1973. No. 383 **[C]**

SUPPLEMENTARY BENEFITS

General and Requirements

REGULATIONS, DATED 28TH SEPTEMBER 1973, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, WITH THE CONSENT OF THE MINISTRY OF FINANCE, UNDER THE SUPPLEMENTARY BENEFITS &C. ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services on behalf of the Secretary of State, in exercise of powers conferred by section 18(1) of, and paragraph 15 of Schedule 2 to, the Supplementary Benefits &c. Act (Northern Ireland) 1966(**a**) and, with the consent of the Ministry of Finance on behalf of the Secretary of State, by sections 4 and 5(1) of, and paragraph 2(3)(**b**) of Schedule 2 to, that Act, and of all other powers enabling it in that behalf, hereby makes the following regulations being regulations subject to negative resolution in accordance with section 38(2) of the said Act:

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (General and Requirements) Amendment Regulations (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

Amendment of the Supplementary Benefit (General) Regulations

2.—(1) The Supplementary Benefit (General) Regulations (Northern Ireland) 1966(**c**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(3) (definitions), after the definition of "Appeal Tribunal" there shall be inserted the following definition:

" 'the Order' means the Health and Personal Social Services (Northern Ireland) Order 1972(**d**).".

(3) For the heading of regulation 6 and for that regulation there shall be substituted respectively the following heading and regulation:

"Persons in residential homes

6.—(1) Subject to the provisions of paragraph (2) for the purpose of calculating the requirements of a person for whom accommodation which includes board and other services is provided under Articles 15 and 36 of the Order the sum of £1·55 shall be the prescribed amount by which those requirements are to be taken as exceeding the rate applicable to his case for the time being determined by the Ministry under Article 99(2) of the Order as the lower rate of payment in respect of certain accommodation for persons in need.

(2) Where the person referred to in paragraph (1) is someone to whom there is payable attendance allowance under the provisions of section 2 of the National Insurance Act 1972(**e**) or constant attendance allowance under any Personal Injuries Scheme, Service Pensions Instrument or any 1914-1918 War Injuries Scheme, the sum of £1·55 prescribed in paragraph (1) shall be increased by the amount of such allowance.

(**a**) 1966. c. 28 (N.I.).
(**b**) See reg. 2(2) of S.R. & O. (N.I.) 1970, No. 327.
(**c**) S.R. & O. (N.I.) 1966, No. 188.
(**d**) S.I. 1972, No. 1265 (N.I. 14).
(**e**) 1972. c. 57.

(3) In this regulation 'Personal Injuries Scheme', 'Service Pensions Instrument' and '1914-1918 War Injuries Scheme' have the same meanings as in the National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1973(f).".

(4) In regulation 7(5)(g) (review of determinations made by the Commission or an Appeal Tribunal):

(*a*) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph:

"(*b*) the rate determined for the purposes of Article 99(2) of the Order (lower rate of payment in respect of certain accommodation for persons in need); or";

(*b*) in sub-paragraph (*c*) for the words "(requirements of persons in welfare authority homes)" there shall be substituted the words "(requirements of persons in residential homes)".

Amendment of the Supplementary Benefit (Requirements) Regulations

3. Regulation 2 of the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1968(h) (requirements in respect of dental services) shall be amended by substituting for the words "Health Services Act (Northern Ireland) 1948(b)" the words "Health and Personal Social Services (Northern Ireland) Order 1972" and for the words "section 76 of that Act" the words "Schedule 15 to that Order".

Revocation of regulations

4. The Supplementary Benefit (General) Amendment (No. 2) Regulations (Northern Ireland) 1969(i), the Supplementary Benefit (General) Amendment Regulations (Northern Ireland) 1971(j) and the Supplementary Benefit (General) Amendment (No. 2) Regulations (Northern Ireland) 1972(k) are hereby revoked.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 28th day of September 1973.

(L.S.) *C. G. Oakes,*
Assistant Secretary.

The Ministry of Finance on behalf of the Secretary of State hereby consents to regulations 2 and 3.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 28th day of September 1973.

(L.S.) *C. F. Darling,*
Assistant Secretary.

(f) S.R. & O. (N.I.) 1973, No. 10.
(g) See reg. 3 of S.R. & O. (N.I.) 1967, No. 206.
(h) S.R. & O. (N.I.) 1968, No. 35.
(i) S.R. & O. (N.I.) 1969, No. 252.
(j) S.R. & O. (N.I.) 1971, No. 299.
(k) S.R. & O. (N.I.) 1972, No. 241.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations increase from £1·35 to £1·55 the weekly sum taken to be the personal requirements of an applicant for supplementary benefit who is residing in residential accommodation.

They also make minor amendments to the Supplementary Benefit (General) Regulations (Northern Ireland) 1966 and the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1968 consequential on the coming into operation of the Health and Personal Social Services (Northern Ireland) Order 1972.