STATUTORY RULES OF NORTHERN IRELAND

2010 No. 58

SOCIAL SECURITY

The Social Security (Persons Serving a Sentence of Imprisonment Detained in Hospital) Regulations (Northern Ireland) 2010

Made - - - -	*2nd March 2010*
Coming into operation	*25th March 2010*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 113(1)(b), 122(1)(a), 131(1) and (2) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), and now vested in it(**2**), sections 2(3), (6) and (9) and 19(1) and (2) of the State Pension Credit Act (Northern Ireland) 2002(**3**) and sections 2(1)(a), 4(2) and (3), 18(4)(b) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(**4**).

Citation and commencement

1. These Regulations may be cited as the Social Security (Persons Serving a Sentence of Imprisonment Detained in Hospital) Regulations (Northern Ireland) 2010 and shall come into operation on 25th March 2010.

Amendment of the Social Security (General Benefit) Regulations

2. In regulation 2 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984(**5**) (exceptions from disqualification for imprisonment, etc.)—

(a) in paragraph (3)(**6**) for the words from "is undergoing detention in legal custody" to the end substitute—

> "("P") is undergoing detention in legal custody after the conclusion of criminal proceedings if it is a period during which P is detained in a hospital or similar institution in Northern Ireland as a person suffering from a mental disorder unless—

(**1**) 1992 c.7; section 113(1) was amended by paragraph 92 of Schedule 24 to the Civil Partnership Act 2003 (c. 33) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) 2002 c. 14 (N.I.)
(**4**) 2007 c. 2 (N.I.)
(**5**) S.R. 1984 No. 92; relevant amending Regulations are S.R. 2005 No. 539
(**6**) Paragraph (3) was amended by regulation 3 of S.R. 2005 No. 539

(a) P is being detained under Article 53 of the Mental Health (Northern Ireland) Order 1986(**7**) (removal to hospital of persons serving sentences of imprisonment etc.), and

(b) in any case where there is in relation to P a release date within the meaning of Article 56(3) of that Order(**8**) (further provisions as to prisoners under sentence), P is being detained on or before the day which the Secretary of State certifies to be that release date.”; and

(b) omit paragraph (4).

Amendment of the Income Support (General) Regulations

3.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**9**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 21(3) (special cases) after the definition “person from abroad”(**10**) insert—

““person serving a sentence of imprisonment detained in hospital” means a person who—

(a) is being detained under Article 53 of Mental Health (Northern Ireland) Order1986 (removal to hospital of persons serving sentences of imprisonment etc.), and

(b) in any case where there is in relation to that person a release date within the meaning of Article 56(3) of that Order (further provisions as to prisoners under sentence), is being detained on or before the day which the Secretary of State certifies to be that release date;”.

(3) For paragraph 2A(**11**) of Schedule 7 (applicable amounts in special cases) substitute—

“**Persons serving a sentence of imprisonment detained in hospital**	
2A. A person serving a sentence of imprisonment detained in hospital.	2A. Nil.”.

Amendment of the State Pension Credit Regulations

4.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(**12**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 8 (special groups) for “patients” substitute “persons serving a sentence of imprisonment detained in hospital”.

(3) In paragraph 2 of Schedule 3(**13**) (special groups)—

(a) for the heading substitute—

“Persons serving a sentence of imprisonment detained in hospital”; and

(b) for sub-paragraph (1) substitute—

“(1) Sub-paragraph (2) applies in the case of a claimant who—

(**7**) S.I. 1986/595 (N.I. 4); Article 53 was amended by paragraph 38 of Schedule 12 to the Justice (Northern Ireland) Act 2002 (c. 26)
(**8**) Article 56(3) was substituted by section 296(3) of the Criminal Justice Act 2003 (c. 44)
(**9**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1990 No. 131, S.R. 2005 No. 580 and S.R. 2006 No. 178
(**10**) The definition of “person from abroad” was substituted by regulation 2(2)(a) of S.R. 2006 No. 178
(**11**) Paragraph 2A was inserted by regulation 19(b) of S.R. 1990 No. 131 and substituted by regulation 3(5)(b) of S.R. 2005 No. 580
(**12**) S.R. 2003 No. 28; relevant amending Regulations are S.R. 2005 No. 580 and S.R. 2006 No. 97
(**13**) Paragraph 2 was substituted by regulation 7(5) of S.R. 2005 No. 580 and amended by regulation 5(5) of S.R. 2006 No. 97