1981 No. 372

SUPPLEMENTARY BENEFITS

The Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1981

Made . . . . . 11th November 1981

Coming into operation . . . 21st December 1981

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The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 6 and 19(1) and (2)(*c*) of the Supplementary Benefits (Northern Ireland) Order 1977(**a**) and of all other powers enabling it in that behalf and for the purpose only of consolidating regulations hereby revoked, hereby makes the following regulations:

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1981 and shall come into operation on 21st December 1981.

Interpretation

2.—(1) In these regulations—

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

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

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

"benefit week" has the meaning assigned to it in regulation 7 of the Determination of Questions Regulations (date of commencement, change and termination of entitlement to pensions and allowances);

"capital otherwise disregarded" means any capital which falls, or would fall, to be disregarded under regulation 6(1)(*b*) and (2) of the Resources Regulations which can readily be converted into a liquid asset;

(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

"claimant" means a claimant for supplementary benefit;

"close relative" means a partner, spouse, 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;

"Determination of Questions Regulations" means the Supplementary Benefit (Determination of Questions) Regulations (Northern Ireland) 1980(**a**);

"disaster" means the disaster in respect of which a claim is made for emergency relief;

"Duplication and Overpayment Regulations" means the Supplementary Benefit (Duplication and Overpayment) Regulations (Northern Ireland) 1980(**b**);

"employment" means remunerative full-time work, other than self-employment, within the meaning of Article 9(1);

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

"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;

"income otherwise disregarded" means any income which falls, or would fall, to be disregarded by virtue of any provision of Part III of the Resources Regulations;

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

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

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

"Resources Regulations" means the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1981(**e**);

"Single Payments Regulations" means the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981(**f**).

(2) Any reference in these regulations to a numbered Article is to the Article of the Order bearing that number.

Urgent cases

3.—(1) For the purposes of Article 6 (provision for cases of urgent need) urgent cases shall be, except in so far as Part II of the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980(**g**) provides otherwise, only those cases to which Parts II, III and IV of these regulations apply where the item in question, or funds for that item, or, except in any circumstances to which regulation 23 applies, funds to meet the expenses in question are not readily available to the assessment unit from its own resources or from any other source (for example, friends, relatives, credit facilities, a voluntary organisation) or in particular

(**a**) S.R. 1980 No. 423
(**b**) S.R. 1980 No. 396
(**c**) S.I. 1972/1265 (N.I. 14)
(**d**) S.R. 1980 No. 347
(**e**) S.R. 1981 No. 370
(**f**) S.R. 1981 No. 369
(**g**) S.R. 1980 No. 417

in a case to which Part II applies, from a Health and Social Services Board, under an approved scheme or from a relief fund; and—

(*a*) in determining whether funds are readily available to the assessment unit, regard shall be had to its requirements determined in accordance with regulation 5(2)(*a*) and (3)(*a*) and (*b*) (but not regulation 5(2)(*c*));

(*b*) in determining the assessment unit's own resources for the purposes of this paragraph, regard shall be had to any capital, including any capital otherwise disregarded, and income resources calculated in accordance with regulation 5(2)(*b*).

(2) In an urgent case there shall be payable in accordance with these regulations supplementary benefit by way of a single payment or pension or allowance, and accordingly—

(*a*) Article 5 (supplementary benefit to meet exceptional need) shall be modified in accordance with regulation 4(1);

(*b*) Article 7 (entitlement to allowance subject to registration and availability for employment) shall not apply;

(*c*) Article 8 (exclusion from supplementary benefit of persons not resident in the United Kingdom for a qualifying period) shall not apply;

(*d*) Article 9(1) (exclusion from supplementary benefit of persons in employment) shall not apply;

(*e*) Article 14(4) (exclusion from allowance of persons who fail to comply with directions to attend courses) shall not apply;

(*f*) Schedule 1 to the Order (provisions for determining right to and amount of benefit) shall be modified in accordance with regulation 5, and in a case to which regulation 23 applies, in accordance with regulation 23(2).

(3) In this regulation "an approved scheme" means a scheme approved by the Department of the Environment.

Single Payments

4.—(1) In a case to which regulation 8(1) (items needed in emergency relief cases), 9(*a*) (items needed in other urgent cases) or 24 (discretionary amounts) applies by virtue of which an amount of supplementary benefit is payable in accordance with this regulation—

(*a*) Article 5(1) shall be modified so that there shall be payable in such a case supplementary benefit by way of a single payment;

(*b*) except in so far as sub-paragraph (*c*) provides that a reduced amount shall be payable, the amount of that single payment shall be—

(i) the amount specified for that item in column 2 of Schedule 1 (emergency relief) or of Schedule 2 (other urgent cases),

(ii) where the payment is in respect of the purchase of an item, it shall be such amount as is necessary to purchase an item of reasonable quality,

(iii) where the payment is in respect of costs of services provided, it shall be the amount of such costs to the extent that they are reasonable;

(*c*) where funds mentioned in regulation 3(1) are available to the assessment unit, but are insufficient to meet the cost of the item or services in question, the amount of the single payment payable shall be the difference between those funds and the amount which would, but for those funds, be payable by virtue of sub-paragraph (*b*).

(2) 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.

Pensions and allowances

5.—(1) The amount of any pension or allowance to which a claimant is entitled under these regulations shall, except in a case to which regulation 23 applies, be the amount by which his resources fall short of his requirements.

(2) For the purposes of ascertaining that amount—

(*a*) the claimant's requirements shall be determined in accordance with paragraph 2 of Schedule 1 to the Order except in so far as it is modified by paragraph (3) of this regulation;

(*b*) the claimant's resources shall be calculated pursuant to paragraph 1(2) and (3) of Schedule 1 to the Order except in so far as it is modified by paragraph (4) of this regulation;

(*c*) paragraph 3 of Schedule 1 to the Order shall apply except in so far as regulation 22 provides otherwise.

