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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 58**

**The Social Security (Persons Serving a Sentence of Imprisonment Detained in Hospital) Regulations (Northern Ireland) 2010**

**Amendment of the Employment and Support Allowance Regulations**

5.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008<sup>(1)</sup> are amended in accordance with paragraphs (2) to (4).

(2) In regulation 69(2) (special cases) after the definition “person in hardship” insert—

““person serving a sentence of imprisonment detained in hospital” means a person who—

- (a) is being detained under Article 53 of Mental Health (Northern Ireland) Order 1986 (removal to hospital of persons serving sentences of imprisonment etc.), and
- (b) in any case where there is in relation to that person a release date within the meaning of Article 56(3) of that Order (further provisions as to prisoners under sentence), is being detained on or before the day which the Secretary of State certifies to be that release date;”.

(3) In regulation 160 (exceptions for disqualification for imprisonment)—

(a) for paragraph (3) substitute—

“(3) Notwithstanding section 18(4)(b) of the Act, a claimant (“C”) is not to be disqualified for receiving a contributory allowance, for any period during which C is undergoing detention in legal custody after the conclusion of criminal proceedings if it is a period during which C is detained in a hospital or similar institution in Northern Ireland as a person suffering from mental disorder unless—

- (a) C is detained under Article 53 of Mental Health Order (removal to hospital of persons serving sentences of imprisonment etc.); and
- (b) in any case where there is in relation to C a release date within the meaning of Article 56(3) of that Order (further provisions as to prisoners under sentence), C is being detained on or before the day which the Secretary of State certifies to be that release date.”; and

(b) omit paragraph (4).

(4) In column (1) of Schedule 5 (special cases)—

(a) for paragraph 12 substitute—

**“Persons serving a sentence of imprisonment detained in hospital**

**12. A person serving a sentence of imprisonment detained in hospital.”; and**

(b) before paragraph 13 insert—

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(1) [S.R. 2008 No. 280](#), to which there are amendments not relevant to these Regulations

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“Patients”.