1980 No. 363

SUPPLEMENTARY BENEFITS

The Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1980

Made . . . . . *17th October 1980*

Coming into operation . . . *24th November 1980*

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The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 3(3), 5(1) and (2) and 19(2)(*c*) of the Supplementary Benefits (Northern Ireland) Order 1977(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1980 and shall come into operation on 24th November 1980.

(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.

Interpretation

2. In these regulations—

"the Order" means the Supplementary Benefits (Northern Ireland) Order 1977;

"the Act" means the Social Security (Northern Ireland) Act 1975(**b**);

"Requirements Regulations" means the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1980(**c**);

"Resources Regulations" means the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1980(**d**);

"allowance" means a supplementary allowance under Article 3(1)(*b*) of the Order;

"assessment unit" means the claimant and any partner and dependant of the claimant;

"available capital", in relation to a claimant, means capital which falls to be disregarded under regulation 6(2) of the Resources Regulations;

"claimant" has the meaning assigned to it in regulation 4;

"close relative" means a parent, child, step-parent, step-child, brother or sister;

"the Department" means the Department of Health and Social Services;

"dependant" means a person whose requirements and resources, by virtue of paragraph 3(2) of Schedule 1 to the Order, are or would be aggregated with and treated as those of the claimant;

"employment" means full-time work, other than self-employment, within the meaning of Article 9 of the Order;

"Health and Social Services Board" means a Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(**e**);

"home" means the accommodation, with any garage, garden and out-buildings, normally occupied by the assessment unit and any other members of the same household as their home, and it includes also any premises and land not so occupied which it would be impracticable or unreasonable to expect to be sold separately;

"normal requirements", "additional requirements" and "housing requirements" mean the requirements which are or would be taken into account in the determination of the claimant's requirements under Parts II, III and IV respectively of the Requirements Regulations;

"partner" means one of a married or unmarried couple;

"patient" means a person (other than a prisoner) who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

"pension" means a supplementary pension under Article 3(1)(*a*) of the Order;

"prisoner" means a person who is in prison or otherwise detained in legal custody, including any period during which he is a patient in any hospital or similar institution while still liable to be so imprisoned or detained, or during which he is liable to be detained in such institution by virtue of any provision of the Mental Health Act (Northern Ireland) 1961(**f**);

"single payment" has the meaning assigned to it in regulation 3.

(**b**) 1975 c. 15
(**c**) S.R. 1980 No. 347
(**d**) S.R. 1980 No. 348
(**e**) S.I. 1972/1265 (N.I. 14)
(**f**) 1961 c. 15 (N.I.)

Meaning of single payment and amount payable

3.—(1) In these regulations "single payment" means supplementary benefit payable by way of a single payment to meet an exceptional need in circumstances to which Parts II to VIII apply.

(2) A single payment shall be made only where—

(*a*) there is a need for the item in question; and

(*b*) in a case in which the payment would be in respect of the purchase of a particular item, the assessment unit does not already possess that item or have available to it a suitable alternative item, and has not unreasonably disposed of, or failed to avail itself of, such an item.

(3) The amount of a single payment which falls to be made by virtue of any regulation in the said Parts shall be—

(*a*) the amount specified in that regulation; and

(*b*) where that amount is in respect of the cost of the purchase of an item, such amount as is necessary to purchase an item of reasonable quality,

except in so far as regulation 5 provides that no amount or a reduced amount shall be payable.

(4) Nothing in these regulations shall be construed as precluding the payment of two or more single payments payable by virtue of one or more regulations by means of a single instrument of payment.

Meaning of claimant

4. In these regulations "claimant" means a person who claims a single payment and in respect of the day on which that claim is made either—

(*a*) he is entitled to a pension or allowance; or

(*b*) he would be entitled to a pension or allowance if he—

(i) made a claim for it, and

(ii) satisfied the conditions for claiming and payment of that pension or allowance prescribed pursuant to Article 19 of the Order.

Effect of resources on amounts payable

5. Where a claimant has any available capital which is in excess of £300, any single payment which would, but for this regulation, be payable shall be payable only to the extent that its amount, or where more than one single payment falls to be made on the same day their aggregate amount, exceeds the amount by which that capital exceeds £300.

Circumstances in which and items for which single payments shall not be made

6.—(1) Notwithstanding any provision in these regulations—

(*a*) no single payment shall be made if a single payment has already been made in respect of the circumstances in question and those circumstances have not changed;

(*b*) no single payment shall be made where any member of the assessment unit is a person to whom Article 12 of the Order (persons affected by trade disputes) applies;

(*c*) no single payment shall be made in respect of a person in accommodation specified in sub-paragraph (*a*) or (*b*) of paragraph (4) of regulation 10 of the Requirements Regulations ("residential accommodation"); and

(*d*) except in so far as regulation 25 (voluntary repatriation expenses) provides otherwise, no single payment shall be made in respect of any need which occurs outside Northern Ireland.

(2) Notwithstanding any provision in these regulations, in particular regulation 30 (discretionary payments), no single payment shall be made in respect of any of the following—

(*a*) an educational or training need;

(*b*) distinctive school uniform or sports clothes or equipment;

(*c*) travelling expenses to or from school;

(*d*) school meals and meals taken during school holidays by children who are entitled to free school meals;

(*e*) mobility needs;

(*f*) garaging, parking, purchase and running costs of any motor vehicle;

(*g*) installation, rental and call charges for a telephone;

(*h*) a television or radio, or licence, aerial or rental charges for a television or radio;

(*i*) holidays;

(*j*) expenses arising from an appearance in a court such as travelling expenses, legal fees, court fees, fines, costs, damages or subsistence;

(*k*) removal charges where a claimant is permanently rehoused following the imposition of a compulsory purchase order, or a redevelopment or closing order, or a compulsory exchange of tenancies, or where those charges are met by the Department of Manpower Services;

(*l*) domestic assistance provided by a Health and Social Services Board;

(*m*) any repair to Northern Ireland Housing Executive property.

PART II

MATERNITY NEEDS

Maternity needs

7.—(1) Where any member of the assessment unit—

(*a*) is pregnant and has reached a stage in her pregnancy which is not more than 6 weeks before the expected week of confinement; or

(*b*) has recently given birth to a child,

a single payment shall be made for the purchase of such items as are necessary to meet the immediate needs of the child, other than any item to which Article 3(3) of the Order (exclusion of medical requirements) applies.

