

MASTER

"ADULT" in para 18(a) Sch 4 Reg. Regs means over 18.

JBM/SH/13/MD

Commissioner's File: CSB/1332/1986

C A O File: AO 2025/1986

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**

Name: Charles Grace

Social Security Appeal Tribunal: Liverpool

Case No: 15/13

1. My decision is that the decision of the Liverpool social security appeal tribunal dated 24 September 1986 is erroneous in point of law. Accordingly I set it aside and substitute the decision that they themselves should have made namely that the additional requirement for laundry should not have been withdrawn.
2. This is an appeal by the claimant to the Commissioner with the leave of the Commissioner against the unanimous decision of the appeal tribunal confirming the decision of the adjudication officer issued on 28 April 1986 and set out in Box 1 of Form AT2.
3. The facts and history of the case are set out partly by reference in paragraphs 1 to 4 inclusive of the submission dated 3 February 1987 of the adjudication officer now concerned on which the claimant and the claimant's representatives have had the opportunity to comment. No useful purpose would be served by my setting out these matters afresh here.
4. The relevant statutory provisions are referred to in paragraph 5 of the submission dated 3 February 1987 of the adjudication officer now concerned and paragraph 18 of Schedule 4 to the Requirements Regulations are set out in paragraph 7. Nothing is to be gained by my setting out either of those references or provisions afresh here.
5. In my judgment the decision of the tribunal is erroneous in point of law in that they have misconstrued the meaning in paragraph 18(a) of Schedule 4 of "adult". The adjudication officer made his decision to withdraw an additional requirement for laundry in payment at the rate of £8.70 a week on the attainment of the age of 16 by the daughter on the grounds that she was no longer a child as defined in section 34 of the 1976 Act. I need only refer to decision CSB/1480/1985 following decision CSB/630/1985 holding that "adult member of the assessment unit" means a person who is over the age of 18. Accordingly the daughter here on attaining 16 was not an "adult" within the meaning of the statutory provisions. There is no dispute that the daughter is 16, that the health of the claimant and his wife has not changed and that the addition for laundry of £8.70 was correct at the time of the adjudication officer's decision.
6. In accordance with my jurisdiction my decision is as set out in paragraph 1 of this decision. It is expedient that I make the decision that the tribunal themselves should have

made as all the facts were before them which I so do in this decision. I do not propose to pursue the claimant's submissions in his appeal in the light of my decision above.

7. Accordingly the claimant's appeal is allowed.

(Signed) J.B. Morcom
Commissioner

Date: 23rd June 1987