1985 No. 91

SOCIAL SECURITY

The Supplementary Benefit (Requirements and Resources) (Miscellaneous Provisions) Regulations (Northern Ireland) 1985

Made	*19th April 1985*
Coming into operation . . .	*29th April 1985*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 2(2), 3(3), 4(1A) and (2) and 41(4) of, and paragraph 2(1), (3) and (4) of Schedule 1 to, the Supplementary Benefits (Northern Ireland) Order 1977(**a**) and of all other powers enabling it in that behalf, and with the consent of the Department of Finance and Personnel(**b**), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Requirements and Resources) (Miscellaneous Provisions) Regulations (Northern Ireland) 1985 and shall come into operation on 29th April 1985.

(2) In these regulations "the Requirements Regulations" means the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983(**c**).

Amendment of the definition of "close relative" in the Requirements Regulations

2. For the definition of "close relative" in regulation 2(1) of the Requirements Regulations (interpretation) there shall be substituted the following definition—

" "close relative" means parent, son, daughter, step-parent, step-son, step-daughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother, sister, brother-in-law or sister-in-law;".

Amendment of provisions as to boarders

3.—(1) Regulation 9 of the Requirements Regulations (modification of normal requirements of boarders) shall be amended as follows—

(*a*) for paragraph (6) there shall be substituted the following paragraph—

"(6) Subject to paragraphs (6A) and (13), the maximum amount in respect of the assessment unit as a whole referred to in paragraph (1)(*a*) shall be the aggregate of the following amounts—

(*a*) in respect of each member of the assessment unit who is a dependant aged less than 11, 1½ times the amount referred to in paragraph (5)(*c*); and

(*b*) in respect of each other member of the assessment unit, the appropriate amount specified in or, as the case may be, determined in accordance with Schedule 1A.";

(a) S.I. 1977/2156 (N.I. 27); *see* definitions of "prescribed" and "regulations" in Article 2(2); 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: Article 4(1A) was substituted by paragraph 11 of Schedule 1 to the Social Security Adjudications (Northern Ireland) Order 1983 (S.I. 1983/1524 (N.I. 17))

(b) Formerly the Department of Finance: *see* S.I. 1982/338 (N.I. 6), Article 3. *See* also Article 41(1) of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by the Social Security (Northern Ireland) Order 1980

(c) S.R. 1983 No. 61; the relevant amending regulations are S.R. 1983 No. 215 and S.R. 1984 Nos. 348 and 446

(*b*) at the beginning of paragraph (6A) there shall be inserted "Subject to paragraph (13), where the accommodation provided for the claimant is accommodation to which paragraph 4 or 6 of Schedule 1A relates (hostels or ordinary board and lodging)";

(*c*) in paragraph (6A)(*c*) there shall be deleted heads (i), (ii) and (iv);

(*d*) in paragraph (6B) after "in paragraph (6)(*a*)" there shall be inserted "or a partner calculated in the manner referred to in paragraph 6(3) of Schedule 1A";

(*e*) in paragraph (9) for "The allowance for personal expenses referred to in paragraph (1)(*b*) shall be — " there shall be substituted "Subject to paragraph (13)(*e*), the allowance for personal expenses referred to in paragraph (1)(*b*) for any member of the assessment unit aged not less than 18 or a claimant or partner aged less than 18 but not less than 16, in a home for persons in need or a nursing home shall be £8·50, and in any other case that allowance shall be —";

(*f*) for paragraphs (11) and (12) there shall be substituted the following paragraph—

"(11) Notwithstanding paragraph (10), a person shall not be a boarder for the purposes of this regulation if he is a person to whom any paragraph of Schedule 1B applies.".