(2) The items to which paragraph (1) shall apply may include in particular the following items—

(*a*) clothing sufficient for a new-born baby;

(*b*) a sufficient quantity of napkins;

(*c*) a sufficient quantity of feeding bottles;

(*d*) a cot;

(*e*) a cot mattress;

(*f*) a pram or carry-cot;

(*g*) a sufficient quantity of cot blankets and sheets;

(*h*) a baby bath.

(3) Subject to paragraph (4), any amount payable by virtue of the preceding paragraphs of this regulation shall be—

(*a*) in the case of an item to which paragraph (2)(*d*), (*f*) or (*h*) applies, the cost of a second-hand item, if such item is available;

(*b*) in the case of an item specified in column 1 of Schedule 1 (bedclothes) or column 1 of Part VI of Schedule 2 (baby clothing), the amount specified for that item in column 2 of Schedule 1 or column 2 of Part VI of Schedule 2; and

(*c*) in the case of any other item, such amount as is necessary to purchase a new item.

(4) The amount of a single payment, or where more than one payment falls to be made the aggregate amount of such payments, which would, but for this paragraph, be payable under this regulation shall be reduced by the amount of any maternity grant paid under the Act in respect of the relevant birth unless that grant has been spent on any item in respect of which a single payment would otherwise have been made.

PART III

FUNERAL EXPENSES

Funeral expenses

8.—(1) Where—

(*a*) any member of the assessment unit takes responsibility for the cost of a funeral or cremation (in this regulation referred to as the "responsible member");

(*b*) the deceased was—

(i) a close relative of the responsible member, or

(ii) a member of the same household as the responsible member, or

(iii) a member of the assessment unit;

(*c*) there is no other person, being a close relative of the deceased, who could more reasonably, having regard to how closely they were related and the financial circumstances of that person, be expected to take responsibility; and

(*d*) the accommodation where the deceased normally lived prior to his death ("the deceased's home") was in Northern Ireland and he died either—

(i) in Northern Ireland, or

(ii) during a temporary absence from Northern Ireland,

and the funeral or cremation takes place in Northern Ireland,

the claimant shall be entitled to a single payment of an amount sufficient to meet any essential expenses of the funeral or cremation which are specified in paragraph (2) and which fall to be met by the responsible member.

(2) The essential expenses mentioned in paragraph (1) are—

(*a*) the cost of any necessary documentation;

(*b*) the cost of a plain coffin;

(*c*) the cost of transport for the coffin and bearers, and one additional car;

(*d*) the reasonable cost of flowers from the responsible member;

(*e*) undertaker's fees and gratuities, chaplain's, organist's and cemetery or crematorium fees for a simple funeral or cremation;

(*f*) the cost of any additional expenses arising from a requirement of the religious faith of the deceased, not in excess of £75; and

(*g*) where the death occurred away from the deceased's home—

(i) if the death occurred in Northern Ireland, the cost of transporting the body to that home,

(ii) where the death occurred elsewhere, the cost only of transporting the body within Northern Ireland to that home.

(3) The following amounts or sums shall be deducted from any amount which would, but for this paragraph, be payable by virtue of the preceding paragraphs—

(*a*) the amount of any death grant payable under the Act in respect of the deceased's death unless that grant has been spent on any item in respect of which a single payment would otherwise have been made;

(*b*) any lump sums due to the responsible member, or any member of the assessment unit, on the death of the deceased by virtue of any insurance policy, occupational pension scheme or analogous arrangement;

(*c*) where the responsible member is the surviving partner of the deceased, any liquid assets inherited by the responsible member or any other member of the assessment unit from the deceased, in so far as those assets exceed, when aggregated with the available capital of the claimant, the sum mentioned in regulation 5;

(*d*) where the responsible member is not a surviving partner of the deceased, the probate value of the deceased's estate less the value of the deceased's home where it was owned in whole or in part by him;

(*e*) the amount of any contribution which has been received by the responsible member—

(i) from a charity,

(ii) from a relative, other than a relative to whom sub-paragraph (*f*) applies,

but only to the extent that such contribution exceeds the costs of items other than those in respect of which a single payment would be payable by virtue of this regulation;

(*f*) where the deceased was not a member of the assessment unit, an amount in respect of any surviving close relative of the deceased equal to a proportionate share of the essential costs to which paragraph (2) applies remaining after any amount under sub-paragraph (*d*) of that paragraph or sub-paragraph (*a*),(*b*) or (*c*) of this paragraph has been deducted, except that this paragraph shall not be applied in respect of a relative who—

(i) is a person to whom or in respect of whom a pension or allowance is payable, or

(ii) is a person from whom having regard to his financial circumstances it would be unreasonable to expect such a contribution, or

(iii) has had no contact with the deceased in recent years.

PART IV

HOUSEHOLD EXPENSES

Essential furniture and household equipment

9.—(1) Where a claimant has recently become the tenant or owner of an unfurnished or partly furnished home, a single payment shall be made for the purchase of any item of furniture and equipment to which paragraph (4) applies which either—

(*a*) he does not possess; or

(*b*) he does possess, but which is defective or unsafe and the cost of repair to which regulation 10 would otherwise apply would exceed the cost of the replacement,

and one or more of the conditions in paragraph (2) is satisfied.

(2) The conditions mentioned in paragraph (1) are—

(*a*) the claimant is entitled to a single payment under regulation 13 (removal expenses);

(*b*) the claimant has changed his former home as a consequence of actual or, in the opinion of a benefit officer, reasonably apprehended intimidation;

(*c*) a member of the assessment unit is over pensionable age, aged 15 or less, pregnant or chronically sick or mentally or physically disabled;

(*d*) the claimant has been in receipt of an allowance for a continuous period of 6 months or more and has, in the opinion of a benefit officer, no immediate prospect of employment;

(*e*) immediately preceding the circumstances to which paragraph (1) applies the claimant was a prisoner, or in accommodation provided by a statutory authority or voluntary organisation for the purpose of providing special care and attention for him, or had been a patient for a continuous period of more than one year,

and in a case to which sub-paragraph (*d*) or (*e*) applies there is no suitable alternative furnished accommodation available in the area.