(3) The modifications mentioned in paragraph (2)(*a*) shall be as follows—

(*a*) for 14 days beginning on the first day of the period to which paragraph (7) applies, and for any day thereafter falling before the first day of the benefit week beginning next after the 14th day, the weekly amount applicable for normal requirements shall be—

(i) in respect of a claimant who is a relevant person, the rate for the time being applicable to a person to whom paragraph 2 of the Table in paragraph 2(3) of Schedule 1 to the Order (ordinary rate for relevant persons) applies less 25 per cent.,

(ii) in respect of a claimant who is a householder or a person to whom paragraph 1 or 2 of Schedule 1 to the Requirements Regulations (non-householders other than dependants) applies, the ordinary rate for the time being applicable to that householder or other person less 25 per cent.,

(iii) in respect of a claimant to whom regulation 9 of the Requirements Regulations (boarders) applies, the allowance for personal expenses at the ordinary rate applicable under paragraph (8) of that regulation less 25 per cent., the increase, if applicable, for meals specified in paragraph (2) of that regulation and, if the charge for board and lodging falls due during the period to which this head applies, the amount applicable for that charge under paragraph (1)(*a*) of that regulation,

(iv) in respect of a claimant to whom regulation 10(4A) of the Requirements Regulations (persons from abroad) applies for the purposes of paragraph 6A of Schedule 2 to those regulations, the ordinary rate which would, but for those provisions, be applicable to that person less 25 per cent.,

(v) in respect of the partner of a claimant to whom paragraph 2 of Schedule 2 to the Requirements Regulations (patients) applies, the amount specified in column (3) in paragraph 2(*b*) of that Schedule less 25 per cent.,

(vi) in respect of a claimant to whom paragraph 3 of Schedule 2 to the Requirements Regulations (certain unmarried students) applies, the ordinary rate for the time being applicable to a person to whom paragraph 2 of the Table in paragraph 2(3) in Schedule 1 to the Order applies less 25 per cent.,

(vii) in respect of a claimant to whom paragraph 4 of Schedule 2 to the Requirements Regulations (single claimants without accommodation) applies, the rate specified in that paragraph less 25 per cent.,

(viii) in respect of any dependant, notwithstanding any of the preceding heads, the rate applicable to a dependant to whom paragraph 3(*d*) of Schedule 1 to the Requirements Regulations (dependant less than 11) applies,

any sum of 25 per cent. which is not a multiple of 5 pence being rounded down to the nearest such multiple;

(*b*) for the period to which sub-paragraph (*a*) applies no additional or housing requirements shall be applicable;

(*c*) for any period subsequent to the period to which sub-paragraph (*a*) applies the claimant's requirements shall be determined in accordance with paragraph 2 of Schedule 1 to the Order except that—

(i) in respect of a claimant to whom sub-paragraph (*a*)(iv) applies, the weekly rate applicable for normal requirements shall be the ordinary rate which would for the time being be applicable to him but for the provisions there mentioned,

(ii) in respect of a claimant to whom sub-paragraph (*a*)(vi) applies, the weekly rate applicable for normal requirements shall be the ordinary rate there mentioned (but not reduced by 25 per cent.).

(4) The modifications mentioned in paragraph (2)(*b*) shall be as follows—

(*a*) where the value of a claimant's capital resources (including those of a partner or dependant) as calculated in accordance with Part II of the Resources Regulations exceeds the amount mentioned in regulation 7 of those regulations (maximum capital resources for entitlement to pension or allowance) and regulation 8 of those regulations (effect of capital resources of dependants) does not apply, he shall be entitled to a pension or allowance under these regulations only where he does not have a capital resource which falls to be taken into account under sub-paragraph (*b*) and which is readily realisable;

(*b*) any resource which would fall to be taken into account under the Resources Regulations, but including any capital or income otherwise disregarded, shall be taken into account, except—

(i) that in a case to which regulation 10 applies the sum lost, to which regulation 11 applies the income resource not paid, and to which regulation 13 applies the income mentioned in regulation 13(2), shall be disregarded,

(ii) that in the application of regulations 8 and 24, any resource may be disregarded to the extent to which, having regard to the circumstances and in particular to the availability of the resource, it would be reasonable to do so,

(iii) in a case to which regulation 18 or19 applies, insofar as that regulation provides otherwise.

(5) If in the case of a claimant to whom regulation 8(1) of the Requirements Regulations (modification of normal requirements in certain cases of actual or notional unemployment benefit disqualification) would, but for paragraph (3) of this regulation, apply, the amount of allowance determined in accordance with this regulation exceeds the amount which would have been payable under that regulation 8, only the latter amount shall be payable.

(6) Where a claimant has any capital otherwise disregarded, an amount of pension or allowance which would, but for this paragraph, be payable under these regulations shall be payable only to the extent that its amount exceeds the amount of that capital.

(7) The period for which any amount of pension or allowance is payable by virtue of any regulation in these regulations shall be—

(*a*) the period during which the conditions of entitlement applicable continue to be satisfied; or

(*b*) the period, if any, specified in that regulation,

whichever is the shorter, but in any case not to begin before the day on which the claim is made.

