

Commissioner's File: CSB/1045/1985

C A O File: AO 2781/85

Region: North Western

SUPPLEMENTARY BENEFITS ACT 1976

APPEAL FROM DECISION OF SOCIAL SECURITY APPEAL TRIBUNAL ON A QUESTION OF LAW
DECISION OF THE SOCIAL SECURITY COMMISSIONER

1. My decision is that the decision of the social security appeal tribunal dated 12 June 1985 is not erroneous in point of law.

2. The claimant, whose assessment unit comprises herself and her son at the time aged 13, made a claim for single payments for a three piece suite, a cooker and for decorating materials for parts of her home. The claim for a cooker has not, so far as I am aware, been the subject of my appeal. The claim for a three piece suite was rejected but a single payment was awarded of £30 for two easy chairs, and a further award of £54 in all was made for decorating materials. The claimant appealed in relation to these two awards. The appeal in relation to decorating materials was adjourned on 12 June 1985 and is not the subject matter of the present appeal to the Commissioner. The appeal in relation to the three piece suite was disallowed, in effect, by the appeal tribunal whose formal decision was expressed as a decision that there should be no single payment for extra chairs, that is to say, extra over and above the chairs already owned or for which an award had already been made. The reasons for the decision of the tribunal included the following:

"The Tribunal accepted that any assessment unit would require seating for the occasional guest, however the claimant does have two dining chairs to supplement the two easy chairs she has been awarded".

This points to the interpretation that I have placed on the meaning to be attributed to "extra chairs" in the decision itself.

3. The claimant now appeals to the Commissioner. Single payments for a three piece suite or for extra chairs can arguably be awarded either under regulations 9 and 10 of the Supplementary Benefit (Single Payments) Regulations 1981, which relate to items of essential furniture and household equipment; or under regulation 30 relating to so-called discretionary payments. The latter can be made only where a single payment represents the only means of avoiding serious risk or serious damage to the health or safety of a member of the assessment unit, and it has not been suggested that this provision is relevant on this appeal.

4. The items of essential furniture and household equipment for which a single payment may be made under regulation 10 (if there is a need for them in terms of regulation 3) are listed in regulation 9. Regulation 9(a) reads as follows:

"sufficient beds and mattresses and dining and easy chairs for all the members of the assessment unit and a dining table".

There were two members of the assessment unit. At the time of the claim there was a three piece suite that was no longer usable. There were also two dining chairs, a fact which emerges only from the reasons given by the tribunal for their decision. The tribunal accepted that there was a need for seating for the occasional guest in any assessment unit. They appear to have been on opinion (with which I would not quarrel) that that need was met in the claimant's home by the fact that there were in addition to the two easy chairs for which an award was made, two dining chairs. But whether it was met or not, a single payment could only be made under regulations 9 and 10 for dining and easy chairs sufficient for all the members of the assessment unit. This does not mean sufficient dining and easy chairs for all the members of the assessment unit and those with whom they propose to sit, whether those persons are members of the household (though not of the assessment unit) or not. Nor does it include the settee element in a three piece suite at all. There must be many young couples in this country with only two easy chairs who have to press their dining chairs into service as a substitute for easy chairs when guests call. In my judgment it was not the intention of the supplementary benefit scheme that single payments should be available for the supply of chairs to accommodate person who are not members of the assessment unit.

5. One of the grounds on which the claimant appeals seems to me to be that the tribunal interpreted the word "sufficient" in regulation 9(a) too narrowly, and I take them to be submitting that "sufficient" for the assessment unit means sufficient for each member of the assessment unit and a reasonable number of others. But for the reason above indicated I reject that submission.

6. The second ground of appeal is that the reasons are inadequate to enable the claimant to see why her claim failed. I reject this submission also. It would have been better if the tribunal had made a finding of fact as to the number of chairs already held instead of mentioning it in the reason for the first time. But in my judgment they made it clear that they considered that there were sufficient chairs for the assessment unit. If they had not done so, this would have been a case in which I could have substituted my own reasons for giving the same decision as the tribunal gave. I do not think it necessary to go to these lengths and I dismiss the appeal.

Signed: J G MONROE
Commissioner

Date: 5 November 1985