(3) A single payment shall be made for the purchase of any item of essential furniture and equipment to which paragraph (4) applies where—

(*a*) the item is one which—

(i) the claimant does not possess, or

(ii) he does possess but which is defective or unsafe and the cost of repair to which regulation 10 would otherwise apply would exceed the cost of replacement; and

(*b*) either—

(i) one of the conditions in paragraph (2)(*c*) is satisfied, or

(ii) the item is a cooking or heating appliance, or

(iii) the claimant is a squatter occupying the home with the permission of the owner, and the item is a bed.

(4) The items of essential furniture and household equipment to which this regulation applies are as follows—

(*a*) sufficient beds and mattresses and dining and easy chairs for all the members of the assessment unit, and a dining table;

(*b*) sufficient storage units for clothing, food and household goods (for example crockery) for the needs of the assessment unit;

(*c*) a cooker;

(*d*) space heating appliances, but excluding items which are part of a central heating system within the meaning of paragraph 3 of Schedule 3 to the Requirements Regulations;

(*e*) fire-guards;

(*f*) where a member of the assessment unit is elderly or infirm, a covered hot-water bottle;

(*g*) curtains;

(*h*) polyvinyl chloride (or equivalent) floor coverings;

(*i*) a washing machine, but only where an additional requirement under paragraph 16 of Schedule 3 to the Requirements Regulations (laundry) is not appropriate because—

(i) there is no laundry or laundrette which the assessment unit can reasonably be expected to use, or

(ii) where there is such a facility, it cannot be used for the assessment unit's laundry because the claimant or his partner is mentally or physically ill or disabled or because there is no public transport to it;

(*j*) a vacuum cleaner, but only where a member of the assessment unit is allergic to house dust;

(*k*) a refrigerator, but only where a member of the assessment unit requires, for medical reasons, a special diet for which it is necessary to keep foodstuffs at refrigerated temperatures;

(*l*) minor items such as cleaning implements, cooking utensils, crockery and cutlery, but only where paragraph (1) applies;

(*m*) a garden fork or spade and shears, but only where the home includes a garden and digging, or cutting of lawns and hedges, is necessary.

(5) The amount payable by virtue of the preceding paragraphs of this regulation shall be—

(*a*) in the case of a bed or mattress, the cost of a new item, except that where the claimant—

(i) has already acquired or negotiated for a second-hand item the amount shall be the cost of that second-hand item,

(ii) is a person to whom paragraph (3)(*b*)(iii) applies, the amount shall be the cost of a second-hand item or of a new sleeping bag if preferred;

(*b*) in the case of any other furniture or gardening tools to which paragraph (4) applies, the cost of a second-hand item, if such item is available;

(*c*) in the case of a cooker or any electrical or gas appliance to which paragraph (4) applies, the cost of a reconditioned item, if such item is available; and

(*d*) in the case of any other item, such amount as is necessary to purchase a new item of reasonable quality,

and in the case of an item to which paragraph (4)(*a*), (*b*), (*c*), (*d*), (*h*), (*i*), (*j*) or (*k*) applies shall include the cost of delivery.

Repairs to furniture and household equipment and installation costs

10.—(1) Where the conditions of paragraph (3) of regulation 9 are satisfied, a single payment shall be made to a claimant to meet the reasonable costs of essential repair to any item to which that paragraph applies, unless the cost of the repair would be more than the cost of replacing the item under regulation 9(1)(*b*) or (3)(*a*)(ii) or the repair would be uneconomic having regard to the future viability of the item.

(2) A single payment shall be made to a claimant to meet the reasonable costs of—

(*a*) installation, where the conditions in either regulation 9(1) or (3) are satisfied;

(*b*) re-installing on removal, in a case to which regulation 13 applies, of any item to which regulation 9(4)(*c*), (*d*), (*h*), (*i*) or (*k*) applies.

Furniture and household goods on hire purchase

11.—(1) This regulation shall apply where a claimant, or his partner, has entered into a hire purchase agreement ("the agreement") to purchase an item of furniture or household goods to which regulation 9(4) applies and, in the opinion of a benefit officer, the claimant is likely to remain entitled to a pension or allowance, or would remain so entitled if he made a claim for it, for the remainder of the period to which the agreement relates.

(2) Where at the time at which the agreement was made the claimant was not entitled to a pension or allowance, and would not have been so entitled had he made a claim for it, a single payment shall be made—

(*a*) if the outstanding debt is not more than the amount which would have been paid had regulation 9 applied, of an amount equal to the outstanding debt;

(*b*) if the outstanding debt is more than the amount which would have been paid had regulation 9 applied, of an amount not greater than that amount, provided

that as a consequence of such a payment the further instalments falling to be paid can be met by the claimant out of any sum which in the calculation of his resources falls to be disregarded by virtue of regulation 10(5) or 11(5) of the Resources Regulations (partial disregard of earnings or other income respectively).

(3) Where—

(*a*) at the time at which the agreement was made the claimant was entitled to a pension or allowance, or would have been so entitled if he had made a claim for it; and

(*b*) the outstanding debt is not more than the amount of a single payment which would have been payable had regulation 9 applied,

a single payment shall be made of an amount equal to the outstanding debt.

Bedclothes

12.—(1) A single payment shall be made for any item of bedclothes specified in column 1 of Schedule 1 where, in the opinion of a benefit officer, the assessment unit's stock of that item is inadequate for its needs, having regard in particular to whether the state of health or any physical disability of any member of the assessment unit creates additional need for that item (for example, extra blankets for warmth, or extra sheets because of necessary frequent washing).

(2) The amount payable for any item to which paragraph (1) applies shall be the amount specified for that item in column 2 of Schedule 1.

