amendment of regulation 6 of the Conditions of Entitlement Regulations

4. In regulation 6 of the Conditions of Entitlement Regulations (persons not subject to condition of registration and availability for employment)–

(a) in paragraph (jj)(ii) after the words "(a) to (d)" there shall be inserted the words "or (f)"; and

(b) in paragraph (s)(ii) for all the words after "(c)" there shall be substituted the words "(d) or (f) (person receiving relevant education who is a parent, or is severely handicapped, or has no, or is estranged from, his parents or guardian, or is living away from his parents or guardian who are unable financially to support him);".

Amendment of regulation 7 of the Conditions of Entitlement Regulations

5. In paragraph (1) of regulation 7 of the Conditions of Entitlement Regulations (circumstances in which persons are to be treated as available for employment) for the words "Subject to" there shall be substituted the words "Subject to regulations 4 and".

Amendment of regulation 8 of the Conditions of Entitlement Regulations

6. In paragraph (1)(a) of regulation 8 of the Conditions of Entitlement Regulations (circumstances in which persons are not to be treated as available for employment) for the words "and regulation 6(a), (i) or (j) does not apply to him" there shall be substituted the words "to whom paragraph (a), (i), (j) or (jj) of regulation 6 has no application".

Amendment of regulation 10 of the Conditions of Entitlement Regulations

7. In regulation 10 (circumstances in which persons are to be treated as receiving relevant education)–

(a) in paragraph (1)–

(i) after sub-paragraph (a)(iv) there shall be inserted the following head–

"(v) receiving education which is recognised by the Secretary of State under section 2(1A) of the Child Benefit Act 1975**(a)**.";

(ii) after sub-paragraph (a) there shall be inserted the following sub-paragraph–

"(aa) In the case of a person to whom sub-paragraph (a) of this paragraph ceases to apply on or after the date on which he has been entered for any external examination in connection with the education he was receiving, attending or treated as receiving under that sub-paragraph and on the date on which that sub-paragraph so ceased he continued to be so entered, for the period from that date until the date of the examination or, where he has been entered for more than one such examination, the last of those examinations.".

(iii) for sub-paragraph (b) there shall be substituted the following sub-paragraph–

"(b) in the case of a person who has ceased to be a person to whom sub-paragraph (a) or (aa) applies, for the period beginning with the starting date and ending with the terminal date.".

(a) 1975 (c.61) as amended by section 70(1) of the Social Security Act 1986 (c.50).

(b) in paragraph (2)–

(i) for sub-paragraph (a) there shall be substituted the following sub-paragraph–

"(a) "starting date" means the date on which he ceases to be a person to whom sub-paragraph (a) or (aa), if later of paragraph (1) applies;";

(ii) at the end of sub-paragraph (b) there shall be added the words "or if later, after the date on which he attained compulsory school age.";

(iii) after sub-paragraph (b) there shall be added the following sub-paragraph–

"(*c*) "compulsory school age" means–

(i) in England and Wales the upper limit of compulsory school age as determined in accordance with section 9 of the Education Act 1962**(a)**;

(ii) in Scotland, the upper limit of school age as determined in accordance with sections 31 and 33 of the Education (Scotland) Act 1980**(b)**.".

Amendment of regulation 11 of the Conditions of Entitlement Regulations

8. In regulation 11 of the Conditions of Entitlement Regulations (circumstances in which persons treated as receiving relevant education are to be entitled to supplementary benefit) after paragraph (e) there shall be added the following–

"(f) he is living away from his parents or any person acting in the place of his parents and his parents are or, as the case may be, that person is, unable financially to support him and is–

(i) chronically sick or mentally or physically disabled within the meaning of regulation 2(1) of the Supplementary Benefit (Single Payments) Regulations 1981; or

(ii) in prison; or

(iii) prohibited from entering or re-entering Great Britain;

and, in this regulation, any reference to a "person" acting in the place of a claimant's parent or parents includes, for the purposes of paragraphs (c) and (d), a reference to a local authority or voluntary organisation where the claimant is in their care under a relevant enactment or any person with whom he is boarded out by them whether or not any payment is made, in this respect, by that local authority or voluntary organisation and, for the purposes of paragraph (f), any such person with whom he has been so boarded out.".

Signed by authority of the Secretary of State for Social Services

John Major
Minister of State,
Department of Health and Social Security

5th March 1987

(a) 1962 c.12 as amended by the Education (School-leaving Dates) Act 1976 (c.5).
(b) 1980 c.44.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations further amend the Supplementary Benefit (Conditions of Entitlement) Regulations 1981 in the following respects.

They insert a definition of "relevant enactment" by reference to the definition given to that term in the Supplementary Benefit (Single Payments) Regulations 1981 and a definition of "voluntary organisation" (regulation 2(2)).

They clarify that a person is only to be accepted as available for employment if he is available to be employed for at least 30 hours a week or if he is disabled the number of hours he could be expected to work, and that he is available if working for less than those number of hours and available for further employment to make up the balance (regulation 3).

They exempt from the provision treating a person as not being available for, employment and so ineligible for supplementary benefits, those aged 19 to 20 attending a course of education up to A level standard or equivalent whose circumstances are the same as a person under 19 in relevant education and who would be entitled to supplementary benefit in their own right and those in relevant education who are living away from their parents or anyone acting in their place where that person is financially unable to support them and is chronically sick, disabled, in prison or cannot enter or re-enter Great Britain (regulations 4, 5 and 6).

They treat a person who is entered for an external examination on the date he ceases full-time education as being in relevant education up to the date of his examination or last examination and they treat a person as being in relevant education for the period up to the terminal date after he attains compulsory school age (regulation 7).

They include among persons acting in the place of a young person's parents a local authority or voluntary organisation where that young person is in their care or a person with whom he is boarded out by them and they make provision for a person in full-time education up to A level standard or equivalent to receive supplementary benefit where he is living away from his parents or any person acting in their place and they are unable financially to provide for him and are chronically sick, disabled, in prison or cannot enter or re-enter Great Britain, (regulation 8).

The report of the Social Security Advisory Committee dated the 17 December 1986 on the proposals to make these regulations together with the statement of the Secretary of State for Social Services setting out the extent to which these regulations reflect the recommendations of the Committee and, to the extent that they do not, the reasons why not, are published by Her Majesty's Stationery Office as Command Paper No. 106.

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