The Ministry of Finance hereby approves the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 17th day of August, nineteen hundred and sixty-one.

(L.S.) *K. R. Shimeld,*
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations allow the local education authority, with the approval of the Ministry, to modify the requirement that a full-time teacher must teach for at least 20 hours weekly. Such a modification would normally be made where a teacher has special duties or responsibilities.

1961. No. 179 **[C]**

NATIONAL INSURANCE

Hospital In-Patients

REGULATIONS, DATED 17TH AUGUST, 1961, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

The National Insurance Joint Authority, in conjunction with the Ministry of Finance, in exercise of powers conferred by section 29 of the National Insurance Act (Northern Ireland), 1946(**a**), and of all other powers enabling them in that behalf, hereby make the following regulations:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Hospital In-Patients) Regulations (Northern Ireland), 1961, and shall come into operation on the 4th September, 1961.

(2) In these regulations—

"the Act" means the National Insurance Act (Northern Ireland), 1946;

"the Ministry" means the Ministry of Labour and National Insurance;

"the Overlapping Benefits Regulations" means the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1961(**b**);

"beneficiary" means, in relation to any benefit, the person to whom that benefit is or, but for the provisions of these regulations, would be payable;

(**a**) 1946. c. 23. (**b**) S.R. & O. (N.I.) 1961, No. 180.

"personal benefit" means that benefit which, apart from these regulations, is payable to a person otherwise than in respect of another person who is a child or an adult dependant;

"dependency benefit" means that benefit which, apart from these regulations, is payable to a person in respect of another person who is a child or an adult dependant;

"tuberculosis patient" means a person (not being a person under treatment in a mental hospital within the meaning of the Mental Health Act (Northern Ireland), 1948(**a**), or in an institution for persons requiring special care within the meaning of that Act) who is under treatment for tuberculosis of the respiratory system;

"prescribed accommodation" means, in relation to any person, any residential accommodation provided for that person under the Welfare Services Acts (Northern Ireland), 1949 and 1954(**b**).

(3) For the purposes of these regulations, a person shall be regarded as receiving or having received free in-patient treatment for any period for which he is or has been maintained free of charge while undergoing medical or other treatment as an in-patient—

(*a*) in a hospital or similar institution maintained or administered by the Northern Ireland Hospitals Authority constituted under the Health Services Act (Northern Ireland), 1948(**c**), or by or on behalf of the Minister of Pensions and National Insurance, the Minister of Health, the Admiralty, the Army Council or the Air Council; or

(*b*) pursuant to arrangements made by the said Northern Ireland Hospitals Authority, the Minister of Pensions and National Insurance or the Minister of Health, in a hospital or similar institution not so maintained or administered;

and, for this purpose, a person shall only be regarded as not being maintained free of charge in a hospital or similar institution for any period if he is paying or has paid, in respect of his maintenance, charges which are designed to cover the whole cost of the accommodation or services (other than services by way of treatment) provided for him in the hospital or similar institution for that period.

PART II

ADJUSTMENT OF BENEFIT

2. The provisions of this Part shall have effect subject to the provisions of Part III and Part IV.

Personal benefit

3.—(1) Where the conditions for the receipt of personal benefit by way of sickness benefit, widow's allowance, widowed mother's allowance, widow's pension or retirement pension are satisfied in relation to any person who receives, or has received, continuously, for a period exceeding eight weeks, free in-patient treatment, the weekly rate of that personal benefit which, but for the provisions of these regulations, would be payable for any period after the first eight weeks of that treatment shall be reduced subject to and in accordance with the following provisions of these regulations.

(2) In any case in which the provisions of paragraph (1) apply in relation to any of the said personal benefits, the weekly rate of any reduction of that

(**a**) 1948. c. 17.
(**b**) 1949. c. 1 & 1954. c. 6.
(**c**) 1948. c. 3.

personal benefit shall, subject to the provisions of paragraph (3), be determined, for any part of the period of free in-patient treatment which occurs during the forty-four weeks next following the first eight weeks thereof, in accordance with the provisions of regulation 4, and, for any part of the period of that treatment which occurs after the first fifty-two weeks thereof, in accordance with the provisions of regulation 5.

