Hospital In-Patients Amendment Regulations (Northern Ireland), 1957

REGULATIONS, DATED 15TH NOVEMBER, 1957, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1957. No. 254 **[C]**

The National Insurance Joint Authority, in conjunction with the Ministry of Finance, in exercise of the 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:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Hospital In-Patients) Amendment Regulations (Northern Ireland), 1957, shall be read as one with the National Insurance (Hospital In-Patients) Regulations (Northern Ireland), 1949(b), (hereinafter referred to as "the principal regulations") and shall come into operation on the 18th November, 1957.

Amendment of regulation 3 of the principal regulations

2. In paragraph (4) of regulation 3 of the principal regulations (which relates to adjustment of personal benefit), after the words "paragraph (3)" there shall be inserted the words "or sub-paragraph (*d*) of paragraph (4)" and accordingly the said paragraph (4) of regulation 3 shall have effect as set out in Part I of the Schedule.

Amendment of regulation 5 of the principal regulations

3.—(1) Regulation 5 of the principal regulations (which relates to the adjustment of personal benefit in any case where the beneficiary is receiving free in-patient treatment after having received that treatment continuously for a period of not less than fifty-two weeks) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in Part II of the Schedule.

(2) In paragraph (3) of the said regulation 5, all the words after "is discharged from the hospital or similar institution" (which occur in sub-paragraph (*b*) of that paragraph) shall be omitted.

(3) At the end of the said regulation 5, there shall be added the following paragraph:—

"(4) In relation to any beneficiary who is married, the foregoing provisions of this regulation shall have effect subject to the following provisions:—

(a) 1946. c.23.
(b) S.R. & O. (N.I.) 1949. No. 161 as amended by S.R. & O. (N.I.) 1949. No. 162; S.R. & O. (N.I.) 1951. No. 154; S.R. & O. (N.I.) 1952. No. 137; S.R. & O. (N.I.) 1952. No. 147; S.R. & O. (N.I.) 1953. No. 22; S.R. & O. (N.I.) 1955. No. 7; S.R. & O. (N.I.) 1956. No. 138.

(*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 8 of these regulations, 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) of this regulation 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 twelve shillings and six pence a week, or, in any other case, to seven 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 8 of these regulations, 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 twenty-two shillings and sixpence:

Provided that the provisions of head (ii) of this sub-paragraph shall not apply for any period in respect of which any such application as is mentioned in paragraph (2) of this regulation has been made by the beneficiary in relation to any person except his wife who, for that period, is a dependant of the beneficiary.".

Regulation substituted for regulation 6 of the principal regulations

4. For regulation 6 of the principal regulations (which imposes a condition for the receipt of dependency benefit in certain cases), there shall be substituted the following regulation:—

"Dependency benefit

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

(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 the next following paragraph 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 seven shillings and sixpence or by such lesser amount (if any) as will reduce that weekly rate, where the dependant is a tuberculosis patient, to twelve shillings and sixpence a week, or, in any other case, to seven 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 the next following sub-paragraph) be reduced by such an amount (if any) as will reduce that weekly rate, where the dependant is a tuberculosis patient, to twelve shillings and sixpence a week, or, in any other case, to seven 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—

(i) which occurs both after the first fifty-two weeks thereof and during that part of the period of free in-patient treatment received by the dependant which occurs during the fifty-two weeks next following the first fifty-two weeks thereof, and

(ii) in respect of which an application has been made by the beneficiary to the Ministry to pay on behalf of the beneficiary to the dependant (subject to the dependant's being discharged from the hospital or similar institution and subject also to the provisions of the next following regulation) or to some other person who is approved by the Ministry and satisfies the Ministry that he will apply it for the benefit of a child of the beneficiary's family so much (if any) of the dependency benefit as would, but for this regulation, be payable to the beneficiary in respect of the dependant at a rate in excess, where the dependant is a tuberculosis patient, of twenty shillings a week, or, in any other case, of fifteen shillings a week,

the weekly rate of the dependency benefit which, but for this regulation, would be payable to the

beneficiary in respect of the dependant shall be reduced by seven shillings and sixpence a week or by such lesser amount (if any) as will reduce that weekly rate, where the dependant is a tuberculosis patient, to twelve shillings and sixpence a week, or, in any other case, to seven shillings and sixpence a week.

(*b*) For any other part of the period of free in-patient treatment received by the beneficiary which occurs both after the first fifty-two weeks thereof and during that part of the period of free in-patient treatment received by the dependant which occurs after the first fifty-two weeks thereof, the weekly rate of the dependency benefit which, but for this regulation, would be payable to the beneficiary in respect of the dependant shall be reduced by such an amount (if any) as will reduce that weekly rate, where the dependant is a tuberculosis patient, to twelve shillings and sixpence a week, or, in any other case, to seven shillings and sixpence a week.

(*c*) Any benefit in relation to which, in accordance with sub-paragraph (*a*) of this paragraph, an application has been made by the beneficiary to the Ministry for its payment to the dependant shall not be payable unless and until the dependant is discharged from the hospital or similar institution.

(5) In any case where the dependant is a child and is receiving free in-patient treatment after having received that treatment continuously for a period of not less than twelve weeks, any dependency benefit which, but for this regulation, would be payable to the beneficiary in respect of the dependant 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.

(6) In any case (not being a case in which the provisions of sub-paragraph (*b*) of paragraph (3) of this regulation or the provisions of the last foregoing paragraph apply) where, apart from this regulation, the conditions for the receipt by the beneficiary of any dependency benefit under the Act (not being any dependency benefit in relation to which an application has been made in accordance with the provisions of head (ii) of sub-paragraph (*a*) of paragraph (4) of this regulation) are satisfied and the beneficiary has received free in-patient treatment continuously for a period exceeding fifty-two weeks, that dependency benefit, or such part thereof as would be payable but for the provisions of this paragraph, shall not be payable for any part of the period of free in-patient treatment which occurs after the first fifty-two weeks thereof and in respect of which an application has not been made by the beneficiary to the Ministry to pay on behalf of the beneficiary that dependency benefit, or the said part thereof, to the 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 the dependant.