STATUTORY INSTRUMENTS

1985 No. 1136

SOCIAL SECURITY

The Supplementary Benefit (Requirements) Amendment Regulations 1985

Laid before Parliament in draft

Made - - - *23rd July* 1985

Coming into operation in accordance with Regulation 1

The Secretary of State for Social Services, with the consent of the Treasury(**a**), in pursuance of paragraph 2 of Schedule 1 to the Supplementary Benefits Act 1976(**b**) and in exercise of powers conferred by sections 2(1A) and (2), 33(5) and 34(1)(**c**) of that Act and sub-paragraphs (1), (3) and (4) of that paragraph and of all other powers enabling him in that behalf, without having referred any proposals on the matter to the Social Security Advisory Committee since it appears to him that by reason of urgency it is inexpedient to do so(**d**), hereby makes the following regulations of which a draft has, in accordance with section 33(3) of that Act, been laid before Parliament and approved by resolution of each House of Parliament:—

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (Requirements) Amendment Regulations 1985 and shall come into operation forthwith.

Amendment of the Supplementary Benefit (Requirements) Regulations 1983

2.—(1) The Supplementary Benefit (Requirements) Regulations 1983(**e**) shall be amended in accordance with the following provisions of this regulation.

(2) At the end of regulation 9(17)(*f*)(ii) (transitional arrangements for those in ordinary board and lodging accommodation) there shall be added the words "unless in any particular case or class of case the Secretary of State determines that such period shall be extended".

(**a**) *See* section 33(3) of the Supplementary Benefits Act 1976 (c.71).
(**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) and section 25 of and Part III of Schedule 8 to the Health and Social Services and Social Security Adjudications Act 1983 (c.41).
(**c**) *See* the definitions of "prescribed" and "regulations".
(**d**) *See* section 10(2)(*a*) of the Social Security Act 1980.
(**e**) S.I. 1983/1399; the relevant amending instrument is S.I. 1985/613.

(3) In paragraph 5 of Schedule 2A (boarders) —

(*a*) after the words "of Schedule 1A" in sub-paragraph (3) there shall be inserted the words "or as to the class or classes of persons for the purposes of sub-paragraph (4)(*k*) below"; and

(*b*) after sub-paragraph (4)(*i*) there shall be added the following —

"(*j*) is in the same accommodation as that of his or of his partner's parents or step-parents who are boarders; or

(*k*) comes within a class of persons determined under sub-paragraph (3) above as being a class of persons in relation to whom sub-paragraph (1) above shall not have effect.".

Signed by authority of the Secretary of State for Social Services.

Tony Newton,
Minister of State,
Department of Health and Social Security.

18th July 1985.

We consent,

T. Garel-Jones,
A. G. Hamilton,
Two of the Lords Commissioners of
Her Majesty's Treasury.

23rd July 1985.

EXPLANATORY NOTE

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

These regulations amend the Supplementary Benefit (Requirements) Regulations 1983 as amended by the Supplementary Benefit (Requirements and Resources) Miscellaneous Provisions Regulations 1985 in relation to maximum amounts for board and lodging accommodation, by extending the cases whereby persons under 26 may be boarders for the purposes of the regulations to those who live in the board and lodging accommodation with their parents or step-parents and to those coming within the classes of persons determined for this purpose by the Secretary of State in his discretion. The regulations also amend the transitional arrangements for those in ordinary board and lodging accommodation (that is, not a residential care home, nursing home or hostel) by giving the Secretary of State discretion to extend the 13 week transitional period provided for in regulation 9(17)(*f*)(ii) of the 1983 Regulations. These regulations will be referred to the Social Security Advisory Committee under sub-section (7) of section 10 of the Social Security Act 1980 unless the Committee agrees that that sub-section shall not apply.

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