

JJS/LMM/2

Commissioner's File: CSB/554/89

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 is erroneous in point of law and accordingly I set it aside; I remit the case for determination to a new social security appeal tribunal who should have regard to what I have said in the course of this decision.

2. This is an appeal by the claimant from a decision of the Norwich Social Security Appeal Tribunal given on 13 June 1989. The tribunal decided he was not entitled to an additional requirement of more than £4.49 per week for laundry.

3. I have before me grounds of appeal prepared on behalf of the claimant by Mr Paul Harkins of the Norwich Advice Services and a submission made on behalf of the Adjudication Officer which supports the appeal.

4. Paragraph 18 of Schedule 4 of the Supplementary Benefit (Requirements) Regulations provides for the conditions which have to be satisfied in respect of a laundry addition. Sub-paragraphs (a) and (b) for the paragraph are in the alternative. It is trite law that if the claim satisfies sub-paragraph (b) in brackets then he is not also required to satisfy sub-paragraph (a). It appears sub-paragraph (b) is satisfied in the instant case but that both the Adjudication Officer initially concerned and the social security appeal tribunal proceeded erroneously on the basis that sub paragraph (a) also had to be satisfied. As there is no dispute concerning condition provided for in sub paragraph (b) of paragraph 18, it will be necessary for the new tribunal to decide only the question of the estimated "average

weekly laundry costs" (less 55 pence). In addition, of course, the question of back-dating is also at issue and the tribunal should deal with it.

(Signed) J J Skinner
Commissioner

(Date) 13 May 1992