Circumstances in which and items for which sums shall not be paid

6.—(1) Notwithstanding any provision in these regulations, in particular regulation 24, no sum shall be paid under these regulations—

(*a*) if a sum under these regulations has already been paid in respect of the circumstances in question and those circumstances have not changed;

(*b*) where any member of the assessment unit is a person whose requirements fall to be disregarded to any extent by virtue of Article 12 (persons affected by trade disputes);

(*c*) 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) except where that person is visiting another person in circumstances to which paragraph 1(*a*) of column 1 of Schedule 2 to these regulations applies;

(*d*) in respect of a person mentioned in paragraph 6 of Schedule 2 to the Requirements Regulations (prisoners);

(*e*) except in circumstances to which regulation 8 or 21(1)(*a*) or paragraph 1(*f*) in column 1 of Schedule 2 applies, in respect of a person under pensionable age who has ceased relevant education and is attending a course of full-time education, except when he is not attending his course and is not engaged on a programme of studies;

(*f*) in respect of any need which occurs outside Northern Ireland;

(*g*) except in circumstances to which regulation 8 or 21 of, or paragraph 1(*f*) in column 1 of Schedule 2 to, these regulations applies, in respect of a person to whom regulation 10(4A) of the Requirements Regulations (persons from abroad) applies for the purposes of paragraph 6A of Schedule 2 to those regulations;

(*h*) in respect of a person mentioned in paragraph 5 of Schedule 2 to the Requirements Regulations (members of religious orders);

(*i*) in respect of a person to whom paragraph 2 of Schedule 2 to the Requirements Regulations (patients) applies but, where that person is a claimant, this sub-paragraph shall not apply in respect of any other member of the assessment unit.

(2) Notwithstanding any provision in these regulations, in particular regulation 24, no amount of supplementary benefit by way of a single payment shall be paid in respect of any item to which regulation 6(2) of the Single Payments Regulations (items for which payment is excluded) applies, save that regulation 6(2)(*j*) of those regulations (expenses arising from attendance at a court) shall not apply in a case to which paragraph 1(*c*) of column 1 of Schedule 2 (travelling expenses for persons stranded) applies.

(3) In any case to which any regulation in Part III (other urgent cases) applies, no sum shall be paid under that regulation where the claimant has had the same or a similar need in similar circumstances unless it is reasonable for that need to be met.

Recovery of sums paid

7. No sum paid by virtue of these regulations shall be recoverable by the Department in accordance with Article 6(2) and regulation 26 except where, and to the extent that, a benefit officer has determined in accordance with regulation 25 that it is so recoverable.

PART II

EMERGENCY RELIEF

Emergency relief cases

8.—(1) Where any member of the assessment unit is affected by a disaster (for example a fire or a flood), whether or not it affects other persons, and in the period mentioned in paragraph (3)—

(*a*) because of the disaster he is in need of any item to which column 1 of Schedule 1 applies; and

(*b*) the Single Payments Regulations do not apply to that item in those circumstances,

the claimant shall be entitled in respect of that item to an amount of supplementary benefit determined in accordance with regulation 4.

(2) Where any member of the assessment unit is affected by such a disaster and because of the disaster is in need of living expenses, there shall be payable to the claimant for the period mentioned in paragraph (3) an amount of pension or allowance determined in accordance with regulation 5.

(3) This regulation shall apply for a period of 14 days immediately following the disaster, except where it appears to the Department that there are, will be or are likely to be circumstances making impracticable or unduly difficult the normal operation of the provisions governing or the practice relating to the claiming, awarding or payment of supplementary benefit it may direct that that period may be extended; and a direction under this paragraph may be expressed—

(*a*) as having effect either generally or in relation to any case or class of case or to a specified area or specified areas; and

(*b*) either as having effect until a specified day or as continuing to have effect until revoked by the Department.

PART III

OTHER URGENT CASES

Other urgent cases

9. Where—

(*a*) any claimant is in need of any item to which and in circumstances to which Schedule 2 applies, and the Single Payments Regulations do not apply to that item in those circumstances, he shall be entitled in respect of that item to an amount of supplementary benefit determined in accordance with regulation 4;

(*b*) a claimant to whom any other regulation in this Part applies is in need of living expenses in circumstances to which that regulation applies, there shall be payable to him in respect of those living expenses an amount of pension or allowance as specified in that regulation.

Loss of money

10.—(1) Where a sum of money other than a sum to which paragraph (2) applies is lost, including any sum stolen or destroyed, but excluding any sum the loss of which is foreseeable, there shall be payable to the claimant an amount of pension or allowance determined in accordance with regulation 5, except that in aggregate the amount paid under this regulation shall not exceed the amount of that sum.

(2) This regulation shall not apply to any instrument of payment on account of benefit under the Order, the Social Security (Northern Ireland) Acts 1975(**a**), the Child Benefit (Northern Ireland) Order 1975(**b**), the Family Income Supplements Act (Northern Ireland) 1971(**c**), the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975(**d**), or on account of any war disablement pension or war widow's pension as defined in the Duplication and Overpayment Regulations.

Income resource taken into account but not paid

11.—(1) Where in any week an income resource, other than income to which paragraph (2) applies, falls to be taken into account under regulation 4(2) of the Resources Regulations (available or due resource not yet paid), and is not paid before or in that week, there shall be payable to the claimant an amount of pension or allowance determined in accordance with regulation 5, except that in aggregate the amount paid under this regulation shall not exceed the amount of that income resource.

(2) This regulation shall not apply to—

(*a*) any earnings to which regulation 10 of the Resources Regulations (calculation of earnings for purposes of entitlement to supplementary benefit) applies, including any which fall or would not fall to be taken into account or disregarded;

(*b*) any income to which regulation 11(2)(*l*) of the Resources Regulations (grants or awards to students) applies, including any part of such income which falls or would fall to be disregarded.

