STATUTORY RULES OF NORTHERN IRELAND

2003 No. 261

SOCIAL SECURITY; HOUSING; RATES FAMILY LAW; CHILD SUPPORT

The Social Security (Hospital In-Patients and Miscellaneous Amendments) Regulations (Northern Ireland) 2003

Made - - - - 1st May 2003

Coming into operation in accordance with regulation 1

The Department for Social Development, in exercise of the powers conferred by Article 48(4) of, and paragraph 5(a) of Schedule 1 to, the Child Support (Northern Ireland) Order 1991(**1**), sections 122(1)(a) and (d), 129(4), 131(1) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**), sections 71(1)(b) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**3**) and Articles 6(5) and 36(2)(a) of the Jobseekers (Northern Ireland) Order 1995(**4**), and now vested in it(**5**), and sections 2(3) and (6), 13(1) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002(**6**) and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**7**) in so far as regulation 4 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation should not be referred to it(**8**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Hospital In-Patients and Miscellaneous Amendments) Regulations (Northern Ireland) 2003 and shall come into operation for the purposes of –

(**1**) S.I. 1991/2628 (N.I. 23); Part I of Schedule 1 is substituted by Schedule 1 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)
(**2**) 1992 c. 7
(**3**) 1992 c. 8; section 71(1) was amended by paragraph 32(2) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
(**4**) S.I. 1995/2705 (N.I. 15); Article 36(2)(a) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999
(**5**) *See* Article 8(b) of S.R. 1999 No. 481
(**6**) 2002 c. 14 (N.I.)
(**7**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); *see also* Article 6(b) of S.R. 1999 No. 481
(**8**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

(a) this regulation and regulations 6 to 10(1), on 21st May 2003;

(b) regulation 2 –

(i) in so far as it relates to a particular beneficiary other than a beneficiary in receipt of incapacity benefit or severe disablement allowance, on 21st May 2003 if it is his appropriate pay day or, if not, on his appropriate pay day next following 21st May 2003, and for the purposes of this sub-paragraph "appropriate pay day" shall be construed in accordance with regulation 22(3) of, and Schedule 6 to, the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**9**), and

(ii) in so far as it relates to a particular beneficiary in receipt of incapacity benefit or severe disablement allowance, on 21st May 2003;

(c) regulations 3 and 10(2), in so far as they relate to a beneficiary paid in advance, on the first day of the first benefit week to commence for that beneficiary on or after 21st May 2003, but otherwise on the first day of the benefit week which includes that date, and for the purpose of this paragraph "benefit week" has the same meaning as in the Income Support (General) Regulations (Northern Ireland) 1987(**10**);

(d) regulation 4(1) and (3) to (5), on 26th May 2003;

(e) regulation 4(2), on 6th October 2003; and

(f) regulation 5, in so far as it relates to a beneficiary paid in advance, on the first day of the first benefit week to commence for that beneficiary on or after 21st May 2003, but otherwise on the first day of the benefit week which includes that date, and for the purpose of this paragraph "benefit week" has the same meaning as in the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**11**).

Amendment of the Social Security (Hospital In-Patients) Regulations

2.—(1) The Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(**12**) shall be amended in accordance with paragraphs (2) to (9).

(2) In regulation 2(1)(**13**) (interpretation) the definition of "38% of the basic pension" shall be omitted.

(3) For regulation 4(**14**) (circumstances in which personal benefit is to be adjusted) there shall be substituted the following regulation –

"**Circumstances in which personal benefit is to be adjusted**

4. Where a person –

(a) receives, or has received, free in-patient treatment continuously for a period of more than 52 weeks; and

(b) satisfies the conditions for the receipt of a personal benefit which is specified in Schedule 2 to these regulations,

for any part of the period after the 52nd week the weekly rate of that benefit shall be adjusted in accordance with regulation 6.".