(*g*) after paragraph (12) there shall be added the following paragraph—

"(13)(*a*) Notwithstanding the provisions of paragraphs (6) to (11), sub-paragraphs (*b*) to (*g*) shall have effect where the claimant was in receipt of supplementary benefit as a boarder immediately before 29th April 1985, or would have been in receipt of such benefit but for the claimant's temporary absence from his accommodation in circumstances as set out in sub-paragraph (*h*) and, subject to sub-paragraph (*h*), continues after that date to be a boarder in the same accommodation; and for the purposes of this paragraph, a claimant to whom sub-paragraph (*b*), (*c*), (*d*) or (*e*) applies who changes his accommodation shall nevertheless be deemed to be in the same accommodation if the accommodation he moves to is a home for persons in need or a nursing home;

(*b*) where—

(i) the accommodation is a home for persons in need or a nursing home, and

(ii) the claimant or his partner had attained pensionable age on or before 29th April 1985,

the appropriate amount for the purposes of paragraph (6) shall be the weekly amount determined to be appropriate under paragraph (1)(*a*) prior to that date (hereafter in this paragraph referred to as "the protected amount") so long as the protected amount exceeds the amount that would otherwise be the appropriate amount under paragraph (6);

(*c*) where—

(i) the accommodation is a home for persons in need, a nursing home or a hostel, and

(ii) in the case of a home for persons in need or a nursing home, the claimant or his partner has not attained pensionable age on or before 29th April 1985,

the appropriate amount for the purposes of paragraph (6) shall, until the period ending on 28th April 1986, be the protected amount so long as the

protected amount exceeds the amount that would otherwise be the appropriate amount under paragraph (6), unless in any particular case or class of case the Department determines that such period shall be extended;

(*d*) where—

(i) the accommodation is a home for persons in need or a nursing home, and

(ii) the claimant is in receipt of attendance allowance which, by virtue of regulation 11(4A) of the Resources Regulations(**a**), does not fall to be disregarded, and

(iii) immediately prior to 29th April 1985 the claimant was able to meet out of resources disregarded under regulation 11(4)(*b*) of the Resources Regulations, in whole or in part, the balance of the actual charge for such accommodation over the maximum amount determined under paragraph (6), and

(iv) on or after 29th April 1985 there continues to be such a balance to be met,

the appropriate amount for the purposes of paragraph (6) shall be increased by such amount, not exceeding the amount of such balance as could be met out of those resources immediately prior to 29th April 1985, as will enable such balance to be met in whole or in part as aforesaid, provided that, in the case of a person who has not attained pensionable age on or before that date no such increase shall be made after 28th April 1986, unless in any particular case or class of case the Department determines that such increase shall be paid after 28th April 1986;

(*e*) where the accommodation is a home for persons in need or a nursing home, the allowance for personal expenses for the purposes of paragraph (9) shall be the amount of the allowance for personal expenses payable by virtue of that paragraph prior to 29th April 1985 so long as that amount exceeds the appropriate allowance specified in that paragraph;

(*f*) where the accommodation is accommodation to which paragraph 6 of Schedule 1A relates (ordinary board and lodging), the appropriate amount for the purposes of paragraph (6) during the specified periods referred to in heads (i) and (ii) shall be the protected amount so long as that protected amount exceeds the amount that would otherwise be the appropriate amount under paragraph (6); and for the purposes of this sub-paragraph the specified periods shall be—

(i) the period until 28th April 1986, in a case where the protected amount includes an increase under paragraph (6A); or

(ii) in any other case, a period ending 13 weeks after the adjudication officer's decision as to the claimant's entitlement to supplementary benefit following the coming into operation of the Supplementary Benefit (Requirements and Resources) (Miscellaneous Provisions) Regulations (Northern Ireland) 1985 (hereafter in this paragraph referred to as "the review decision");

(*g*) where the claimant is a person to whom paragraph 5 of Schedule 1B applies (persons under 26 who are available for employment), the period during which sub-paragraph (1) of that paragraph is not to have effect by virtue of sub-paragraph (2) of that paragraph shall be a period ending either 4 weeks or, as the case may be, 8 weeks after the review decision depending on whether the accommodation in question is in a board and

(a) Added by regulation 3(5) of these regulations

lodging area in relation to which the appropriate initial period for the purpose of that sub-paragraph (2) is respectively either a period of 4 weeks or, as the case may be, a period of more than 4 weeks;

