1987 No. 391

SOCIAL SECURITY

The Social Security (Hospital In-Patients) (Amendment No. 2) Regulations (Northern Ireland) 1987

Made . . . . . 7th October 1987

Coming into operation

Regulations 1, 2(1), 2(2)(a)(i), (ii) and (iii) and (b) and 2(13)(c) ... 2nd November 1987

for all other purposes ... 11th April 1988

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 81(4)(*d*), 82(6)(*b*) and 85(1) of the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Hospital In-Patients) (Amendment No. 2) Regulations (Northern Ireland) 1987 and shall come into operation as follows—

(*a*) regulations 1, 2(1), 2(2)(*a*)(i), (ii) and (iii) and (*b*) and 2(13)(*c*) on 2nd November 1987;

(*b*) the remainder of the regulations on 11th April 1988.

(2) In these regulations "the principal regulations" means the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(**b**).

Amendment of the principal regulations

2.—(1) The principal regulations shall be amended in accordance with paragraphs (2) to (14) of this regulation.

(2) In regulation 2 (interpretation)—

(*a*) in paragraph (1)—

(i) for the definition of "basic component" there shall be substituted the following definition—

"'"basic pension" means the higher weekly rate of basic pension specified in Article 8(1)(*a*) of the Social Security Pensions (Northern Ireland) Order 1975(**c**);",

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(**a**) 1975 c. 15; section 85(1) was amended by paragraph 29 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16))

(**b**) S.R. 1975 No. 109; the relevant amending regulations are S.R. 1977 No. 316, S.R. 1979 No. 68, S.R. 1986 No. 157 and S.R. 1987 No. 12

(**c**) S.I. 1975/1503 (N.I. 15); Article 8(1)(*a*) was amended by Article 3 of the Social Security Benefits Up-rating Order (Northern Ireland) 1987 (S.R. 1987 No. 22)

and for the expression ''basic component'' wherever that expression occurs in the principal regulations there shall be substituted ''basic pension''(**a**);

(ii) in the definition of ''the Overlapping Benefits Regulations'' for ''Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1975'' there shall be substituted ''Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(**b**)'';

(iii) in the definition of ''personal benefit'' the words from ''but does not include'' to the end shall be omitted;

(iv) after the definition of ''40% of the basic pension'' there shall be inserted the following definition—

''''60% of the basic pension'' means an amount equal to 3 times 20% of the basic pension;'';

(*b*) in paragraph (2) for the words from ''and a person shall not be regarded'' to the end of the paragraph there shall be substituted—

''and such a person shall be regarded as being maintained free of charge in such a hospital or similar institution for any period unless his accommodation and services are provided under Article 31 of the Order(**c**).''.

(3) In regulation 4 (circumstances in which personal benefit is to be adjusted)—

(*a*) in paragraphs (*a*) and (*c*) for ''8 weeks'' there shall be substituted ''6 weeks'';

(*b*) in paragraph (*d*) the words ''and before the 105th week'' shall be omitted;

(*c*) paragraph (*e*) shall be omitted.

(4) In regulation 4A(1) (provision for adjusting benefit for part of a week) for ''5, 6 or 7'' there shall be substituted ''5 or 6''.

(5) For regulation 5 there shall be substituted the following regulation—

''*Adjustment of personal benefit after 6 weeks in hospital*

5. For any part of the period to which regulation 4(*c*) applies during which—

(*a*) the beneficiary has a dependant, the weekly rate of the personal benefit shall be reduced by 20% of the basic pension;

(*b*) he has no dependant, it shall be reduced by 40% of the basic pension,

so however that where such a reduction would reduce the weekly rate to less than 20% of the basic pension the reduction shall be such as will reduce it to that 20%.''.

(6) In regulation 6 (adjustment of personal benefit after 52 weeks in hospital)—

(**a**) *See* Article 19(1) of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))
(**b**) S.R. 1979 No. 242
(**c**) Article 31 was amended by Article 10(1) of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26))

(*a*) in paragraph (1)(*b*) for "20%" there shall be substituted "40%";

(*b*) in paragraph (1)(*c*) for "40%" there shall be substituted "60%";

(*c*) for paragraph (2) there shall be substituted the following paragraph—

"(2) Where a person to whom regulation 4(*d*) applies has no dependant or has a dependant but has not made an application to the Department in accordance with paragraph (5), the weekly rate of his personal benefit shall be adjusted so that 20% of the basic pension is payable to him.";

(*d*) in paragraph (3) the words "and regulation 7" and "or, as the case may be, regulation 7" shall be omitted.

(7) Regulation 7 (adjustment of benefit after 104 weeks in hospital) is hereby revoked.

(8) In regulation 9(*b*) (circumstances in which dependency benefit is to be adjusted) for "8 weeks" there shall be substituted "6 weeks".

(9) In regulation 11 (adjustment of dependency benefit where dependant is husband or wife of beneficiary and is in hospital)—

(*a*) in paragraph (1)—

(i) for "Subject to the following paragraphs" there shall be substituted "Subject to paragraph (3)";

(ii) in sub-paragraph (*a*) for "8 weeks" there shall be substituted "6 weeks" and for "105th week" there shall be substituted "53rd week";

(iii) in sub-paragraph (*b*) for "104th week" there shall be substituted "52nd week";

(*b*) for paragraph (3) there shall be substituted the following paragraph—

"(3) Where both the dependant and the beneficiary are in-patients and each has been an in-patient for a period of not less than 52 weeks, for any part of the period of free in-patient treatment received by the beneficiary which occurs after the 52nd week of that treatment and during that part of the period during which the dependant is an in-patient which occurs after the 52nd week of the dependant's treatment, the dependency benefit which has been adjusted in accordance with paragraph (1)(*b*) shall not be payable unless the beneficiary makes an application to the Department which complies with regulation 12 to pay that benefit on his behalf to that dependant or some other person mentioned in regulation 12(*b*).".

(10) In regulation 12 (application to the Department for the purposes of regulations 10 and 11)—

(*a*) in paragraph (*a*) the words from "except that" to "of that regulation" shall be omitted;

(*b*) in paragraph (*b*) for "regulation 11(3)(*a*)" there shall be substituted "regulation 11(3)".

(11) Regulation 15 (benefit payable on discharge from a hospital or similar institution) is hereby revoked.

(12) In regulation 16 (adjustment or further adjustment of benefit in certain cases after 52 weeks in hospital)—