

2004 No. 18

SOCIAL SECURITY

**The Social Security (Hospital In-Patients) (Amendment)
Regulations (Northern Ireland) 2004**

Made - - - - - 21st January 2004

Coming into operation in accordance with regulation 1

The Department for Social Development, in exercise of the powers conferred by sections 71(1)(b) and 165(1) and (4) of the Social Security Administration (Northern Ireland) Act 1992(a), and now vested in it(b), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Hospital In-Patients) (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation for the purposes of –

- (a) this regulation and, in so far as they relate to a particular beneficiary in receipt of incapacity benefit or severe disablement allowance, regulations 2 and 3, on 16th February 2004; and
- (b) regulations 2 and 3 in so far as they relate to a particular beneficiary other than a beneficiary in receipt of incapacity benefit or severe disablement allowance, on 16th February 2004 if it is his day for payment or, if not, on his day for payment next following 16th February 2004, and for the purposes of this paragraph “day for payment” shall be construed in accordance with regulation 22(3) of, and Schedule 6 to, the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(c).

Amendment of the Social Security (Hospital In-Patients) Regulations

2.—(1) The Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(d) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation) for the definitions of “40% of the basic pension” and “60% of the basic pension”(e) there shall be substituted the following definitions –

“ “38% of the basic pension” means an amount equal to 38% of the basic pension rounded to the nearest 5 pence, 2½ pence being rounded to the next 5 pence above;

(a) 1992 c. 8; section 71(1) was amended by paragraph 32(2) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(b) See Article 8(b) of S.R. 1999 No. 481

(c) S.R. 1987 No. 465; relevant amending regulations are S.R. 1992 No. 7, S.R. 2001 No. 108 and S.R. 2002 Nos. 297 and 323

(d) S.R. 1975 No. 109; relevant amending regulations are S.R. 1977 No. 316, S.R. 1987 No. 391 and S.R. 2003 No. 261

(e) The definition of “60% of the basic pension” was inserted by regulation 2(2)(a)(iv) of S.R. 1987 No. 391

“58% of the basic pension” means an amount equal to 58% of the basic pension rounded to the nearest 5 pence, 2½ pence being rounded to the next 5 pence above;”.

(3) In regulation 6(1)(a) (adjustment of personal benefit after 52 weeks in hospital) –

(a) for “paragraphs (3) and (4)” there shall be substituted “paragraph (3)”;

(b) in sub-paragraph (b) for “40%” there shall be substituted “38%”; and

(c) in sub-paragraph (c) for “60%” there shall be substituted “58%”.

Revocation

3. Regulation 2(2)(a)(iv) and (6)(a) and (b) of the Social Security (Hospital In-Patients) (Amendment No. 2) Regulations (Northern Ireland) 1987(**b**) is hereby revoked.

Sealed with the Official Seal of the Department for Social Development on 21st January 2004.

(L.S.)

John O'Neill

Senior Officer of the Department for Social Development

(a) Regulation 6 was amended by regulation 3(2) of S.R. 1977 No. 316, regulation 2(6) of S.R. 1987 No. 391 and regulation 2(6) of S.R. 2003 No. 261

(b) S.R. 1987 No. 391

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975 to adjust the amount of benefit payable to a beneficiary's dependant after the beneficiary has received 52 weeks of free in-patient treatment in a hospital and then has his benefit adjusted so that the first 20% only of the basic pension is payable. They provide that the next 38%, instead of 40%, of the basic pension is not payable and any excess over 58%, instead of 60%, of the basic pension is payable to the dependant.

Regulation 3 makes a consequential revocation.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose a charge on business.

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