(*h*) the provisions of this paragraph shall have effect notwithstanding the temporary absence of a person from—

(i) a hostel for not more than 13 weeks; or

(ii) a home for persons in need or a nursing home for not more than either 12 months in the case of a person who is of pensionable age or, for not more than 13 weeks in the case of a person who is under pensionable age; or

(iii) accommodation to which paragraph 6 of Schedule 1A relates (ordinary board and lodging) for not more than either 4 weeks or, in a case where the protected amount includes an increase under paragraph (6A), 13 weeks,

except, in the case of head (iii), where that person is a person to whom paragraph 5(2) of Schedule 1B applies (a boarder during an initial period).''.

(2) Regulation 10 of the Requirements Regulations (modification of normal requirements) shall be amended as follows—

(*a*) in paragraph (5) for ''In paragraph 1 of Schedule 2'' there shall be substituted ''For the purposes of paragraph 1 of Schedule 2 a person to whom paragraph (5A) applies shall not be treated as being in residential accommodation, but, save as aforesaid, in paragraph 1 of Schedule 2'';

(*b*) for sub-paragraph (*b*) of paragraph (5) there shall be substituted the following sub-paragraph—

''(*b*) in residential accommodation by the Department pursuant to Article 7 or 8 of the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) (prevention of illness, care and after-care or care of mothers and young children) but in the case of such accommodation under the said Article 7 only where the accommodation is in premises registered under Article 35 of, and Schedule 5 to, that Order (registration of homes for persons in need) other than in premises which are used for the rehabilitation of alcoholics or drug addicts.'';

(*c*) after paragraph (5) there shall be inserted the following paragraph—

''(5A) For the purposes of paragraph (5) this paragraph applies to a person who is staying in a home for persons in need as defined in paragraph 7(1) of Schedule 1A provided under the provisions referred to in paragraph (5)(*b*) where the weekly cost of such accommodation exceeds the maximum amount provided for under regulation 9(6) in respect of such accommodation and where the Department accepts responsibility for the making of arrangements for the provision of such accommodation for that person in the light of that person being entitled to such maximum amount as a boarder under and by virtue of that regulation, provided that, in the case of a person over pensionable age the Department had accepted such responsibility for a period of not less than 2 years immediately before that person attained pensionable age.''.

(3) After Schedule 1 to the Requirements Regulations (normal requirements) there shall be inserted as Schedules 1A and 1B the Schedules set out in Schedules 1 and 2 respectively to these regulations.

(4) In Schedule 2 to the Requirements Regulations (modification of normal requirements in special cases) after paragraph 11 there shall be added the following paragraph—

(**a**) S.I. 1972/1265 (N.I. 14)

"Certain persons under 26 who are not treated as boarders		
12. Person aged under 26 but not less than 16 who is not a boarder by virtue of regulation 9(11) and paragraph 5(1) of Schedule 1B and who is— (*a*) a single claimant; (*b*) a relevant person.	12. Paragraphs 1 to 4 of the Table and paragraphs 1 and 2 of Schedule 1.	12. (*a*) The ordinary rate for non-householders under paragraph 1 or 2, as appropriate, of Schedule 1; (*b*) the ordinary rate for couples specified in paragraph A(*b*) of Schedule 1, together with, in the case of a claimant aged 21 or over, the amount specified in regulation 23(1) (non-householder's contribution).".

(5) Regulation 11 of the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1984(**a**) (calculation of other income) shall be amended as follows—

(*a*) at the beginning of paragraph (4)(*b*) there shall be inserted "subject to paragraph (4A),";

(*b*) after paragraph (4) there shall be inserted the following paragraph—

"(4A) (*a*) Subject to the following sub-paragraphs, income resources to which paragraph (4)(*b*) applies which are paid or payable to a boarder in accommodation to which paragraph 1, 2 or 3 of Schedule 1A to the Requirements Regulations relates (homes for persons in need and nursing homes), shall not be disregarded;

(*b*) the amount of income resources not to be disregarded by virtue of this paragraph shall not exceed the amount of the higher rate of attendance allowance payable under section 35(3) of the Act;

(*c*) sub-paragraphs (*a*) and (*b*) shall not have effect before 29th July 1985 in the case of such a person who was in receipt of supplementary benefit immediately before 29th April 1985 or would have been in receipt of such benefit but for that person's temporary absence from his accommodation in circumstances as set out in regulation 9(13)(*h*)(ii) or (iii) of the Requirements Regulations(**b**).".