Period between day of claim and day of entitlement

12.—(1) Where a benefit officer has determined that—

(*a*) the claimant is entitled to a pension or allowance pursuant to the Order or these regulations; but

(*b*) pursuant to regulation 7 of the Determination of Questions Regulations (date of commencement, change and termination of entitlement to pensions and allowances) his entitlement to that pension or allowance is not to begin until a day later than that on which the claim for that pension or allowance was made,

there shall be payable to the claimant in respect of the day on which a determination was made under this paragraph and any subsequent day falling before the day on which entitlement begins pursuant to the said regulation 7 an amount of pension or allowance determined in accordance with regulation 5.

(2) Where pursuant to paragraph (1) an amount of pension or allowance determined in accordance with regulation 5 is payable to a claimant to whom regulation 5(3)(*a*)(iii) (boarders) applies and the charge for board and lodging there mentioned falls due before the date of that determination, but not before the day on which the claim mentioned in paragraph (1)(*b*) was made, the amount applicable in respect of that charge shall be met.

Income resources spent on essential items

13.—(1) This regulation shall apply to a claimant who would, if he made a claim and satisfied the conditions, be entitled to a pension or allowance if, but only if—

(*a*) any capital resources, as determined in accordance with Part II of the Resources Regulations, which are not readily realisable, were disregarded;

(**a**) *See* Article 1(2) of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15))
(**b**) S.I. 1975/1504 (N.I. 16)
(**c**) 1971 c. 8 (N.I.)
(**d**) 1975 c. 17

(*b*) any income resources, as determined in accordance with Part III of the Resources Regulations, were disregarded.

(2) Where in any week a claimant has spent his income for that week on any item for which, had he been entitled to claim it, a single payment would have been made under these regulations or the Single Payments Regulations, there shall be payable to the claimant an amount of pension or allowance determined in accordance with regulation 5, except that in aggregate the amount paid under this regulation shall not exceed the amount which would have been payable in respect of that item under these regulations or, as the case may be, the Single Payments Regulations.

Starting or resuming work

14.—(1) This regulation shall apply to a claimant who is not entitled to a pension or allowance pursuant to the Order by virtue of Article 9(1) (persons in remunerative full-time work) and—

(*a*) he has recently started a new employment or resumed an employment after an absence;

(*b*) he has received from that employment either—

(i) no earnings, or

(ii) an amount of earnings which is less than the amount which would be payable under this regulation had head (i) applied; and

(*c*) his employer in that employment will make either—

(i) no advance of earnings, or

(ii) an advance of earnings which is less than the amount which would be payable under this regulation had head (i) applied.

(2) In a case to which this regulation applies there shall be payable to the claimant—

(*a*) where he was not, in the period immediately preceding the day on which he started or resumed the employment mentioned in paragraph (1)(*a*), treated as being engaged in remunerative full-time work under Article 9(1), for the period of 16 days beginning on the 16th day after the day on which he started that employment;

(*b*) in any other case, for the period of one month from the day on which he started that employment,

an amount of pension or allowance determined in accordance with regulation 5.

Unpaid or part-paid absences from work

15.—(1) This regulation shall apply to a claimant who is not entitled to a pension or allowance pursuant to the Order by virtue of Article 9(1) and—

(*a*) he is unavoidably absent from his employment; and

(*b*) in respect of the whole or any part of that absence he either—

(i) is not paid any earnings, or

(ii) has been paid an amount of earnings which is less than the amount which he would have received if he had not been absent from his employment.

(2) In a case to which this regulation applies there shall be payable to the claimant for a period not exceeding one month beginning with the first day of his absence in respect of which he receives no earnings or insufficient earnings an amount of pension or allowance determined in accordance with regulation 5.

Claimants who fail to comply with conditions of Article 7 or 14

16.—(1) This regulation shall apply to a claimant who is not entitled to an allowance pursuant to the Order either—

(*a*) because he is not available for work and is not exempted from the requirement in Article 7 to be so available; or

(*b*) by virtue of Article 14(4) (failure to comply with direction to attend course),

but only if in the opinion of a benefit officer the award of an allowance under this regulation 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.

(2) In a case to which this regulation applies there shall be payable to the claimant an amount of allowance determined in accordance with regulation 5 as if regulation 8(1) of the Requirements Regulations applied to him (so that paragraph (5) of that regulation 5 shall apply).

Entitlement to pension or allowance not established

17.—(1) This regulation shall apply where a claimant has claimed a pension or allowance pursuant to the Order and—

(*a*) his entitlement to that pension or allowance has not been established; and

(*b*) in the opinion of the benefit officer, it is appropriate and reasonable in the circumstances that an award under this regulation is made.

(2) In respect of any one claim for pension or allowance pursuant to the Order to which this regulation applies there shall be payable to the claimant an amount of pension or allowance determined in accordance with regulation 5, but only for a period not exceeding three working days beginning with the day on which a determination under this regulation is made.

(3) In this regulation "working day" means any day other than Saturday or Sunday or any other day on which the office of the Department at which the claim is made is closed, whether in connection with a public holiday (being, for the purpose of this paragraph, Christmas Day or a Bank Holiday under the Banking and Financial Dealings Act 1971(**a**)) or otherwise.

Capital resources not readily realisable

18.—(1) This regulation shall apply to a claimant who has claimed a pension or allowance pursuant to the Order and—

(*a*) paragraph (8), (9) or (10) of regulation 4 of the Resources Regulations (notional resources in respect of discretionary trusts or seasonal or high earners) applies to him and, if that paragraph did not apply to him, he would be entitled to, or entitled to a higher amount of, that pension or allowance; or

(*b*) he is not entitled to that pension or allowance because the value of his capital resources exceeds the amount specified in regulation 7 of the Resources Regulations, and regulation 8 of those regulations does not apply to him,

and in either case the claimant does not have any capital resource which falls to be taken into account under regulation 5(4)(*b*) and which is readily realisable.