PART V

HOUSING EXPENSES

Removal expenses

13.—(1) A single payment shall be made, other than to a claimant to whom paragraph (2) applies, in respect of the cost of the removal within Northern Ireland of the assessment unit's household goods and personal effects where—

(*a*) the existing home of the assessment unit is structurally deficient or insanitary;

(*b*) having regard to the age, state of health or any physical disability of any member of the assessment unit, the size of the assessment unit and whether any other person lives in the home, the existing home is unsuitable either in size or structure or because it is too far removed from close relatives;

(*c*) the change of home is in consequence of the death of, or divorce from, the claimant's partner or any other breakdown of the marriage or relationship;

(*d*) as a consequence of the change of home the claimant's prospects of employment will be significantly improved; or

(*e*) the housing requirements applicable to the claimant are reduced under regulation 21 of the Requirements Regulations (restriction where amounts are excessive).

(2) Paragraph (1) shall not apply where the housing requirements applicable to the claimant in respect of the new home would be reduced under the said regulation 21, unless the amount of the reduction will be met by the claimant out of any sum which in the calculation of the claimant's resources falls to be disregarded by virtue of regulation 10(5) or 11(5) of the Resources Regulations (partial disregard of earnings or other income respectively).

(3) In pursuance of a claim for a single payment under this regulation, a claimant shall furnish 2 competitive estimates of the cost of the removal, unless in any case the Department directs that, having regard to urgency or the claimant's age or state of health it would not be reasonable for him to obtain more than one estimate.

(4) The amount payable in a case to which paragraph (1) applies shall be that of the estimate which is the cheaper or, where the Department has directed that only one estimate be furnished, that estimate.

(5) There shall be deducted from any amount which would, but for this paragraph, be payable by virtue of paragraph (4) an amount, in respect of any person who is not a member of the assessment unit but is a member of the same household as the claimant, equal to a proportionate share of the amount to which paragraph (4) would apply, unless he is a person—

(*a*) to whom or in respect of whom a pension or allowance is payable; or

(*b*) from whom, having regard to his financial circumstances, it would be unreasonable to expect such a contribution.

Deposits

14.—(1) Where—

(*a*) on taking up the tenancy of a home, a claimant or his partner is required under the terms of that tenancy to pay a returnable deposit, in the form of advance rent or otherwise (for example to be held against dilapidations or departure without notice); and

(*b*) he would lose the tenancy if he did not comply with those terms,

a single payment shall be made in respect of that deposit.

(2) No payment shall be made under paragraph (1) in respect of a premium required for furnished accommodation.

(3) The amount payable in a case to which paragraph (1) applies shall be either the amount which the claimant or his partner is required to pay or an amount equal to 8 times the amount of the housing requirements applicable to the claimant for the accommodation in respect of which the deposit is required, whichever is the lower.

Legal fees

15. A single payment shall be made where—

(*a*) a claimant is liable for legal fees in respect of renewing or extending the lease of leasehold accommodation; and

(*b*) he does not intend to dispose of the lease within 12 months of the day on which a payment under this regulation would fall to be made, and the amount payable under this regulation shall be the amount of those fees, but only to the extent that they are reasonable.

Housing requirements of discharged prisoners

16.—(1) A single payment shall be made to a claimant where—

(*a*) he has been discharged from prison after a period of detention of less than one year;

(*b*) during that period he has accrued a debt in respect of either—

(i) housing requirements for accommodation of which he is the owner or the tenant, or

(ii) charges for storage of essential furniture of which he is the owner;

(*c*) either—

(i) he is chronically sick, physically or mentally disabled or over pensionable age, or

(ii) the accommodation was, or is, or is to be occupied by any other member of the assessment unit; and

(*d*) if a single payment were not made, the claimant would lose the accommodation or forfeit the furniture.

(2) Paragraph (1) shall not apply to any debt, or any part of a debt, which has accrued during the period when housing requirements in respect of the accommodation were included in the requirements of another person or would have been included had that other person made a claim for a pension or allowance.

(3) The amount payable in a case to which paragraph (1) applies shall be an amount either equal to the debt, or equal to the sum of the housing requirements which would have been applicable to the claimant if he had not been in prison, whichever is the lower, except that that amount shall be payable only to the extent that it exceeds the claimant's available capital.

(4) This regulation shall apply to any person discharged from prison or other detention in legal custody or detention pursuant to any provision of the Mental Health Act (Northern Ireland) 1961(**g**).

Essential repairs and maintenance of the home

17.—(1) A single payment shall be made in respect of the cost of repairs to, and any consequential redecoration of, the home where the claimant is a person falling within sub-paragraph (*a*), (*b*) or (*c*) of paragraph (1) of regulation 17 of the Requirements Regulations (persons in respect of whom an amount is applicable for maintenance and insurance) and—

(*a*) the repairs are essential to preserve the home in a habitable condition;

(*b*) the total cost of the repairs and redecoration does not exceed £225;

(*c*) the cost is such that it would be unreasonable in the circumstances in which the repairs have become necessary to expect the claimant to be able to pay for them out of the amount allowed towards repairs under the said regulation 17; and

(*d*) the claimant is unable to finance the repairs in any other way.

(2) Paragraph (1) shall not apply to any item to which regulation 18, 19 or 21 applies, nor to any other home improvement.

(3) The amount payable in a case to which paragraph (1) applies shall be the reasonable cost of the repairs and redecoration.

(4) A single payment shall be made for survey fees incurred by a claimant in connection with the arrangement of a loan or mortgage for—

(*a*) repairs to which paragraph (1)(*a*) applies; or

(*b*) home improvements to which regulation 18 of the Requirements Regulations (interest on loans for repairs and improvements) applies.

(5) A single payment shall be made where the home has a garden and—

(*a*) owing to the inability of any member of the household to maintain it, the garden is in such a state that it has resulted in—

(i) a summons from a city, borough of district council as defined in the Local Government Act (Northern Ireland) 1972(**h**), or

(ii) a notice to quit; and

(*b*) a voluntary organisation is willing to do the work in the garden which is necessary,

of an amount equal to the necessary costs incurred by that organisation in carrying out that work.

Draughtproofing

18. Where the home is draughty and the draughts would be reduced by simple measures (for example, draught-stripping of windows and doors, but not double-glazing or loft or cavity wall insulation), a single payment shall be made of an amount equal to the cost of necessary materials.

(**g**) 1961 c. 15 (N.I.)

(**h**) 1972 c. 9 (N.I.)

