1977 No. 316

SOCIAL SECURITY

The Social Security (Hospital In-Patients) (Amendment) Regulations (Northern Ireland) 1977

Made . . . . . 3*rd November* 1977
Coming into operation . . . 14*th November* 1977

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 paragraph 3 of Schedule 3 to the Social Security (Consequential Provisions) Act 1975(**b**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations, which may be cited as the Social Security (Hospital In-Patients) (Amendment) Regulations (Northern Ireland) 1977, shall be read as one with the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(**c**) as amended(**d**) (hereinafter referred to as "the principal regulations"), and shall come into operation on 14th November 1977.

(2) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**e**) shall apply in relation to this statutory rule and the regulation revoked by it as if this statutory rule and the regulation revoked by it were Acts of Parliament and as if the revocation were a repeal.

Amendment of Part I of the principal regulations

2. In regulation 2(1) of the principal regulations (interpretation) after the definition of "40% of the standard rate" there shall be inserted the following definition:—

" 'week' means any period of 7 consecutive days;".

Amendment of Part II of the principal regulations

3.—(1) Regulations 6 and 7 of the principal regulations (adjustment of personal benefit after respectively 52 and 104 weeks in hospital) shall be amended in accordance with the following provisions of this regulation.

(2) For regulation 6(3) there shall be substituted the following:—

"(3) In relation to any beneficiary who is married this regulation and regulation 7 shall have effect subject to the following provisions:—

(*a*) if the husband or wife of the beneficiary is receiving free in-patient treatment after having received that treatment continuously for a period of not less than 52 weeks, then, notwithstanding regulation 2(3), for the purposes of this regulation or, as the case may be, regulation 7, he or she shall not be regarded as a dependant of that beneficiary;

(**a**) 1975 c. 15
(**b**) 1975 c. 18
(**c**) S.R. 1975 No. 109 (I, p. 694)
(**d**) The relevant amending regulations are S.R. 1975 No. 202 (II, p. 1036) and 1977 Nos. 73 and 166
(**e**) 1889 c. 63

(*b*) if—

(i) on a day on which the beneficiary is receiving free in-patient treatment after having received that treatment continuously for a period of more than 52 weeks, his wife or her husband is receiving such treatment after having received it continuously for a period of 52 weeks immediately preceding that day, and

(ii) the provisions of paragraph (2) have not applied in relation to any part of the period of free in-patient treatment received by the beneficiary before that day,

paragraph (2) shall apply as if the part of the period of free in-patient treatment received by the beneficiary after the first 52 weeks of that treatment had begun on that day.".

(3) In regulation 7(3)—

(*a*) there shall be inserted at the beginning "Subject to regulation 6(3)"; and

(*b*) regulation 7(3)(*c*) shall be omitted.

(4) For regulation 7(4) there shall be substituted the following:—

"(4) For any part of the period to which regulation 4(*e*) applies—

(*a*) during which paragraph (3)(*b*) applies, and

(*b*) but for the provisions of that paragraph, during which the beneficiary's wife would have been regarded as his dependant, and

(*c*) in respect of which the beneficiary has not made an application in accordance with regulation 6(5) in relation to any other person who is his dependant,

paragraph (1) shall not apply to that beneficiary and the weekly rate of his personal benefit shall be reduced by an amount equal to the total sum of 20% of the standard rate and the difference between the standard rate and the lower weekly rate specified in Schedule 4 to the Act for Category B retirement pension, so however that where such a reduction would reduce the weekly rate to less than 20% of the standard rate, the reduction shall be such as will reduce it to that 20%.".

Amendment of Part III of the principal regulations

4. For regulations 9 to 12 of the principal regulations (adjustment of dependency benefit) there shall be substituted the following regulations:—

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

9. Where, in respect of any period during which—

(*a*) the conditions for the receipt by a beneficiary of any dependency benefit under the Act are satisfied, and

(*b*) the beneficiary or a dependant in respect of whom that dependency benefit is, or but for this regulation would be, payable, has been an in-patient continuously for a period of more than 8 weeks,

the weekly rate of that dependency benefit thereafter shall be adjusted—

(i) where the beneficiary is an in-patient, in accordance with regulation 10;

(ii) where the husband or wife of the beneficiary is the dependant and is an in-patient, whether or not the beneficiary is also an in-patient, in accordance with regulation 11,