(2) In a case to which this regulation applies there shall be payable to the claimant an amount of pension or allowance determined in accordance with regulation 5, except that, in a case to which paragraph (1)(*a*) applies, paragraph (8), (9) or, as the case may be, (10) of regulation 4 of the Resources Regulations shall be disregarded.

(3) The period for which an amount of pension or allowance shall be payable under this regulation shall be such period as the benefit officer may estimate as being a reasonable period in which to realise a capital resource, but that period may be extended for any further period during which the claimant is taking reasonable steps to realise such a resource.

(**a**) 1971 c. 80

Requirements or resources not immediately ascertainable

19.—(1) This regulation shall apply where a claimant has claimed a pension or allowance pursuant to the Order and—

(*a*) in the determination of his entitlement to that pension or allowance his requirements or resources are not immediately ascertainable; and

(*b*) in the opinion of the benefit officer it is appropriate and reasonable in the circumstances that an award under this regulation is made.

(2) In a case to which this regulation applies there shall be payable to the claimant for a period beginning on the first day of the first benefit week falling after the date of the claim an amount of pension or allowance determined in accordance with regulation 5 except that, where the amount of any requirement or resource is not immediately ascertainable, the benefit officer shall estimate the amount which it would in the circumstances be reasonable to take into account.

Suspension of payment

20.—(1) This regulation shall apply where a claimant has been awarded a pension or allowance and—

(*a*) payment or part-payment of that pension or allowance has been suspended by virtue of regulation 8 of the Determination of Questions Regulations (suspension of payment by the Department pending review or appeal);

(*b*) after that suspension the weekly amount of any pension or allowance payable and any earnings or other income resources as calculated under Part III of the Resources Regulations would be less than the weekly amount of requirements applicable to him determined in accordance with regulation 5(3); and

(*c*) in the opinion of the benefit officer it is appropriate and reasonable that an award under this regulation is made.

(2) In a case to which this regulation applies there shall be payable to the claimant an amount of pension or allowance determined in accordance with regulation 5.

Persons from abroad

21.—(1) This regulation shall apply to a claimant to whom regulation 10(4A) of the Requirements Regulations (persons from abroad) applies to whom one of the following applies—

(*a*) sub-paragraph (*a*) of that regulation 10(4A) applies to him and—

(i) he has during any one period of limited leave to remain in the United Kingdom supported himself without recourse to public funds, other than any such recourse by reason of the previous application of this sub-paragraph, but

(ii) he is temporarily without funds (for example because remittances from abroad have been disrupted),

and there is a reasonable expectation that his supply of funds will be resumed;

(*b*) he is awaiting the determination of an application made by virtue of section 3 of the Immigration Act 1971(a) (general provisions for regulation and control) for leave to remain in the United Kingdom to be varied; or

(*c*) he is awaiting the determination of an appeal made by virtue of Part II of the Immigration Act 1971 (appeals).

(2) In a case to which this regulation applies there shall be payable an amount of pension or allowance determined in accordance with regulation 5—

(a) 1971 c. 77

(*a*) in a case to which paragraph (1)(*a*) applies, for a period not exceeding 42 days in aggregate during any one period of limited leave to remain in the United Kingdom;

(*b*) in a case to which paragraph (1)(*b*) applies—

(i) for a period ending not later than the date on which that determination is sent to the claimant, or

(ii) if the claimant has a right to appeal against that determination by virtue of Part II of the Immigration Act 1971, for a period ending not later than 28 days after the date on which that determination is sent to the claimant;

(*c*) in a case to which paragraph (1)(*c*) applies, for a period ending not later than the end of the period for which that appeal is treated as pending by virtue of section 33(4) of the Immigration Act 1971.

(3) For the purposes of paragraphs (1)(*a*) and (2)(*a*) a period of limited leave to remain in the United Kingdom which is extended shall be construed as one period of limited leave.

Failure to maintain

22.—(1) This regulation shall apply where by virtue of paragraph 3(1) of Schedule 1 to the Order (aggregation of requirements and resources of couples) the requirements and resources of one person (in this regulation referred to as A) fall to be aggregated with and treated as those of another person (in this regulation referred to as B) and—

(*a*) whether by default or otherwise B is not maintaining A; and

(*b*) if the requirements and resources of A and B did not fall to be aggregated, A would be entitled to a pension or allowance pursuant to the Order if he satisfied the conditions for claiming and payment prescribed pursuant to Article 19.

(2) In a case to which this regulation applies—

(*a*) for the purposes only of these regulations, paragraph 3(1) of Schedule 1 to the Order shall not apply (and accordingly A shall be a claimant for the purposes of these regulations); and

(*b*) there shall be payable to A an amount of pension or allowance determined in accordance with regulation 5.

Unmarried couples

23.—(1) This regulation shall apply where a person (in this regulation referred to as A) has been in receipt of a pension or allowance pursuant to the Order determined by reference to requirements and resources which did not include those of another person (in this regulation referred to as B) but did by virtue of paragraph 3(2) of Schedule 1 to the Order (aggregation of requirements and resources of dependants) include those of another person or persons (in this regulation referred to as C) of whom B is not the parent and—

(*a*) a benefit officer has determined that A and B are living together as husband and wife so that the requirements and resources of A would, but for this regulation, by virtue of paragraph 3(1) of that Schedule (aggregation of requirements and resources of couples), be aggregated with those of B, and A would no longer be entitled to that pension or allowance;

(*b*) if B made a claim for a pension or allowance he would not be entitled to it in respect of himself and the persons (including A) whose requirements and resources would be aggregated with and treated as his by virtue of the said paragraph 3(1) and (2) (in this regulation those persons and B being referred to as "B's assessment unit"); and

(*c*) the immediate reduction in the income of B's assessment unit which would result from the loss of the pension or allowance payable to A would be so severe that its total weekly income would be less than the amount which would be applicable to the members of that unit under Parts II, III and IV of the Requirements Regulations (normal, additional and housing requirements).