Redecoration

19.—(1) A single payment shall be made in respect of expenses of essential internal redecoration to a claimant's home where—

(*a*) the claimant has lived at his present home for at least one year;

(*b*) the claimant is responsible either as the owner of the freehold or leasehold or under the terms of his tenancy for periodic internal redecoration; and

(*c*) the need for redecoration is not connected with any major repair, renovation or alteration to the property.

(2) The amount payable under paragraph (1) shall be the cost of materials, but where the area to be redecorated is used by any member of the household who is not a member of the assessment unit he shall be assumed to contribute a proportionate share of that cost unless he is a person—

(*a*) to whom or in respect of whom a pension or allowance is payable; or

(*b*) from whom having regard to his financial circumstances it would be unreasonable to expect such a contribution.

Fuel meters and reconnection charges

20. Where—

(*a*) the installation of a pre-payment gas or electricity meter is necessary to assist the claimant with budgeting for the cost of that fuel; or

(*b*) the claimant is chronically sick or mentally or physically disabled, and the resiting of a pre-payment meter for those fuels would make it accessible for him; or

(*c*) the supply of such a fuel has been disconnected by reason of non-payment of a debt which is subsequently met by a single payment or pursuant to arrangements in the Supplementary Benefit (Deductions and Payments to Third Parties) Regulations (Northern Ireland) 1980(i) and in consequence reconnection is, or is to be, made,

a single payment shall be made of an amount equal to any charges made for such installation, resiting or reconnection.

Housing costs which arise irregularly

21.—(1) Where in the determination of the claimant's housing requirements no amount is applicable under regulation 17 or 19 of the Requirements Regulations (maintenance and insurance and miscellaneous outgoings respectively) for an item solely because charges for that item occur only irregularly (for example charges under a lease for redecoration of common and external areas, or charges for the emptying of a cess-pit or septic tank), a single payment shall be made of an amount equal to the amount of each charge.

(2) For the purposes of this regulation, the provisions of regulation 5 (effect of available capital on amounts payable) shall not apply.

PART VI

MISCELLANEOUS EXPENSES

Travelling expenses

22.—(1) A single payment shall be made in respect of travelling expenses within Northern Ireland in the following circumstances—

(i) S.R. 1980 No. 356

(*a*) the journey is undertaken, because of a domestic crisis, by—

(i) a dependant to enter or to return from the care of a relative, or

(ii) a member of the assessment unit to visit a child of whom he is the parent and who is in the care of a relative, or

(iii) a claimant to care for a child who is related to him, where by reason of that crisis the child's parent or parents are unable to do so;

(*b*) the journey is undertaken by a parent in order to visit his child who is with the other parent pending a decision by a court as to the custody of the child;

(*c*) in a case to which sub-paragraph (*a*) or (*b*) applies, the child or person undertaking the journey is incapable of doing so alone and needs to be accompanied;

(*d*) the journey is undertaken in connection with the arrangement of or attendance at a funeral or cremation to which regulation 8 applies by a person to whom paragraph (1) of that regulation applies or by a close relative of the deceased;

(*e*) the claimant—

(i) wishes to seek employment in another area of Northern Ireland,

(ii) has, in the opinion of a benefit officer, reasonable prospects of finding such employment in that area,

(iii) would, if his search were successful, have to change accommodation in order to take up his new job, and

(iv) is not eligible for travelling expenses from the Department of Manpower Services;

(*f*) the claimant—

(i) has an interview for employment, where the interview is at a distance of more than 10 miles from the home, and

(ii) is not eligible for travelling expenses in advance from the prospective employer or the Department of Manpower Services;

(*g*) the claimant incurs travelling expenses when seeking employment within a radius of 10 miles of his home at the instigation of an officer acting on behalf of the Department;

(*h*) the claimant—

(i) is starting new employment, and

(ii) incurs travelling expenses in his journey to that employment;

(*i*) the claimant—

(i) is a person to whom paragraph 4 of Schedule 2 to the Requirements Regulations (single claimants without accommodation) applies,

(ii) has been offered suitable accommodation within reasonable travelling distance which he intends to accept, and

(iii) incurs travelling expenses in the journey to that accommodation;

(*j*) in a case to which regulation 13 applies, any member of the assessment unit incurs travelling expenses in the journey to the new home.

(2) The amount payable in a case to which paragraph (1) applies shall be—

(*a*) the cost of second-class public transport by whichever method is used; or

(*b*) where private transport is used—

(i) where public transport is available, the cost of the petrol not exceeding the public transport cost,

(ii) in any other case, the cost of the petrol,

except that no amount shall be allowed under this sub-paragraph in respect of journeys undertaken by taxi unless the person concerned is unable to use other transport by reason of physical disability.

(3) Where in a case to which paragraph (1) applies the circumstances are such that—

(*a*) a return journey in one day is impracticable (for example on the grounds of distance);

(*b*) return on a day later than the second day is reasonable (for example so that a person may seek employment over a period of several days),

the amount payable under paragraph (2) shall be increased to cover the cost of one night's lodging or, in a case to which sub-paragraph (*b*) applies, lodging for the number of days which is reasonable, in either case including any charge for breakfast only if that charge is inclusive and inseparable.

Expenses on starting work

23.—(1) A single payment shall be made in respect of any item to which paragraph (2) applies where, without such item, the claimant would be unable to take up employment which has been offered to him.

(2) This regulation applies to—

(*a*) basic tools;

(*b*) working clothes specified in column 1 of Part II of Schedule 2;

(*c*) driving licence fees (but not fees for driving instruction);

(*d*) fees for a medical examination required by the prospective employer;

(*e*) any other item or items, provided that no amount shall be paid under this sub-paragraph in excess of £30,

where such an item, or the cost of such an item, is not provided or met in advance by the prospective employer.

(3) Subject to paragraph (2)(*e*) the amount payable in a case to which paragraph (1) applies shall be—

(*a*) in the case of an item specified in column 1 of Part II of Schedule 2, the amount specified for that item in column 2 of that Schedule;

(*b*) in any other case, the cost of purchase of the item or the fees required.

