STATUTORY INSTRUMENTS

1971 No. 1054

SOCIAL SECURITY

The Supplementary Benefit (Determination of Requirements) Regulations 1971

Laid before Parliament in draft

Made - - - -	*22nd June* 1971
Coming into Operation-	
Regulations 1, 2	*20th September* 1971
Regulation 3	*6th December* 1971

Whereas a draft of the following regulations was laid before Parliament and approved by 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 by section 5 of the Ministry of Social Security Act 1966(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Determination of Requirements) Regulations 1971 and shall come into operation in the case of regulations 1 and 2 on 20th September 1971, and in the case of regulation 3 on 6th December 1971.

(2) In these regulations, unless the context otherwise requires, "the Act" means the Ministry of Social Security Act 1966(a) and other expressions have the same meaning as in the Act.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(b) shall apply for the purpose of the interpretation of these regulations as they apply for the purpose of the interpretation of an Act of Parliament.

Amendment of provisions for calculating requirements

2.—(1) Part II (calculation of requirements) of Schedule 2 to the Act (provisions for determining right to and amount of benefit) shall be varied in accordance with the following provisions of this regulation.

(a) 1966 c. 20. (b) 1889 c. 63.

(2) For paragraph 9 (normal requirements) and paragraph 10 (blind persons' requirements), as varied(a), there shall be substituted the following paragraphs—

"*Normal requirements*

9. Requirements of persons other than blind persons—

	£
(*a*) husband and wife or other persons falling within paragraph 3(1) of this Schedule	9·45
(*b*) person living alone or householder not falling within sub-paragraph (*a*) of this paragraph who is directly responsible for household necessities and rent (if any)	5·80
(*c*) any other person aged—	
(i) not less than 21 years	4·60
(ii) less than 21 but not less than 18 years	4·05
(iii) less than 18 but not less than 16 years	3·60
(iv) less than 16 but not less than 13 years	3·00
(v) less than 13 but not less than 11 years	2·45
(vi) less than 11 but not less than 5 years	2·00
(vii) less than 5 years	1·70

Blind persons

10. Requirements of persons who are or include blind persons—

	£
(*a*) husband and wife or other persons falling within paragraph 3(1) of this Schedule—	
(i) if one of them is blind	10·70
(ii) if both of them are blind	11·50
(*b*) any other blind person aged—	
(i) not less than 21 years	7·05
(ii) less than 21 but not less than 18 years	5·05
(iii) less than 18 but not less than 16 years	4·40
(iv) less than 16 but not less than 13 years	3·00
(v) less than 13 but not less than 11 years	2·45
(vi) less than 11 but not less than 5 years	2·00
(vii) less than 5 years	1·70"

(3) For paragraph 11 (persons in receipt of supplementary pension), as varied (b), there shall be substituted the following—

"*Persons in receipt of supplementary pension*

11. Additional requirements of person eligible for supplementary pension—

(*a*) where he or a person whose requirements are aggregated with his under paragraph 3 of this Schedule is aged not less than 80 years	£0·75
(*b*) in any other case	£0·50"

(4) In paragraph 13(1)(*b*) (increase on account of rent of the amount specified for requirements where the beneficiary is a non-householder aged 18 or over), as varied(a), for "£0·60" there shall be substituted "£0·65".

(a) S.I. 1970/816, 1784 (1970 II, p. 2657; III, p. 5793).
(b) S.I. 1968/1118, 1970/1784 (1968 II, p. 3076; 1970 III, p. 5793).

Additional provisions relating to attendance requirements

3.—(1) The said Part II of Schedule 2 to the Act shall be further varied in accordance with the following provisions of this regulation.

(2) Immediately after paragraph 12 there shall be inserted the following paragraph—

"*Attendance requirements*

12A.—(1) The amounts applicable under the preceding paragraphs shall be increased by £4·80 in respect of the attendance requirements of a severely disabled person who either—

(*a*) is entitled to attendance allowance in respect of his own disablement at the rate of £4·80 a week, or

(*b*) is a child in respect of whose disablement some other person, being the person claiming or in receipt of benefit under this Act or a person whose requirements are aggregated with his under paragraph 3 of this Schedule, is entitled to attendance allowance at the rate of £4·80 a week.

(2) In this paragraph—

(*a*) "attendance allowance" means an attendance allowance under the National Insurance Act 1965;

(*b*) "attendance requirements" in relation to a disabled person means that person's requirements, by reason of the severity of his physical or mental disablement, for such attention or supervision from another person as is referred to in sub-section (2) of section 4 of the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970 or, in relation to a disabled child, that sub-section as modified by regulations made under sub-section (5) of that section.

(3) For the purposes of this paragraph the provisions of regulations under the National Insurance Act 1965 relating to overlapping benefits shall not be treated as affecting the rate of attendance allowance to which a person is entitled."

(3) In paragraph 14(1) (trade disputes), for the reference to paragraph 13 there shall be substituted a reference to paragraphs 12A and 13.

(4) In paragraph 17 (persons paying for board and lodging), for the reference to paragraphs 9 to 12 there shall be substituted a reference to paragraphs 9 to 12A.

Keith Joseph,
Secretary of State for Social Services.

18th June 1971.

We consent.

V. H. Goodhew,
Walter Clegg,
Two of the Lords Commissioners
of Her Majesty's Treasury.

22nd June 1971.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations vary the provisions of Part II (requirements) of Schedule 2 to the Ministry of Social Security Act 1966 (determination of entitlement to and amount of benefit under the Act). Regulation 1 is formal. Regulation 2 increases the weekly amounts allowed for normal requirements and blind persons' requirements, the requirements of persons receiving supplementary pension where the recipient (or a person whose resources are aggregated with his) is aged 80 years or more, and for the requirements of non-householders where paragraph 13 of the Schedule (rent) specifies an amount of money; these provisions come into operation on 20th September 1971. Regulation 3, which comes into operation on 6th December 1971, provides for an increase of amounts applicable in cases of severe disablement where a person has title or underlying title to attendance allowance, a benefit under the National Insurance Act 1965 (1965 c.51) introduced by the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970 (1970 c.51).