

IOG/BR

SUPPLEMENTARY BENEFITS ACT 1976

APPEAL FROM DECISION OF SUPPLEMENTARY BENEFIT APPEAL TRIBUNAL ON A QUESTION OF LAW

DECISION OF THE SOCIAL SECURITY COMMISSIONER

Name:

Supplementary Benefit Appeal Tribunal:

Case No:

CSB 17/81

1. This is a supplementary benefit officer's appeal from the decision of the Supplementary Benefit Appeal Tribunal dated 24 February 1981 varying the original supplementary benefit officer's decision. My decision is that the decision of the Supplementary Benefit Appeal Tribunal dated 24 February 1981 is erroneous in point of law. I direct therefore that the decision be set aside and that this case be determined afresh by a differently constituted tribunal applying the principles of law set out in this decision. Accordingly the appeal by the supplementary benefit officer is allowed.

2. Mr McGonigal claimed that the supplementary benefit allowance as calculated by the original supplementary benefit officer was insufficient to live on. He therefore appealed to the Supplementary Benefit Appeal Tribunal. He gave evidence to the tribunal that he had to use the services of a launderette to do his laundering because although the landlord provided a washing line there were no facilities for drying laundry in bad weather or for airing laundry. His evidence was that he paid £1 a week for the cost of using the facilities of a launderette. The Supplementary Benefit Appeal Tribunal clearly accepted Mr McGonigal's evidence and varied the decision of the original supplementary benefit officer by making an additional requirement of £1 a week for laundry payable.

3. For the reasons that appear hereafter I am satisfied that the decision of the local tribunal was erroneous in point of law.

Regulation 13 of the Supplementary Benefit (Requirements) Regulations 1980 [S.I. 1980 No 1292] provides;

"(i) Subject to paragraphs (2) to (7), the weekly amount specified in column (2) of any paragraph in Part II of Schedule 3 shall be applicable to the claimant -

(a)

(b)

(c) in relation to paragraph 14 and 17, where the condition in column (1) of the paragraph is satisfied.

4. Paragraph 17 of Schedule 3 provides as follows:

(1)

(2)

17. Where -

17. The amount by which the estimated average weekly laundry costs exceed 40p.

(a) the laundry of the assessment unit cannot be done at home because there are no suitable washing or drying facilities; or

(b)"

5. In the present case the evidence before the tribunal was and indeed the tribunal so found that his average weekly laundry costs were £1 per week. The tribunal awarded that sum. In doing so they came to an erroneous conclusion. Column (2) requires that from the amount of weekly laundry costs there be deducted 40p. It follows therefore that the claimant was only entitled to a sum equivalent to the amount by which the estimated average weekly laundry cost exceeded 40p. On the findings of the local tribunal that sum should have been 60p per week and not £1 per week awarded by the tribunal.

6. It follows therefore that the decision of the Supplementary Benefit Appeal Tribunal was erroneous in point of law and it must be set aside. This case must be considered afresh by a differently constituted Supplementary Benefit Appeal Tribunal who should decide the case on the principles of law enunciated above.

(Signed) I O Griffiths
Chief Commissioner

Date: 10 August 1981

Commissioner's File: C.S.B. /135/1981
CSBO File: SBO 155/81