Debts accrued during absence from Northern Ireland

24.—(1) Where—

(*a*) the claimant has been absent from Northern Ireland for a period of less than 26 weeks;

(*b*) during the period immediately preceding that absence he was entitled to a pension or allowance, and is again so entitled immediately on his return from that absence;

(*c*) during the period of that absence a debt for a continuing commitment in Northern Ireland has accrued; and

(*d*) if he had been in Northern Ireland during that period provision would have been made for that commitment in the determination of his entitlement to a pension or allowance,

a single payment shall be made in respect of that debt.

(2) The amount payable in a case to which paragraph (1) applies shall be the amount of the debt or, where there is more than one debt, the aggregate of such debts, provided that in either case the amount does not exceed the aggregate of the pension or

allowance which would have been paid to the claimant during the period of interruption of his entitlement by reason only of his absence from Northern Ireland.

Voluntary repatriation expenses

25.—(1) Where a claimant who was born in a country other than the United Kingdom, the Republic of Ireland, the Isle of Man or the Channel Islands wishes to return to the country of his birth or go to any other country in which, prior to his acceptance for settlement in Northern Ireland by the immigration authorities, he was resident for a long period (other than the Republic of Ireland, the Isle of Man or the Channel Islands) ("the new country"), provided that in either case he has while in Northern Ireland maintained close connections with that country and intends to take up permanent residence there, a single payment shall be made to enable him to do so if all the conditions in paragraph (2) are satisfied.

(2) The conditions mentioned in paragraph (1) are as follows—

(*a*) the aggregate of the claimant's available capital and any capital which in the calculation of his capital resources under Part II of the Resources Regulations falls to be disregarded does not exceed by more than £50 the total cost of the fare for himself and any member of the assessment unit;

(*b*) the claimant has not been able to settle in Northern Ireland nor is there any prospect of his doing so;

(*c*) the claimant—

(i) is not or would not be required to register for employment pursuant to Article 7 of the Order, provided that the reason for his not being so required is not temporary, or

(ii) is or would be required so to register, but in the opinion of a benefit officer has no prospects of employment in Northern Ireland in the foreseeable future because of physical or mental disability, or

(iii) is within 5 years of attaining pensionable age;

(*d*) the cost of the fare is not available to him from any other source (for example, from a close friend or a person to whom Article 22(1)(*c*) of the Order (sponsor of an immigrant) applies, or from the proceeds of the sale of any property owned by him);

(*e*) the claimant is to be accompanied by any partner, and any child of whom the claimant or his partner is the parent except where the benefit officer is satisfied that adequate arrangements have been made for such a child's care and maintenance in Northern Ireland; and where any child who is to accompany the claimant is—

(i) in the care of the Department under any provision of the Health and Personal Social Services (Northern Ireland) Order 1972(**j**), or

(ii) the subject of a training school order under the Children and Young Persons Act (Northern Ireland) 1968(**k**),

the benefit officer is to be satisfied that the claimant has obtained the necessary approval for removing the child from the jurisdiction;

(*f*) where the claimant has custody of a dependant of whom the other parent is not a member of the assessment unit, the benefit officer is satisfied that the claimant has obtained the necessary approval for removing the dependant from the jurisdiction;

(*g*) the benefit officer is satisfied that there is suitable accommodation and means of support in the new country for the claimant and those accompanying him;

(**j**) S.I. 1972/1265 (N.I. 14)
(**k**) 1968 c. 34 (N.I.)

(*h*) the benefit officer is satisfied that the claimant is able to travel and that, if appropriate, suitable medical treatment will be available in the new country;

(*i*) the Department is satisfied that if a single payment is made there will within 2 years of the claimant's departure be a saving in expenditure on social security benefits greater than the amount of that single payment.

(3) The amount payable in a case to which paragraph (1) applies shall be—

(*a*) the cost of a single fare by the cheapest available means for the claimant and any partner and any child accompanying him for permanent resettlement;

(*b*) the cost of travel to the extent to which regulation 22(2) would apply to the point of departure in Northern Ireland and, where necessary, the cost of travel from the point of arrival in the new country to the place of residence there;

(*c*) in respect of incidental expenses on the journey, for the claimant and each person accompanying him (other than a person to whom sub-paragraph (*e*) applies), an amount equal to the amount of the ordinary rate appropriate to each of them under paragraph 1, 2 or 3 of Schedule 1 to the Requirements Regulations (normal requirements of non-householders);

(*d*) the cost of any necessary documentation;

(*e*) where, in the opinion of the benefit officer, the claimant is unable to travel alone and needs to be accompanied, amounts in respect of the preceding sub-paragraphs (other than sub-paragraph (*c*)) in respect of a person accompanying him, and additionally, unless the person accompanying him does not intend to return, the cost of the return journey and any amount which would be applicable under regulation 22(3).

(4) Where—

(*a*) the claimant was born in or has close connections with, and wishes to return or go to, Great Britain, the Republic of Ireland, the Isle of Man or the Channel Islands (''the new country'') with the intention of taking up permanent residence;

(*b*) the conditions of paragraph (2)(*d*), (*e*) and (*g*) are satisfied;

(*c*) one of the conditions set out in regulation 13(1)(*a*) to (*e*) is satisfied, or the claimant wishes to join in the new country a wife or husband from whom he or she is estranged, and a child of whom they are the parents is living with either of them; and

(*d*) in the opinion of the benefit officer the claimant has no immediate prospects of employment in Northern Ireland,

a single payment shall be made to enable him to do so.

(5) The amount payable in a case to which paragraph (4) applies shall be the cost of a single fare by the cheapest available means for the claimant and any partner and any child accompanying him for permanent resettlement, only to the extent that that amount is in excess of the amount by which the aggregate of any available capital and any capital which in the calculation of his capital resources under Part II of the Resources Regulations falls to be disregarded exceeds £50.

(6) A single payment shall not be made in any case to which paragraph (1) or (4) would, but for this paragraph, apply—

(*a*) where the claimant is a patient; or

(*b*) in respect of a dependant in the care of the Department under any provision of the Health and Personal Social Services (Northern Ireland) Order 1972 who is not a member of the assessment unit; or

(*c*) in respect of a dependant who is the subject of a training school order under the Children and Young Persons Act (Northern Ireland) 1968 and who is not a member of the assessment unit.