(2) In a case to which this regulation applies Schedule 1 to the Order shall be modified so that, subject to the provisions of regulation 5(4)(*a*), (6) and (7) (notwithstanding the exclusion in regulation 5(1)), there shall be payable to A whichever is the lesser amount of the following—

(*a*) an amount of pension or allowance equal to the difference between the total weekly income of B's assessment unit and the amount which would be applicable to it under Parts II, III and IV of the Requirements Regulations; or

(*b*) the amount of pension or allowance pursuant to the Order which would be payable to A if a benefit officer had not determined that A and B are living together as husband and wife.

(3) In this regulation "total weekly income" means B's resources as calculated in accordance with Part III of the Resources Regulations (earnings and other income) but including any income otherwise disregarded from which there shall be deducted—

(*a*) any payment which B makes to any spouse, former spouse or child of his who is not a member of the same household as B;

(*b*) any payment in respect of essential furniture or household equipment on hire purchase to which regulation 11 of the Single Payments Regulations would apply if A or B were entitled to make a claim for it.

PART IV

DISCRETIONARY AMOUNTS

Discretionary amounts

24. Where a claimant either—

(*a*) claims an amount of supplementary benefit by way of a single payment or pension or allowance under any of the regulations in Part II or III, but fails to satisfy the conditions for that amount; or

(*b*) claims to have an urgent need for which no provision is made in Part II or III,

there shall be payable to the claimant to meet that urgent need an amount of supplementary benefit by way of a single payment determined in accordance with regulation 4 or, as the case may be, an amount of pension or allowance determined in accordance with regulation 5 if, in the opinion of a benefit officer, a payment of such an amount 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.

PART V

RECOVERY

Sums not to be recovered

25.—(1) This regulation is without prejudice to the provisions of Article 25 (recovery in cases of misrepresentation or non-disclosure).

(2) A sum paid by virtue of regulation 12 (period between day of claim and day of entitlement), regulation 16 (failure to comply with conditions of Article 7 or 14) or regulation 23 (unmarried couples) shall not be recovered.

(3) Where a sum is paid for an item by virtue of regulation 9(*a*) and paragraph 3 of Schedule 2 (deposits for accommodation), or for any period by virtue of regulation 17 (entitlement to pension or allowance not established), regulation 19 (amount of requirements or resources not immediately ascertainable) or regulation 20 (suspension of payment) and it is subsequently determined that the claimant was, pursuant to the Order, entitled to a pension or allowance in respect of the same item or the same period, in so far as that sum does not exceed the amount of pension or allowance which would, but for this paragraph, have been payable, that sum shall not be recovered but shall be treated as paid on account of the pension or allowance to which the claimant is entitled pursuant to the Order.

(4) Where in a case to which regulation 22 (failure to maintain) has applied it is subsequently determined that the person there referred to as B was, pursuant to the Order, entitled to a pension or allowance in respect of the same period as that for which an amount of pension or allowance was paid under that regulation to the person there referred to as A, in so far as the amount paid to A does not exceed the amount of pension or allowance which would, but for this paragraph, have been payable to B, that amount paid to A shall not be recovered but shall be treated as paid on account of the pension or allowance to which B is entitled pursuant to the Order.

(5) Any sum of £10 or less, or a series of sums in respect of the same circumstances which are in aggregate £10 or less, shall not be recovered.

(6) Any other sum paid by virtue of these regulations shall not be recovered where—

(*a*) the claimant is entitled to a pension or allowance pursuant to the Order and—

(i) the amount of his income resources falling to be taken into account for the purpose of calculating his resources under the Resources Regulations is not reduced by regulation 10(5) or 11(5) of those regulations (partial disregard of earnings or other income respectively),

(ii) he has no capital resources which fall to be disregarded under regulation 6(2) of those regulations;

(*b*) the claimant is not entitled to a pension or allowance pursuant to the Order but—

(i) the amount of his income resources, if any resources which would otherwise fall to be disregarded under the Resources Regulations are taken into account in full, is less than the amount of requirements applicable to him under the Requirements Regulations, and

(ii) he has no capital resources other than those which fall to be disregarded under regulation 6(1) of the Resources Regulations,

and it is, in the opinion of the benefit officer, likely that sub-paragraph (*a*) or (*b*) would apply to him for a period in excess of 6 months from the date of the payment of the sum under these regulations.

Prescribed benefits

26.—(1) For the purpose of Article 6(2) the prescribed benefits shall be the benefits mentioned in regulation 6 of the Duplication and Overpayment Regulations (prescribed benefits for the purposes of recovery under Article 25 in cases of misrepresentation or non-disclosure), but as if for the reference in that regulation to regulation 7 of those regulations there were substituted a reference to paragraph (2) of this regulation.

(2) Recovery under Article 6(2) by deduction from pension or allowance payable pursuant to the Order shall be only to the extent set out in the following sub-paragraphs—

(*a*) where the claimant has any capital resources which fall to be disregarded under regulation 6(2) of the Resources Regulations, there may be recovered by way of deduction from the pension or allowance to which he is entitled in respect of any one benefit week an amount not exceeding £10;

(*b*) in any other case, there may be recovered by way of deduction from the pension or allowance to which he is entitled in respect of any one benefit week an amount not exceeding one half of the income falling to be disregarded by virtue of regulation 10(5) or 11(5) of the Resources Regulations, except that, if that amount does not exceed 50 pence, no sum shall be recovered by deduction from that pension or allowance; but any application of regulation 7(3) of the Duplication and Overpayment Regulations or regulation 17(3) of the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981(**a**) shall have priority over the application of this sub-paragraph;

(*c*) in any case, the amount deducted by way of recovery shall not be such as would reduce the amount of pension or allowance paid in respect of a benefit week to the claimant—

(i) where he is also entitled to payment of any benefit under the Social Security (Northern Ireland) Act 1975(**b**) together with which, under arrangements made by the Department, pension or allowance is paid, to less than 5 pence,

(ii) in any other case, to less than 10 pence.

