STATUTORY RULES OF NORTHERN IRELAND

1996 No. 225

SOCIAL SECURITY

The Social Security (Disability Living Allowance, Attendance Allowance and Claims and Payments) (Amendment) Regulations (Northern Ireland) 1996

Made - - - -	*6th June 1996*
Coming into operation	*31st July 1996*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 67(2) and 72(8) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and sections 5(1)(*j*) and 71(1) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Disability Living Allowance, Attendance Allowance and Claims and Payments) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 31st July 1996.

Amendment of the Social Security (Claims and Payments) Regulations

2. In regulation 25 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**3**) (payment of attendance allowance, disability living allowance and constant attendance allowance at a daily rate)—

(a) in the heading "the care component of a" shall be omitted;

(b) in paragraph (1) the words "the care component of a", in both places where they occur, shall be omitted.

(**1**) 1992 c. 7
(**2**) 1992 c. 8
(**3**) S.R. 1987 No. 465; regulation 25 is amended by S.R. 1992 No. 7

Amendment of the Social Security (Attendance Allowance) Regulations

3. In paragraph 1A of Schedule 2 to the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992(**4**) (persons to whom regulations 7 and 8 apply with modifications) "who has a preserved right" shall be omitted.

Amendment of the Social Security (Disability Living Allowance) Regulations

4.—(1) The Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(**5**) shall be amended in accordance with paragraphs (2) to (4) of this regulation.

(2) In regulation 1(2) after the definition of "care component" there shall be inserted the following definition—

> ""the Claims and Payments Regulations" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987;".

(3) After regulation 12 (entitlement to the mobility component) there shall be inserted the following regulations—

"**Hospitalisation in mobility component cases**

12A.—(1) Subject to regulation 12B, it shall be a condition for the receipt of disability living allowance which is attributable to entitlement to the mobility component for any period in respect of any person that during that period he is not maintained free of charge while undergoing medical or other treatment as an in-patient—

(a) in a hospital or similar institution under the Order or the 1991 Order; or

(b) in a hospital or similar institution maintained or administered by the Defence Council.

(2) For the purposes of paragraph (1)(*a*) a person shall only be regarded as not being maintained free of charge in a hospital or similar institution during any period when his accommodation and services are provided under Article 31 of the Order(**6**) or paragraph 14 of Schedule 3 to the 1991 Order.

Exemption from regulation 12A

12B.—(1) Subject to paragraph (2), regulation 12A shall not apply to a person—

(a) for the first 28 days; or

(b) where he has not attained the age of 16, for the first 84 days,

of any period throughout which he is a person to whom paragraph (10) applies.

(2) Where, on the day on which a person's entitlement to the mobility component commences, he is a person to whom paragraph (10) applies, paragraph (1) shall not apply to him for any period of consecutive days, beginning with that day, in which he continues to be a person to whom paragraph (10) applies.

(3) For the purposes of paragraphs (1) and (4), two or more distinct periods separated by an interval not exceeding 28 days, or by two or more such intervals, shall be treated as a continuous period equal in duration to the total of such distinct periods and ending on the last day of the later or last such period.

(4) Subject to paragraph (5) and regulation 12C, where—

(**4**) S.R. 1992 No. 20; Schedule 2 is inserted by S.R. 1994 No. 263 and paragraph 1A by S.R. 1995 No. 59
(**5**) S.R. 1992 No. 32; relevant amending regulations are S.R. 1994 No. 263 and S.R. 1995 No. 59
(**6**) Article 31 was substituted by Article 3(9) of the Health and Medicines (Northern Ireland) Order 1988 (S.I.1988/2249 (N.I. 24))