(3) In any case where a reduction of personal benefit at a rate determined in accordance with the provisions of regulation 4 or paragraph (2) or paragraph (3) or sub-paragraph (*d*) of paragraph (4) of regulation 5 would reduce the rate of that personal benefit, where the beneficiary is a tuberculosis patient, to less than sixteen shillings and sixpence a week, or, in any other case, to less than eleven shillings and sixpence a week, the reduction of that personal benefit shall not be as so determined but shall be such (if any) as will reduce the rate of that personal benefit, where the beneficiary is a tuberculosis patient, to sixteen shillings and sixpence a week, or, in any other case, to eleven shillings and sixpence a week.

4. Where, by virtue of the provisions of paragraph (2) of regulation 3, the weekly rate of any reduction of personal benefit is to be determined for any period in accordance with the provisions of this regulation, that reduction shall be,—

(*a*) for any part of that period during which the beneficiary has a dependant, at the rate of eleven shillings and sixpence a week; and

(*b*) for any other part of that period, at the rate of twenty-three shillings a week.

5.—(1) Where, by virtue of the provisions of paragraph (2) of regulation 3, the weekly rate of any reduction of personal benefit is to be determined for any period in accordance with the provisions of this regulation, that reduction shall, subject to the following provisions of this regulation, be such (if any) as will reduce the rate of that personal benefit, where the beneficiary is a tuberculosis patient, to sixteen shillings and sixpence a week, or, in any other case, to eleven shillings and sixpence a week.

(2) For any part of the period referred to in paragraph (1) during which the beneficiary has a dependant and in respect of which an application has been made by the beneficiary to the Ministry to pay on behalf of the beneficiary to that dependant, or to some other person who is approved by the Ministry and satisfies the Ministry that he will apply it for the benefit of that dependant, so much (if any) of the personal benefit as would, but for the provisions of these regulations, be payable to the beneficiary in excess, where the beneficiary is a tuberculosis patient, of twenty-eight shillings a week, or, in any other case, of twenty-three shillings a week, the reduction of personal benefit shall be at the rate of eleven shillings and sixpence a week.

(3) (*a*) For any part of the period of free in-patient treatment which falls within the period of fifty-two weeks next following the first fifty-two weeks thereof, and during which the beneficiary has not a dependant or, if the beneficiary has a dependant, in respect of which any such application as is mentioned in paragraph (2) has not been made, the reduction of personal benefit shall, subject to the provisions of sub-paragraph (*b*), be at the rate of twenty-three shillings a week.

(*b*) In addition to the reduction of benefit specified in sub-paragraph (*a*), so much (if any) of the personal benefit as would, but for the provisions

of these regulations, be payable for the said part of the said period in excess, where the beneficiary is a tuberculosis patient, of thirty-nine shillings and sixpence a week, or, in any other case, of thirty-four shillings and sixpence a week, shall not be payable unless and until the beneficiary is discharged from the hospital or similar institution.

(4) In relation to any beneficiary who is married, the foregoing provisions of this regulation 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 fifty-two weeks, then, notwithstanding the provisions of regulation 10, he or she shall not be regarded as a dependant of the beneficiary.

(*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 exceeding fifty-two weeks, his wife or her husband is receiving free in-patient treatment after having received that treatment continuously for a period which began fifty-two weeks before that day, and

(ii) as respects the period of free in-patient treatment received by the beneficiary, the provisions of paragraph (3) have not applied in relation to any part of that period before that day,

those provisions shall apply as if the part of the period of free in-patient treatment received by the beneficiary next following the first fifty-two weeks thereof had begun on that day.