(**a**) S.R. 1984 No. 54, to which there are amendments not relevant to the subject matter of these regulations

(**b**) Added by regulation 3(1)(*g*) of these regulations

Revocation

4. Regulation 3 of the Supplementary Benefit (Requirements) (Amendment and Temporary Provisions) Regulations (Northern Ireland) 1984(**a**) (temporary provisions as to boarders) is hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 19th April 1985.

(L.S.) *C. Davie*
Assistant Secretary

The Department of Finance and Personnel hereby consents to the foregoing regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 19th April 1985.

(L.S.) *R. G. Smartt*
Assistant Secretary

(a) S.R. 1984 No. 446

SCHEDULE 1 Regulation 3(3)

Schedule 1A to the Requirements Regulations as inserted by these Regulations

SCHEDULE 1A Regulation 9(6)(*b*)

Maximum Amounts for Boarders

Homes for persons in need

1.—(1) Subject to paragraphs 3 and 5, where the accommodation provided for the claimant is a home for persons in need of care and attention by virtue of—

(*a*) being aged and infirm, the appropriate amount shall be £110·00 per week; or

(*b*) past or present mental disorder but excluding mental handicap, the appropriate amount shall be £120·00 per week; or

(*c*) past or present drug or alcohol dependence, the appropriate amount shall be £120·00 per week; or

(*d*) mental handicap, the appropriate amount shall be £140·00 per week; or

(*e*) physical disablement, the appropriate amount, in the case of persons to whom sub-paragraph (2) applies, shall be £170·00 per week or, in any other case that amount shall be £110·00 per week; or

(*f*) any other condition not falling within sub-paragraphs (*a*) to (*e*), the appropriate amount shall be £110·00 per week.

(2) For the purposes of sub-paragraph (1)(*e*), this sub-paragraph applies to persons under pensionable age, or persons over pensionable age who before attaining pensionable age had become physically disabled.

Nursing homes

2.—(1) Subject to paragraphs 3 and 5, where the accommodation provided for the claimant is a nursing home for persons requiring nursing care by virtue of—

(*a*) past or present mental disorder but excluding mental handicap, the appropriate amount shall be £148·60 per week; or

(*b*) mental handicap, the appropriate amount shall be £168·60 per week; or

(*c*) past or present drug or alcohol dependence, the appropriate amount shall be £148·60 per week; or

(*d*) physical disablement, the appropriate amount, in the case of persons to whom sub-paragraph (2) applies, shall be £198·60 per week or, in any other case that amount shall be £138·60 per week; or

(*e*) terminal illness, the appropriate amount shall be £198·60 per week; or

(*f*) any other condition not falling within heads (*a*) to (*e*), the appropriate amount shall be £138·60 per week.

(2) For the purposes of sub-paragraph (1)(*d*), this sub-paragraph applies to persons under pensionable age, or persons over pensionable age who before attaining pensionable age had become physically disabled.

3.—(1) Where the accommodation provided for the claimant is either a home for persons in need or a nursing home, being respectively a home for persons in need of care and attention, or for persons requiring nursing care, by virtue of any 2 or more of the physical or mental conditions referred to in paragraph 1 or, as the case may be, paragraph 2, the appropriate amount shall be as set out in the following sub-paragraphs.

(2) Where the care that the claimant is receiving in that accommodation corresponds to a category of care for which that accommodation is registered, the appropriate amount shall be that amount, subject to paragraph 5, in paragraph 1 or, as the case may be, paragraph 2, as is consistent with that care.

(3) Where the care that the claimant is receiving in that accommodation does not correspond to any of the categories of care for which the accommodation is registered, the appropriate amount shall be the lesser amount, subject to paragraph 5, in paragraph 1 or, as the case may be, paragraph 2, that is consistent with those categories.

