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STATUTORY INSTRUMENTS

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**1999 No. 1326**

**SOCIAL SECURITY**

**The Social Security (Hospital In-Patients,  
Attendance Allowance and Disability Living  
Allowance) (Amendment) Regulations 1999**

<i>Made</i>	- - - -	<i>10th May 1999</i>
<i>Laid before Parliament</i>		<i>17th May 1999</i>
<i>Coming into force</i>	- -	<i>7th June 1999</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 113(2) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(1), and sections 73(1) (b) and 189(1), (4) and (5) of the Social Security Administration Act 1992(2), and all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that the proposals to make these Regulations should not be referred to it(3), hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Hospital In-Patients, Attendance Allowance and Disability Living Allowance) (Amendment) Regulations 1999 and shall come into force on 7th June 1999.

**Amendment of regulation 2 of the Social Security (Hospital In-Patients) Regulations 1975**

2. Regulation 2 (interpretation) of the Social Security (Hospital In-Patients) Regulations 1975(4) shall be amended by the insertion after paragraph (2) of the following—

“(2A) For the purposes of paragraph (2), a period during which a person is regarded as receiving or having received free in-patient treatment shall be deemed to begin on 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.”.

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(1) 1992 c. 4.

(2) 1992 c. 5; section 73 was amended by the Jobseekers Act 1995 c. 18, Schedule 2, paragraph 49.

(3) See section 173(1)(b) of the Social Security Administration Act 1992.

(4) S.I. 1975 No. 555. Paragraph (2) of regulation 2 was substituted by regulation 11 of S.I. 1992 No. 2595.

### **Amendment of regulation 6 of the Social Security (Attendance Allowance) Regulations 1991**

3. Regulation 6 (hospitalisation) of the Social Security (Attendance Allowance) Regulations 1991(5) shall be amended by the insertion after paragraph (2) of the following—

“(2A) For the purposes of paragraph (1), a period during which a person is maintained free of charge while undergoing medical or other treatment as an in-patient shall be deemed to begin on 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.”.

### **Amendment of regulations 8 and 12A of the Social Security (Disability Living Allowance) Regulations 1991**

4. Regulation 8 (hospitalisation) and 12A (hospitalisation in mobility component cases) of the Social Security (Disability Living Allowance) Regulations 1991(6), shall be amended by the insertion after paragraph (2) of each regulation of the following—

“(2A) For the purposes of paragraph (1), a period during which a person is maintained free of charge while undergoing medical or other treatment as an in-patient shall be deemed to begin on the day after the day on which he enters a hospital or other similar institution referred to in that paragraph and to end on the day on which he leaves such a hospital or other similar institution.”.

Signed by authority of the Secretary of State for Social Security.

10th May 1999

*Hugh Bayley*  
Parliamentary Under-Secretary of State,  
Department of Social Security

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(5) [S.I. 1991 No. 2740](#). Regulation 6 was amended by regulation 2 of [S.I. 1992 No. 2869](#).

(6) [S.I. 1991 No. 2890](#). Regulation 8 was amended by regulation 4 of [S.I. 1992 No. 2869](#). Regulation 12A was inserted by regulation 2 of [S.I. 1996 No. 1436](#).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Social Security (Hospital In-Patients) Regulations 1975 (“the Hospital In-Patients Regulations”), the Social Security (Attendance Allowance) Regulations 1991 (“the Attendance Allowance Regulations”) and the Social Security (Disability Living Allowance) Regulations 1991 (“the Disability Living Allowance Regulations”).

Regulations 2, 3 and 4 respectively amend regulation 2 of the Hospital In-Patients Regulations, regulation 6 of the Attendance Allowance Regulations and regulations 8 and 12A of the Disability Living Allowance Regulations. The amendments provide that a period during which a person is, or is treated as, receiving free in-patient treatment, or is treated as being maintained free of charge while undergoing medical treatment as an in-patient, begins on the day after he enters a hospital or similar institution and ends on the day he leaves.

The definition of a person receiving free in-patient treatment in the Hospital In-Patients Regulations is used for the purposes of the Income Support (General) Regulations S.I.1987/1967, see regulation 21 and Schedule 7, the Housing Benefit (General) Regulations S.I. 1987/1971, see regulation 18, the Family Credit (General) Regulations S.I. 1987/1973, see regulation 8, the Disability Working Allowance (General) Regulations S.I. 1991/2887, see regulation 10, the Council Tax Benefit (General) Regulations S.I. 1992/1814, see regulation 10 and the Jobseeker’s Allowance Regulations S.I. 1996/207, see regulation 85 and Schedule 5.

These Regulations do not impose any costs on business.