PART VI

REVOCATIONS

Revocations

27. The Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1980(**c**) and regulation 9 of the Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1981(**d**) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 11th November 1981.

(L.S.) *I. M. S. Jordan* (Miss)
Assistant Secretary

(**a**) S.R. 1981 No. 368
(**b**) 1975 c. 15
(**c**) S.R. 1980 No. 424
(**d**) S.R. 1981 No. 215

SCHEDULE 1 Regulation 8(1)

Single Payments for Emergency Relief

Items and cases applicable 1	*Amount payable* 2
Clothing and footwear 1. Any item of clothing or footwear specified in column 1 of Schedule 2 to the Single Payments Regulations, subject to the provisions of regulation 27(3) of those regulations (items applicable to children).	1. The cost of purchase not exceeding the amount applicable under regulation 27(2) of the Single Payments Regulations.
Emergency travelling expenses 2. Expenses for travel in Northern Ireland so as to enable any member of the assessment unit affected by the disaster—	2. The amount applicable under regulation 22(2) of the Single Payments Regulations.
(*a*) who is resident in the place in which or, as the case may be, in the area in which the disaster occurred, to leave the place in which the disaster occurred so as to stay with a relative or friend until the home is habitable;	
(*b*) who is a visitor to the place in which or, as the case may be, to the area in which the disaster occurred, either—	
(i) to return home, or	
(ii) where that home is outside Northern Ireland, to travel to his point of departure from Northern Ireland or, if he has no means of travel from that point, to travel to the nearest representative in Northern Ireland of his country of residence;	
(*c*) who is either resident or a visitor, to travel to his place of employment.	
Emergency help for purchasing bedclothes and essential furniture and household equipment 3. Any of the following items which any member of the assessment unit who is resident in the place in which or, as the case may be, in the area in which the disaster occurred does not possess or does possess, but which is defective or unsafe and the cost of repair to which paragraph 4 would otherwise apply would exceed the cost of replacement—	
(*a*) any item of bedclothes specified in column 1 of Schedule 1 to the Single Payments Regulations 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	3.(*a*) The amount specified for that item in column 2 of Schedule 1 to the Single Payments Regulations;

Items and cases applicable 1	*Amount payable* 2
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) and to the circumstances of the disaster (for example, extra blankets where electricity supply is disrupted);	
(*b*) sufficient beds and mattresses for all the members of the assessment unit;	(*b*) the cost of a new item;
(*c*) a cooker;	(*c*)&(*d*) the cost of a reconditioned item if such item is available, and in any other case the cost of a new item;
(*d*) a space heating appliance;	
(*e*) a table and sufficient chairs for all members of the assessment unit;	(*e*) the cost of a second-hand item, if available, and in any other case, the cost of a new item;
(*f*) essential cleaning materials, cooking utensils, crockery, cutlery and a fireguard.	(*f*) the cost of purchase; and in respect of an item to which sub-paragraph (*b*), (*c*), (*d*) or (*e*) applies shall include the cost of delivery and, where appropriate, installation.
Emergency help for repairs of essential furniture and household equipment 4. Any item to which paragraph 3 applies which because of the disaster is in need of essential repair, unless the cost of repair would be more than the cost of replacing the item under that paragraph or the repair would be uneconomic having regard to the future viability of the item.	4. The reasonable costs of repair, and where appropriate, installation, re-installing or removal.
Emergency minor repairs to property 5. Emergency minor repairs to the home of a claimant who is a resident in respect of damage caused by the disaster (for example, so as to secure the building temporarily such as by boarding-up windows and patching the roof).	5. The reasonable costs of repair.
Emergency removal expenses 6. Removal within Northern Ireland of the assessment unit's household goods and personal effects.	6. The cheaper of two competitive estimates of the cost of the removal which the claimant shall furnish in pursuance of his claim, except that if in any case the Department directs that, having regard to urgency, it would not be reasonable for him to obtain more than one estimate the amount shall be the amount of that estimate.

Items and cases applicable 1	*Amount payable* 2
Emergency fuel 7. Fuel essential for— (*a*) cooking; (*b*) space and water heating; (*c*) lighting; (*d*) where the disaster resulted in flooding, drying out the home and personal effects.	7. The cost of the fuel.

SCHEDULE 2 Regulation 9(*a*)