(4) In any other case not coming within sub-paragraph (2) or (3), the appropriate amount shall be that amount, subject to paragraph 5, in paragraph 1 or, as the case may be, paragraph 2, having regard to the nature of the care that the home provides, as is consistent or reasonably consistent with the care that the claimant is receiving in that accommodation.

Hostels

4. Subject to paragraph 5, where the accommodation provided for the claimant is a hostel, the appropriate amount shall be £70·00 per week.

5.—(1) Any amount specified in paragraph 1, 2 or 4 shall cease to be applicable if having regard to prevailing conditions and circumstances such amount is no longer appropriate, in which case the appropriate amount for the purposes of those paragraphs shall be the amount determined in accordance with sub-paragraph (2).

(2) Any question as to whether any amount is no longer appropriate or as to the appropriate amount for the purposes of sub-paragraph (1) shall be determined by the Department in its discretion; and the Department's decision of such a question—

(*a*) shall be given generally and not in relation to a particular case;

(*b*) may be revised from time to time as the Department considers desirable;

(*c*) may make different provisions for different classes of case or otherwise for different circumstances;

(*d*) shall be published in such form as the Department considers suitable; and

(*e*) shall be conclusive for the purposes of this Schedule.

Ordinary board and lodging accommodation

6.—(1) Subject to sub-paragraphs (2) and (3), where the accommodation provided for the claimant is not a home for persons in need, a nursing home or a hostel, the appropriate amount shall be the amount specified as appropriate under sub-paragraph (2) for the board and lodging area in which that accommodation is situated.

(2) Any question as to the location of board and lodging areas and as to the amount appropriate for each board and lodging area for the purposes of sub-paragraph (1) shall be determined by the Department in its discretion; and the Department's decision of such a question—

(*a*) shall be given generally and not in relation to a particular case;

(*b*) may be revised from time to time as the Department considers desirable;

(*c*) may make different provisions for different classes of case or otherwise for different circumstances;

(*d*) shall be published in such form as the Department considers suitable; and

(*e*) shall be conclusive for the purposes of this Schedule.

(3) In the case of a relevant person in accommodation to which this paragraph applies with no dependant aged less than 11, the appropriate amount in respect of the claimant's partner shall be ¾ of the amount that is the appropriate amount for the claimant.

7.—(1) In regulation 9 and in this Schedule—

"home for persons in need" means an establishment—

(*a*) registered under Article 35 of, and Schedule 5 to, the Health and Personal Social Services (Northern Ireland) Order 1972; or

(*b*) in respect of which an application to so register has been made and until registration or refusal of registration, provided that the home or its manager or its proprietor has not been previously refused registration or had registration terminated; or

(*c*) managed or controlled by a public body constituted by special Act of Parliament or incorporated by Royal Charter;

"hostel" means a building not being a home for persons in need or a nursing home, wherein is provided for persons generally or for a class of persons, residential accommodation (otherwise than in separate and self-contained premises) and either board or facilities for the preparation of food adequate to the needs of those persons, or both, which is—

(*a*) managed by a housing association registered with the Department of the Environment for Northern Ireland in accordance with Article 124 of the Housing (Northern Ireland) Order 1981(**a**); or

(*b*) operated other than on a commercial basis and in respect of which funds are provided wholly or in part by the Department, any other government department or agency; or

(*c*) managed by a voluntary body or charity and provides care, support or supervision with a view to assisting those persons to be rehabilitated or resettled within the community; or

such other establishment of like nature as the Department may determine shall be treated as a hostel for the purposes of regulation 9 and this Schedule;

"nursing home" means—

(*a*) any premises within the meaning of section 10 of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971(**b**); or

(*b*) premises maintained or controlled by any body of persons constituted by special Act of Parliament or incorporated by Royal Charter; or

(*c*) a private hospital within the meaning of section 67(7) of the Mental Health Act (Northern Ireland) 1961(**c**);

"person in need" means a person who is in need of care and attention by virtue of age and infirmity, mental disorder, drug or alcohol dependence, mental handicap or physical disability.

