



*17/12*

**DEPARTMENT OF HEALTH AND SOCIAL SECURITY**

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*From the Parliamentary Under Secretary of State for Social Security*

T Flesher Esq  
Private Secretary  
10 Downing Street

*17 December 1985*

*Dear Tim,*

Following my telephone call earlier today, I attach a copy of the short statement my Minister will be making to the House this afternoon relating to board and lodging payments.

Copies to Richard Broadbent (Chief Secretary), Neil Kingham (Minister for Housing and Construction), Murdo McLean (Chief Whip), Alison Smith (Lord Privy Seal).

*Yours ever,  
C A H*

C A H PHILLIPS  
Private Secretary

With permission, Mr Speaker, I should like to make a statement about the position concerning supplementary benefit board and lodging payments following the Court of Appeal decision last Friday. As the House will be aware the Court upheld Mr Justice Mann's decision in the Divisional Court on 31 July that there was no power to make two paragraphs of the regulations passed by the House in April. The Court rejected a cross appeal that the Social Security Advisory Committee had not been properly consulted before the regulations were made.

The House will wish to know that the Government does not intend to appeal further. We shall take steps to identify from our records those cases in which arrears may be due because we did not meet the full charge, and to pay these arrears as soon as possible. To this end, we have sought and received from the Court today further guidance on how such arrears should be assessed.

I should make it clear that the Court<sup>of</sup> Appeal judgment does not affect the current benefit position of those in board and lodging. Those payments are covered by the fresh regulations agreed by the House last month which came into effect on 25 November.