(7) No amount shall be payable in any case to which paragraph (1) or (4) applies in respect of the cost of removal of effects not included in the standard baggage allowance appropriate to the principal means of travel.

(8) For the purposes of this regulation, the provisions of regulation 5 (effect of available capital on amounts payable) shall not apply.

PART VII

ITEMS TO WHICH THE CATEGORIES OF NORMAL, ADDITIONAL AND HOUSING REQUIREMENTS RELATE

Costs where supplementary benefit not paid or not claimed

26.—(1) A single payment shall be made where a claimant—

(*a*) in respect of a past period has not received an amount of pension or allowance—

(i) to which he was entitled, or

(ii) to which he would have been entitled had he made a claim for it and satisfied the conditions for claiming and payment of it prescribed pursuant to Article 19 of the Order;

(*b*) has spent, on any item for which, had he claimed it, a single payment would have been made under these regulations, money set aside to provide for any item to which the category of normal, additional or housing requirements relates,

and as a consequence is unable and cannot reasonably be expected to meet the cost of any item to which one of those categories relates which it is essential that he should meet.

(2) The amount payable in a case to which paragraph (1) applies shall be the amount of the cost, or where more than one item is concerned the aggregate amount of the costs, which he is unable to meet, subject to a maximum of—

(*a*) in a case to which paragraph (1)(*a*) applies, the total amount of pension or allowance not received;

(*b*) in a case to which paragraph (1)(*b*) applies, the amount of the single payment which would otherwise have been made.

(3) Where subsequent to the award of a single payment under paragraph (1)(*a*) it is determined that arrears of pension or allowance are payable to the claimant in respect of the whole or any part of the past period there mentioned, that single payment shall be treated as paid on account of those arrears.

Clothing and footwear

27.—(1) A payment for any item of clothing or footwear specified in column 1 of Schedule 2 shall be made where any member of the assessment unit needs new or replacement clothing and—

(*a*) that need has arisen otherwise than by normal wear and tear, for example where the need has arisen because of—

(i) pregnancy, the birth of a child, or rapid weight loss or gain,

(ii) heavy wear and tear on clothing or footwear resulting from any mental or physical illness, handicap or disability (except where an additional requirement is applicable),

(iii) the accidental loss of, damage to or destruction of an essential item of clothing or footwear,

(iv) physical or mental illness or disability which necessitates the purchase of a particular or additional item of clothing or footwear,

but not where the need has arisen in the normal course of events (for example where an item of clothing or footwear is outgrown); or

(*b*) that need arises because he is admitted to hospital or a similar institution as a patient and for the purposes of his stay there.

(2) The amount payable for any item to which this regulation applies shall not exceed the amount specified for that item in column 2 of Schedule 2, unless the person concerned is outsize or disabled so that the amount specified is not appropriate in his case.

(3) In the case of—

(*a*) a child aged 14 or over; and

(*b*) a child aged less than 14 who is large for his age,

Part I or III of Schedule 2 (men's or women's clothing) shall apply, and in the case of any other child Part IV, V or VI of that Schedule (boys', girls' or baby clothing) shall apply.

Fuel costs

28.—(1) A single payment shall be made in respect of a claimant's fuel costs where they are greater than the amount which he has put aside to pay for them because—

(*a*) a period of exceptionally severe weather has resulted in consumption greater than normal, having regard to any available information on previous levels of consumption; or

(*b*) he is unfamiliar with the cost of running the heating system in his home because he has recently moved to that home or the system has recently been installed.

(2) The amount payable in a case to which paragraph (1) applies shall be—

(*a*) in a case to which paragraph (1)(*a*) applies, the cost of the amount of the excess over normal consumption;

(*b*) in a case to which paragraph (1)(*b*) applies, one half of the aggregate amount of the claimant's costs in respect of fuel during the first 6 months of his use of the heating system.

Prisoners on leave

29.—(1) A single payment shall be made where a prisoner—

(*a*) is granted preparatory to his release a short period of leave to be spent in a claimant's home; and

(*b*) would if he were not a prisoner be a member of the same household as the claimant.

(2) The amount payable in a case to which paragraph (1) applies shall be one-seventh of—

(*a*) if the claimant is the partner of the prisoner, the difference between the weekly amount specified in the second paragraph of the second column of the Table in paragraph 2 of Schedule 1 to the Order (ordinary rate for couples) and paragraph 4 of column 2 of that Table (non-householder rate);

(*b*) in any other case, the appropriate ordinary rate specified in paragraph 1, 2 or 3 of Schedule 1 to the Requirements Regulations, in respect of each complete day spent by the prisoner in the claimant's home.

PART VIII

DISCRETIONARY PAYMENTS

Discretionary payments

30. Where a claimant is entitled to a pension or allowance and he—

(*a*) claims a single payment for an exceptional need under any of the regulations in Parts II to VII, but fails to satisfy the conditions for that payment; or

(*b*) claims to have an exceptional need for which no provision for a single payment is made in any regulation in those Parts,

a single payment to meet that exceptional need shall be made in his case if, in the opinion of a benefit officer, such a payment is the only means by which serious damage or serious risk to the health or safety of any member of the assessment unit may be prevented.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 17th October 1980.

(L.S.) *T. S. Martin*

Assistant Secretary

SCHEDULES

Schedule 1 Regulation 12

Bedclothes

Column 1 *Item*	*Column 2* *Amount* £
Blanket (cot)	4·25
Blanket (single)	9·10
Blanket (double)	11·50
Terylene quilt (single)	12·00
Terylene quilt (double)	14·25
Pillow	4·00
Pillow-case	1·50
Sheets — cotton (single) pair	12·00
Sheets — cotton (double) pair	16·50
Sheets — flannelette (cot) pair	4·65
Sheets — flannelette (single) pair	10·25
Sheets — flannelette (double) pair	13·75
Sheets — nylon (single) pair	6·50
Sheets — nylon (double) pair	8·50

Schedule 2 Regulations 7, 23 and 27

CLOTHING

PART I

Men's Clothing

Column 1 *Item*	*Column 2* *Amount* £
Anorak	18·25
Cap	4·00
Cardigan	10·00
Dressing gown	16·00
Overcoat	43·00
Pullover	6·30
Pyjamas	8·00
Raincoat	28·50
Shirt	6·30
Shoes	12·00
Slippers	4·00
Socks	0·95
Sports-jacket	34·00
Suit	51·00
Trousers	12·00
Underpants-woollen (long)	5·70
Underpants-woollen (short)	4·50
Underpants-briefs	1·40
Vest-woollen	5·10
Vest-singlet	1·80