(2) In paragraphs 1, 2 and 7(1) the expressions "aged and infirm", "mental disorder" and "physical disablement" shall have the same meanings as those expressions have for the purposes of the Health and Personal Social Services (Northern Ireland) Order 1972 and regulations made thereunder.

(**a**) S.I. 1981/156 (N.I. 3)

(**b**) 1971 c. 32 (N.I.); section 10 was amended by Article 109(3) of, and Schedule 18 to, the Health and Personal Social Services (Northern Ireland) Order 1972

(**c**) 1961 c. 15 (N.I.); subsection (7) was amended by section 2 of, and Part I of Schedule 1 to, the Health Services (Amendment) Act (Northern Ireland) 1967 c.9 (N.I.) and modified by Article 12(2) of, and Schedule 3 to, the Visiting Forces and International Headquarters (Application of Law) Order 1965 (S.I. 1965/1536)

SCHEDULE 2 Regulation 3(3)

Schedule 1B to the Requirements Regulations as inserted by these Regulations

SCHEDULE 1B Regulation 9(11)

Persons who are not Boarders for the purposes of Regulation 9

1. A person whose accommodation and meals (if any) are provided in whole or in part by a close relative or other than on a commercial basis.

2. A person who is, in the opinion of the adjudication officer, on holiday and during a period which has not yet continued for more than 13 weeks is absent from the home, hospital or similar institution in which he is normally a patient.

3. A person who, in the opinion of the adjudication officer, has entered into arrangements referred to in regulation 9(10) (meaning of "boarder") for the purpose of taking advantage of that regulation.

4. A person who is aged under 19 but not less than 16 and is in the care of the Department under the provisions of a relevant enactment, except such a person who is personally liable to pay the cost of his accommodation and maintenance direct to someone other than the Department.

5.—(1) Subject to sub-paragraphs (2) to (5), a person who—

(*a*) is aged under 26 but not less than 16 and, if a relevant person, whose partner is also aged under 26 but not less than 16; and

(*b*) is required to be available for employment.

(2) Sub-paragraph (1) shall not have effect in respect of such a person during the initial period (including the initial period as extended under sub-paragraph (5)) determined under sub-paragraph (3) as appropriate in respect of the board and lodging area determined under paragraph 6(2) of Schedule 1A, in which that person's accommodation is situated.

(3) Any question as to the number of weeks in the initial period for the purposes of sub-paragraph (2), in relation to each board and lodging area determined under paragraph 6(2) of Schedule 1A, shall be determined by the Department in its discretion; and the Department's decision of such a question—

(*a*) shall be given generally and not in relation to a particular case;

(*b*) may be revised from time to time as the Department considers desirable;

(*c*) may make different provisions for different classes of case or otherwise for different circumstances;

(*d*) shall be published in such form as the Department considers suitable; and

(*e*) shall be conclusive for the purposes of this Schedule.

(4) Sub-paragraph (1) shall not have effect also where such a person—

(*a*) has a dependant; or

(*b*) is in a hostel; or

(*c*) is, or has a partner who is, pregnant; or

(*d*) is, or has a partner who is, chronically sick, mentally handicapped, physically disabled or suffering from a mental disorder, or was, or has a partner who was, suffering from a mental disorder, and it is unreasonable to expect him or his partner to be in accommodation other than as a boarder; or

(*e*) had, or has a partner who had, immediately prior to the date of claim been in the accommodation for 6 months whilst either in employment and not in receipt of supplementary benefit, or, if not in employment and in receipt of supplementary benefit, was not required to be available for employment; or

(*f*) has, or has a partner who has, entered the accommodation as part of a programme of rehabilitation or resettlement under guidance from the Department, any other government department, a voluntary organisation or the probation and after-care service; or

(*g*) being a student, during periods when he is on vacation for any period constituting normal vacation from full-time education provided he occupies the same accommodation as he occupied when attending that full-time education course; or

(*h*) has, or has a partner who has, been in the care of the Department under a relevant enactment and 12 months have not elapsed since he or his partner ceased to be in care; or

(*i*) is aged under 19 but not less than 16 and—

(i) has no parent and there is no person acting in the place of his parent; or

(ii) has had to leave his family home because he was in physical or moral danger; or

(iii) is in the care of the Department under the provisions of a relevant enactment, being a person who is personally liable to pay the cost of his accommodation and maintenance direct to someone other than the Department.