(**9**) S.R. 1987 No. 465; relevant amending regulations are S.R. 1992 No. 7 and S.R. 2001 No. 108
(**10**) S.R. 1987 No. 459; the definition of "benefit week" was amended by regulation 2(a) of S.R. 1988 No. 318
(**11**) S.R. 1996 No. 198; the definition of "benefit week" was amended by regulation 2(2) of S.R. 1996 No. 358 and regulation 2(2)(a) of S.R. 1996 No. 503
(**12**) S.R. 1975 No. 109; relevant amending regulations are S.R. 1977 No. 316, S.R. 1986 No. 157, S.R. 1987 No. 391 and S.R. 2002 No. 106
(**13**) The definition of "38% of the basic pension" was substituted by regulation 2(2) of S.R. 2002 No. 106
(**14**) Regulation 4 was amended by regulation 2(3) of S.R. 1987 No. 391

(4) In regulation 4A(1)(**15**) (provision for adjusting benefit for part of a week) for "regulation 5 or 6" there shall be substituted "regulation 6".

(5) Regulation 5(**16**) (adjustment of personal benefit after 6 weeks in hospital) shall be omitted.

(6) In regulation 6(1) and (2)(**17**) (adjustment of personal benefit after 52 weeks in hospital) for " regulation 4(d)" there shall be substituted "regulation 4".

(7) In regulation 9(b)(**18**) (circumstances in which dependency benefit is to be adjusted) for "6 weeks" there shall be substituted "52 weeks".

(8) In regulation 11(**19**) (adjustment of dependency benefit where dependant is husband or wife of beneficiary and is in hospital) –

(a) for paragraph (1) there shall be substituted the following paragraph –

"(1) Subject to paragraph (3), in a case to which regulation 9(d) applies, for any part of a period of continuous free in-patient treatment which the dependant receives after the 52nd week of such continuous treatment, the weekly rate of dependency benefit payable to the beneficiary shall be adjusted so that 20% of the basic pension is payable."; and

(b) in paragraph (3) for "paragraph (1)(b)" there shall be substituted "paragraph (1)".

(9) In regulation 17(**20**) (calculation of periods) –

(a) paragraphs (2), (3) and (6); and

(b) in paragraph (4) the words "(or is regarded under this regulation as having received)",

shall be omitted.

Amendment of the Income Support (General) Regulations

3.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**21**) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1A)(a)(**22**) (interpretation) for "6 weeks" there shall be substituted "52 weeks".

(3) In paragraph 13A(2)(b)(ii) and (c) of Schedule 2(**23**) (applicable amounts) for "six weeks" there shall be substituted "52 weeks".

(4) In paragraph 18(7)(g) of Schedule 3(**24**) (housing costs) for "6 weeks", in both places where it occurs, there shall be substituted "52 weeks".

(5) In Schedule 7 (applicable amounts in special cases) –

(a) in paragraph 1(**25**) (patients) –

(i) for "six weeks" there shall be substituted "52 weeks", and

(**15**) Regulation 4A was inserted by regulation 3 of S.R. 1986 No. 157 and amended by regulation 2(4) of S.R. 1987 No. 391

(**16**) Regulation 5 was substituted by regulation 2(5) of S.R. 1987 No. 391 and amended by regulation 2(3) of S.R. 2002 No. 106

(**17**) Paragraph (1) was amended by regulation 2(6)(a) and (b) of S.R. 1987 No. 391 and paragraph (2) was substituted by regulation 2(6)(c) of S.R. 1987 No. 391

(**18**) Regulation 9 was substituted by regulation 4 of S.R. 1977 No. 316 and amended by regulation 2(8) of S.R. 1987 No. 391

(**19**) Regulation 11 was substituted by regulation 4 of S.R. 1977 No. 316 and paragraph (1) was amended and paragraph (3) substituted respectively by regulation 2(9) of S.R. 1987 No. 391

(**20**) Regulation 17 was amended by regulation 5(4) of S.R. 1977 No. 316 and regulation 2(13) of S.R. 1987 No. 391

(**21**) Relevant amending regulations are S.R. 1988 Nos. 318 and 431, S.R. 1990 No. 131, S.R. 1993 No. 149, S.R. 1994 No. 65, S.R. 1995 No. 301, S.R. 2000 No. 367 and S.R. 2002 No. 132