Single Payments in Other Urgent Cases

Items and cases applicable 1	*Amount payable* 2
Urgent travel 1. Travelling expenses within Northern Ireland in the following circumstances— (*a*) a member of the assessment unit is visiting a person who is critically ill and who is a close relative of or was prior to his illness a member of the same household as the member visiting; (*b*) in a case to which sub-paragraph (*a*) applies, the member travelling is incapable of doing so alone and needs to be accompanied; (*c*) a member of the assessment unit is stranded without the means to return home or to proceed to his final destination whichever is cheaper, except that this sub-paragraph shall not apply to a child who is stranded without a parent or guardian; (*d*) the claimant is in receipt of an amount of pension or allowance by virtue of any provision of these regulations, is in remunerative full-time work and incurs travelling expenses between his accommodation and his employment; (*e*) the claimant is a person who— (i) either is not subject to control under the Immigration Act 1971 or has been accepted for settlement under that Act, and (ii) on his arrival in Northern Ireland has to travel to his final destination in Northern Ireland; (*f*) the claimant is a person to whom regulation 21 applies and he and other members of the assessment unit are travelling to his country of residence, except that this sub-paragraph shall only apply in respect of travel to the point of departure or, if he has no means of travel from that point, to travel to the nearest representative in Northern Ireland of his country of residence.	1. In any case the amount applicable under regulation 22(2) of the Single Payments Regulations subject to the following— (*a*) that amount shall be increased where— (i) in a case to which sub-paragraph (*a*) and, where applicable, (*b*) in column 1 of this paragraph applies a return journey in one day is impracticable (for example, on the grounds of distance) or return on a day later than the second day is reasonable (for example, so that a parent may visit a child in hospital for a longer period), (ii) in a case to which sub-paragraph (*c*) in column 1 of this paragraph applies the journey to the home or other destination in one day is impracticable, to include the cost of one night's lodging or, in a case to which head (i) 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; (*b*) that amount shall be increased, in a case to which sub-paragraph (*a*) (and where applicable, (*b*)), (*c*) or (*e*) of column 1 of this paragraph applies, to include the cost of one main meal for each period of 24 hours absent from the home or other destination; (*c*) that amount shall be payable, in a case to which sub-paragraph (*d*) of column 1 of this paragraph applies, for the period for which he is in need of such expenses or the period in respect of which the amount of pension or allowance is payable, whichever is the shorter.
Expenses on starting work 2. Items to which and circumstances in which regulation 23 of the Single Payments Regulations (single payment for expenses on starting work if job would otherwise be lost) would apply but for a payment made for the	2. The amount applicable under paragraph (3) of regulation 23 of the Single Payments Regulations.

Items and cases applicable 1	*Amount payable* 2
benefit of the claimant under section 41 of the Prison Act (Northern Ireland) 1953(a) (payments for discharged prisoners).	
Deposits for accommodation	
3. Where a claimant has no fixed address and it is reasonable to make a single payment under this paragraph, a deposit to secure accommodation.	3. The amount of the deposit.

(a) 1953 c. 18 (N.I.); as amended by section 27 of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations are made for the purpose only of consolidating the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1980 with subsequent amending regulations. They provide for supplementary benefit by way of a single payment or a supplementary pension or allowance (''pension or allowance'') to be payable in urgent cases and modify the Supplementary Benefits (Northern Ireland) Order 1977 (''the Order'') accordingly. They also set out the circumstances in which a sum paid in such a case is not to be recovered.

Part I contains provision for citation and commencement, and interpretation in particular of Parts II to IV. Urgent cases are identified in regulation 3 as those cases to which the regulations apply, but only where resources are not available from any other source. Provision is made as to the modification of the Order in such cases. Regulation 4 provides that, where a single payment by way of supplementary benefit is applicable under Parts II to IV and Schedules 1 and 2, the amount payable is to be the amount specified, unless the claimant has some funds to meet the costs, in which case the shortfall will be payable. Regulation 5 provides for the determination of requirements and calculation of resources for the purposes of regulation 3 and the determination of the amount of pension or allowance payable in accordance with Parts II to IV. Regulation 6 prescribes the circumstances in which the sum will not be payable under these regulations, even under the provisions for discretionary amounts (regulation 24). Regulation 7 provides that sums paid under these regulations are only recoverable if the benefit officer (and consequently the other determining authorities under the Order) has so determined.

Parts II to IV set out the circumstances in which and items for which a single payment will be made and the circumstances in which an amount of pension or allowance to meet living expenses will be paid.

Part II (regulation 8 and Schedule 1) provides that where a claimant, his partner or dependant is affected by a disaster, the claimant is eligible for a single payment for items set out in Schedule 1 (for example, furniture and repairs needed because of the disaster) and for an amount of pension or allowance for living expenses. The regulation applies for a period of 14 days following the disaster unless the period is extended in any case by the Department. Subject to regulations 3 to 6, it applies to anyone whether or not he would in usual circumstances be entitled to supplementary benefit.

Part III (regulations 9-23 and Schedule 2) applies to other urgent cases identified in those regulations. Regulation 9 provides for single payments to be made for items to which and in circumstances to which Schedule 2 applies and for amounts of pension or allowance to be paid in circumstances and for periods to which regulations 10-23 apply. Subject to regulations 3 to 6, urgent cases in which pension or allowance is payable, either to any claimant or to specified claimants, are where money is lost (regulation 10) or not paid (regulation 11), for the period between the day of claim for pension or allowance and the day on which payment begins (regulation 12), where money is spent on essentials (regulation 13), where earnings are not received in advance on starting work (regulation 14), or because of absences from work (regulation 15), where there is no entitlement to benefit in the usual way because of provisions of the Order or failure to comply with them (regulations 16-20), where persons from abroad are in certain circumstances (regulation 21), cases where a person fails to maintain his partner but the partner is unable to claim benefit under the Order (regulation 22) and where 2 persons are to be treated as an unmarried couple

and not entitled to pension or allowance but the reduction in their income in consequence is severe (regulation 23).

Part IV (regulation 24) confers a discretion on the benefit officer (and consequently on other determining authorities) to make a single payment or award pension or allowance where none of the preceding provisions applies but where payment or award is necessary to prevent serious damage or serious risk to the health or safety of the claimant or any partner or dependant of his.

Part V (regulations 25 and 26) relates to recovery. Regulation 25 specifies that sums paid under regulation 12, 16 or 23 are not to be recovered, nor is any sum less than £10. No sum is to be recovered from a claimant who has a low income. Regulation 26 prescribes the benefits from which recovery may be made by way of deduction including the extent to which deduction may be made from subsequently paid pension or allowance; provision is made for the maximum amount to be deducted from pension or allowance and the minimum amount to be left in payment.

Part VI (regulation 27) specifies provisions which are revoked.