
STATUTORY RULES OF NORTHERN IRELAND

1992 No. 78

**The Disability Working Allowance (General)
Regulations (Northern Ireland) 1992**

PART IV

MEMBERSHIP OF A FAMILY

Circumstances in which a person is to be treated as being no longer a member of the same household

11.—(1) Where one member of a married or unmarried couple has taken up residence in accommodation provided under Article 15 or 36 of the Health and Personal Social Services (Northern Ireland) Order 1972 he shall be treated as no longer being a member of the same household as his partner unless the stay in that accommodation is temporary.

(2) Where one of the members of a married or unmarried couple is a hospital patient or detained in legal custody he shall not be treated, on this account, as ceasing to be a member of the same household as his partner—

- (a) unless he has been a patient in a hospital for 52 weeks or more;
- (b) unless he is a patient detained in a hospital provided under Article 110 of the Mental Health (Northern Ireland) Order 1986⁽¹⁾ (provision of special accommodation by Department); or
- (c) unless he is detained in legal custody whilst serving a sentence of 52 weeks or more imposed by a court,

but shall be treated as not being a member of the same household as his partner wherever the conditions in sub-paragraph (a), (b) or (c) are fulfilled.

(3) In this regulation “patient” has the same meaning as in regulation 10(3)(a) (membership of the same household).