(**22**) Paragraph (1A) was inserted by paragraph 1(b) of Part I of the Schedule to S.R. 2002 No. 132

(**23**) Paragraph 13A was inserted by regulation 2(c)(ii) of S.R. 2000 No. 367

(**24**) Schedule 3 was substituted by Schedule 1 to S.R. 1995 No. 301

(**25**) Paragraph 1 was amended by regulation 22 of, and paragraph 17(a) of Schedule 1 to, S.R. 1988 No. 318, regulation 19(a) of S.R. 1988 No. 431, regulation 19(a) of S.R. 1990 No. 131 and paragraph 15 of Part I of the Schedule to S.R. 2002 No. 132

(ii) sub-paragraph (a) shall be omitted; and

(b) in paragraph 13(**26**) (persons in residential accommodation) –

(i) in sub-paragraph (1) the words "Subject to sub-paragraph (2),", and

(ii) sub-paragraph (2),

shall be omitted.

Amendment of the Housing Benefit (General) Regulations

4.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(**27**) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 16(**28**) (applicable amounts), as modified in respect of any person who has attained the qualifying age for state pension credit –

(a) in paragraph (2) the words "13 weeks but not exceeding 52 weeks, or, in exceptional circumstances, is unlikely to substantially exceed" shall be omitted;

(b) in paragraph (3)(a) –

(i) for "determined in accordance with paragraph (1) shall be reduced by an amount equal to 38" there shall be substituted "shall be equal to 20", and

(ii) for "(the standard reduction)" there shall be substituted "("the standard reduction")";

(c) in paragraph (3)(b) for "20 per cent. of the weekly rate of the basic pension for the time being specified in section 44(4) of the Contributions and Benefits Act" there shall be substituted "the standard reduction"; and

(d) in paragraph (7) for "13 weeks" there shall be substituted "52 weeks".

(3) In regulation 18(**29**) (patients) for "6 weeks", in each place where it occurs, there shall be substituted "52 weeks".

(4) In regulation 63(7)(e)(**30**) (non-dependant deductions) for "6 weeks", in both places where it occurs, there shall be substituted "52 weeks".

(5) In paragraph 13A(2) of Schedule 2(**31**) (applicable amounts) for "six weeks", in both places where it occurs, there shall be substituted "52 weeks".

Amendment of the Jobseeker's Allowance Regulations

5.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**32**) shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 1(2F)(a)(**33**) (interpretation) for "6 weeks" there shall be substituted "52 weeks".

(3) In paragraphs 15A(2)(b)(ii) and (c) and 20IA(2) of Schedule 1(**34**) (applicable amounts) for "six weeks" there shall be substituted "52 weeks".

(**26**) Paragraph 13 was amended by regulation 22(d) of S.R. 1988 No. 318, regulation 19(k) of S.R. 1990 No. 131 and paragraph 1(6)(a) of Schedule 1 to S.R. 1993 No. 149

(**27**) S.R. 1987 No. 461; relevant amending regulations are S.R. 1992 No. 85, S.R. 1996 No. 448, S.R. 1998 No. 81, S.R. 2000 No. 367 and S.R. 2003 No. 197

(**28**) Regulation 16, in so far as it applies to any person who has attained the qualifying age for state pension credit, is substituted by regulation 6 of S.R. 2003 No. 197

(**29**) Regulation 18(1) was amended by regulation 7(c) of S.R. 1996 No. 448

(**30**) Sub-paragraph (e) was added by regulation 2(d)(iv) of S.R. 1992 No. 85 and amended by regulation 5(1) of S.R. 1998 No. 81

(**31**) Paragraph 13A was inserted by regulation 3(b)(ii) of S.R. 2000 No. 367

(**32**) Relevant amending regulations are S.R. 2000 Nos. 350 and 367 and S.R. 2002 No. 132

(**33**) Paragraph (2F) was inserted by paragraph 1(b) of Part II of the Schedule to S.R. 2002 No. 132

(**34**) Paragraphs 15A and 20IA were inserted respectively by regulation 4(c)(ii) and (v) of S.R. 2000 No. 367