(5) Where during an initial period such a person becomes employed and not in receipt of supplementary benefit or is no longer required to be available for employment and is in receipt of supplementary benefit, that initial period shall be extended by the period during which that person is employed or is no longer required to be available for employment provided he is in the same board and lodging area determined under paragraph 6(2) of Schedule 1A.

6.—(1) A person who was for a period a boarder by virtue of paragraph 5(2) (during an initial period) and in respect of whom the relevant period has not elapsed.

(2) For the purposes of this paragraph "the relevant period" means the period of 26 weeks from the first day of the benefit week in which benefit is payable in respect of 7 days following the adjudication officer's decision involving a determination that that person is a boarder by virtue of that paragraph 5(2).

7. In this Schedule—

"hostel" has the same meaning given to it in paragraph 7(1) of Schedule 1A;

"initial period" means that period determined by the Department under paragraph 5(2) consisting of a week or multiple of weeks beginning with the first day of the benefit week in which the benefit is payable in respect of 7 days following the adjudication officer's decision involving a determination that the person concerned is a boarder by virtue of paragraph 5(2), being a week or multiple of weeks that correspond to benefit weeks during which the person is required to be available for employment;

"relevant enactment" means the Children and Young Persons Act (Northern Ireland) 1968(**a**), the Matrimonial Causes (Northern Ireland) Order 1978(**b**) or the Domestic Proceedings (Northern Ireland) Order 1980(**c**).

(**a**) 1968 c. 34 (N.I.)
(**b**) S.I. 1978/1045 (N.I. 15)
(**c**) S.I. 1980/563 (N.I. 5)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983 (''the Requirements Regulations'') and regulation 11 of the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1984 (''the Resources Regulations''). They correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

Regulation 3 introduces the main changes by amending regulations 9 and 10 of the Requirements Regulations and regulation 11 of the Resources Regulations. The maximum amounts for boarders for different categories of accommodation are set out in a new Schedule 1A. For boarders in homes for persons in need or nursing homes the maximum amounts are specified by reference to the type of care provided. A maximum amount is specified for residence in a hostel as now defined. For ordinary board and lodging accommodation, i.e., accommodation that is not a home for persons in need, nursing home or hostel, the maximum amounts are determined by the Department and are related to board and lodging areas also determined by the Department.

A new Schedule 1B specifies persons who are not to be treated as boarders for the purposes of the regulations. Persons under 26 who are required to be available for employment are not to be treated as boarders except during certain initial periods as determined by the Department in relation to each board and lodging area and in certain specified cases as for example in cases of pregnancy, or for those with dependants, or for those who are chronically sick or physically or mentally disabled.

Regulation 3(1)(*e*) specifies the amount of personal allowance for those in homes for persons in need or nursing homes, which is fixed at £8·50 per week.

Regulation 3(2) allows in specified circumstances any payment made by a Health and Social Services Board for a resident in a private or voluntary home for persons in need to be disregarded for supplementary benefit purposes.

Regulation 3(5) provides for attendance allowance up to the level of the higher award paid to residents in homes for persons in need or nursing homes to be taken into account as income for supplementary benefit purposes.

Regulation 3(1)(*g*) introduces transitional arrangements for those in board and lodging accommodation immediately before 29th April 1985. The protection measures will last for an unlimited period for those over pension age in homes for persons in need or nursing homes; 12 months for those under pension age in such homes; 12 months for residents in hostels; 12 months for certain special categories in ordinary board and lodging accommodation; 13 weeks for others except those under 26 normally excluded from boarder status who will have protection for 4 or 8 weeks depending on the board and lodging area in which they reside.