(*c*) Where the benefit in question is personal benefit by way of sickness benefit and the beneficiary is a woman who is receiving free in-patient treatment after having received that treatment continuously for a period of not less than fifty-two weeks, for any part of the period of that treatment which occurs after the first fifty-two weeks thereof and for which there is payable to her husband in respect of her any dependency benefit under the Act, the reduction of that personal benefit shall be such (if any) as will reduce the weekly rate thereof, where the beneficiary is a tuberculosis patient, to sixteen shillings and sixpence a week, or, in any other case, to eleven shillings and sixpence a week.

(*d*) If the beneficiary is a man and the benefit in question is personal benefit by way of sickness benefit or a retirement pension, or if the beneficiary is a woman and the benefit in question is personal benefit by way of a retirement pension, then, for any part of the period of free in-patient treatment received by the beneficiary which occurs after the first one hundred and four weeks thereof and (where the beneficiary is a man) for which the wife of the beneficiary is entitled to a retirement pension by virtue of her own insurance—

(i) notwithstanding the provisions of regulation 10, the wife or husband of the beneficiary shall not be regarded as a dependant of the beneficiary, and

(ii) (where the beneficiary is a man and his wife would, but for the provisions of this sub-paragraph, be regarded as a dependant of the beneficiary) the reduction of the personal benefit in question shall be at the weekly rate of thirty-four shillings:

Provided that the provisions of head (ii) shall not apply for any period in respect of which any such application as is mentioned in

paragraph (2) has been made by the beneficiary in relation to any person except his wife who, for that period, is a dependant of the beneficiary.

Dependency benefit

6.—(1) The provisions of paragraphs (2) to (6) shall have effect subject to the provisions of paragraph (7).

(2) Where, apart from this regulation, the conditions for the receipt by any person (hereafter in this regulation referred to as "the beneficiary") of any dependency benefit under the Act are satisfied as respects a period for which either the beneficiary or the person in respect of whom that dependency benefit is or, apart from this regulation, would be payable (hereafter in this regulation referred to as "the dependant") is receiving free in-patient treatment, that dependency benefit shall be payable subject to and in accordance with the following provisions of this regulation.

(3) In any case (not being a case in which the provisions of paragraph (4) apply) where the beneficiary is married and the dependant is his wife or her husband and is receiving free in-patient treatment after having received that treatment continuously for a period of not less than eight weeks, the following provisions shall apply:

(*a*) The weekly rate of the dependency benefit which, but for this regulation, would be payable to the beneficiary in respect of the dependant—

(i) for any part of the period of free in-patient treatment received by the dependant which occurs during the ninety-six weeks next following the first eight weeks thereof shall be reduced by eleven shillings and sixpence or by such lesser amount (if any) as will reduce that weekly rate, where the dependant is a tuberculosis patient, to sixteen shillings and sixpence a week, or, in any other case, to eleven shillings and sixpence a week; and

(ii) for any part of the period of free in-patient treatment received by the dependant which occurs after the end of one hundred and four weeks beginning with its commencement shall (subject to the provisions of sub-paragraph (*b*)) be reduced by such an amount (if any) as will reduce that weekly rate, where the dependant is a tuberculosis patient, to sixteen shillings and sixpence a week, or, in any other case, to eleven shillings and sixpence a week.

(*b*) Where the beneficiary is a man and the dependant is his wife who is residing with him, the dependency benefit which, but for this sub-paragraph, would be payable to the beneficiary in respect of the dependant for any part of the period of free in-patient treatment received by the dependant which occurs after the end of one hundred and four weeks beginning with its commencement shall not be payable unless the beneficiary is regularly incurring expenditure in respect of the dependant or is regularly making, or causing to be made, some payment to the dependant or to some other person for the benefit of the dependant.

(4) In any case where the beneficiary is married and the dependant is his wife or her husband and each of them is receiving free in-patient treatment after having received that treatment continuously for a period of not less than fifty-two weeks, the following provisions shall apply:

(*a*) For any part of the period of free in-patient treatment received by the beneficiary—