
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 580

**The Social Security (Hospital In-Patients)
Regulations (Northern Ireland) 2005**

Hospital in-patients entitled to an increase in benefit for a dependant

2.—(1) Paragraphs (2) and (3) apply where a beneficiary is entitled to an increase in benefit for an adult or child dependant under Part IV of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽¹⁾.

(2) Where the beneficiary has received free in-patient treatment for a period of not less than 52 weeks, the increase shall not be payable unless the beneficiary applies to the Department to pay the increase on behalf of the beneficiary to—

- (a) the dependant; or
- (b) some other person who is approved by the Department and who satisfies the Department that he will apply the increase for the benefit of the dependant.

(3) Where both the beneficiary and the dependant are in-patients and each has received free in-patient treatment for a period of not less than 52 weeks, the increase shall not be payable unless the beneficiary applies to the Department to pay the increase on behalf of the beneficiary to—

- (a) the dependant; or
- (b) some other person who is approved by the Department and who satisfies the Department that he will apply the increase for the benefit of a child of the beneficiary.

(4) For the purposes of this regulation, 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 under the Health and Personal Social Services (Northern Ireland) Order 1972⁽²⁾ or the Health and Personal Social Services (Northern Ireland) Order 1991⁽³⁾; or
- (b) in a hospital or similar institution maintained or administered by the Defence Council, and such a person shall, for the purposes of sub-paragraph (a), be regarded as being maintained free of charge in such a hospital or similar institution unless his accommodation and services are provided under Article 31 of the Health and Personal Social Services (Northern Ireland) Order 1972⁽⁴⁾ or paragraph 14 of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991.

(5) For the purposes of paragraph (4), a period during which a person is regarded as receiving or having received free in-patient treatment shall be deemed to begin on and includes the day after the day on which he enters a hospital or similar institution referred to in that paragraph and to end on the day on which he leaves such a hospital or similar institution.

(1) Provisions for increases in benefit for child dependants were repealed by Schedule 6 to the Tax Credits Act 2002 subject to savings and transitional provisions under section 62 of that Act
(2) S.I.1972/1265 (N.I. 14)
(3) S.I. 1991/194 (N.I. 1)
(4) Article 31 was substituted by Article 3(9) of the Health and Medicines (Northern Ireland) Order 1988 (S.I. 1988/2249 (N.I. 24))

- (6) For the purposes of this regulation—
- (a) where an increase in a person’s benefit is payable in respect of an adult or child dependant the increase shall be treated as a separate benefit; and
 - (b) where a beneficiary’s spouse or civil partner (“dependant”) is temporarily absent from Northern Ireland for the purpose of being treated for incapacity which commenced before he left Northern Ireland the absence shall be disregarded for the purpose of determining whether the beneficiary is residing with the dependant and is entitled to an increase in benefit for him.