PART II

Working Clothes

Column 1 *Item*	*Column 2* *Amount* £
Boiler suit	10·75
Boots	12·50
Donkey-jacket	18·25
Dungarees	8·50
Jeans	10·25
Overalls	9·70
Wellingtons	8·50

PART III

Women's Clothing

Column 1 *Item*	*Column 2* *Amount* £
Blouse	6·30
Boots (ankle)	14·25
Brassiere	3·40
Briefs	1·30
Cardigan	8·00
Corset	8·00
Dress-summerweight	11·50
Dress-winterweight	14·75
Dressing-gown	11·50
Jumper	6·80
Knickers	1·80
Nightdress (standard length)	6·30
Nightdress (full length)	8·00
Overcoat	40·00
Pantie-girdle	4·55
Petticoat	4·00
Pyjamas	8·50
Raincoat	28·50
Shoes	11·50
Skirt	8·50
Slippers	3·70
Stockings/tights	0·55
Trousers	9·10
Vest-cotton	1·70
Vest-woollen	3·40

PART IV

Boys' Clothing

Column 1 *Item*	*Column 2* *Amount* *Small to Large* £	£
Dufflecoat	13·75	18·25
Jacket/anorak	10·25	13·75
Overcoat	17·00	23·00
Pyjamas	4·55	5·70
Raincoat	12·50	19·25
Shirt	3·40	5·10
Shoes	7·40	10·25
Socks	0·55	0·80
Sweater	4·55	6·30
Trousers-long	6·30	9·10
Trousers-short	4·00	5·10
Underpants	—	1·15
Vest	—	1·35
Wellingtons	3·15	5·10

PART V

Girls' Clothing

Column 1 *Item*	*Column 2* *Amount* *Small to Large* £	£
Blouse	3·40	4·00
Brassiere	—	2·30
Briefs	—	1·00
Cardigan	4·25	6·30
Dress-summerweight	5·10	8·00
Dress-winterweight	6·80	9·70
Dufflecoat	13·75	18·25
Jacket/anorak	10·20	13·75
Jumper	4·00	5·70
Nightdress	4·55	6·30
Overcoat	16·00	22·00
Pantie-girdle	—	4·55
Petticoat	—	2·85
Pyjamas	4·55	6·80
Raincoat	12·50	18·25
Shoes	7·40	10·25
Skirt	5·10	7·40
Socks	0·65	0·85
Stockings/tights	—	0·55
Vest	—	1·25
Wellingtons	3·15	5·10

PART VI

Baby Clothing

Column 1 *Item*	*Column 2* *Amount* £
Napkin	0·90
One-piece stretch sleeping suit	3·70
Plastic pants	0·40
Pramsuit	6·00
Vest	0·85
Wrap/shawl	4·85

EXPLANATORY NOTE

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

These regulations provide for supplementary benefit to be payable by way of single payments of specified amounts to meet exceptional needs.

Part I contains provisions for citation, commencement and interpretation of Parts II to VIII. In particular, regulation 3 defines "single payment" as one to meet an exceptional need in circumstances to which those Parts apply and of an amount specified in the appropriate regulation. Regulation 4 provides that the persons who are entitled to claim such payment are those who are either entitled to supplementary pension or allowance or would be if they made a claim for it. Regulation 5 provides that an amount which would otherwise be payable is to be reduced or extinguished if the claimant has available capital over £300. Regulation 6 prescribes the circumstances in which and items for which a single payment will not be payable, even under the provisions for discretionary payments (regulation 30).

Parts II to VIII set out the circumstances in which and the items for which a single payment will be made, and each regulation specifies, either by prescribing the amount or by identifying the cost to be met, the amount of the payment.

Part II (regulation 7) relates to the circumstances in which a single payment will be made for the immediate needs of a new-born baby.

Part III (regulation 8) contains provisions for the payment of specified funeral costs where a member of the assessment unit is responsible for the funeral of a close relative or another member of the household.

Part IV (regulations 9 to 12 and Schedule 1) relates to the circumstances in which payments for household expenses will be made. Regulations 9 to 11 contain provisions for the purchase, replacement or repair of specified items of furniture or household equipment, including provision for the discharge of hire purchase debts on such items. Regulation 12 and Schedule 1 provide for payments in respect of bedclothes.

Part V (regulations 13 to 21) contains provisions for the payment in certain circumstances of home removal expenses, deposits on taking up a tenancy, legal fees for renewal of a lease, housing costs of ex-prisoners, maintenance and improvements (including survey fees), simple draughtproofing measures, internal redecoration of the home, charges for installation or resiting of gas or electricity meters or for reconnection of gas or electricity, and irregular housing costs which are not taken into account in the determination of the claimant's housing requirements.

Part VI (regulations 22 to 25) relates to the payment in specified circumstances of fares and, where necessary, overnight accommodation, payment of essential expenses on starting work, payment of debts accrued in Northern Ireland by a beneficiary during an absence from Northern Ireland of less than 6 months and payment towards travelling costs of persons wishing to return to their home country or go to another country with which they have maintained connections.

Part VII (regulations 26 to 29 and Schedule 2) relates to items which are specifically covered by the category of normal, additional or housing requirements and an element in respect of which is or would be therefore allowed in the determination of the claimant's supplementary pension or allowance. Provision is made for a single payment for such an item, however, where the claimant has not received the full amount of benefit to which he was entitled for a past period, or where money has been saved but spent on an item for which a payment under these regulations would have been made; for an item of clothing or an abnormally high fuel bill where there is an unforeseen or unusual reason for it; and for payment for a prisoner on home leave whose requirements and resources have not, because he is a prisoner, been taken into account.

Part VIII (regulation 30) confers a discretion on the benefit officer to make a single payment where none of the preceding provisions applies but where payment is necessary to prevent serious damage or serious risk to the health or safety of the claimant or any partner or dependent child of his.