

## 1993 No. 235

## SOCIAL SECURITY

**The Income Support (General) (Amendment No. 3)  
Regulations (Northern Ireland) 1993**

*Made* . . . . . 17th May 1993

*Coming into operation* . . . . . 31st May 1993

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(a) and 131(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Income Support (General) (Amendment No. 3) Regulations (Northern Ireland) 1993 and shall come into operation on 31st May 1993.

(2) In these regulations “the principal regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(b).

(3) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

*Amendment of Schedule 2 to the principal regulations*

2.—(1) Schedule 2 to the principal regulations (applicable amounts) shall be amended in accordance with paragraph (2).

(2) In paragraph 2A—

(a) in sub-paragraph (2)—

(i) for “(3) and (4)” there shall be substituted “(3), (4) and (4A)”;

(ii) in head (a) for the words from “and for this purpose” to the end there shall be substituted “or is regarded, pursuant to sub-paragraph (4A), as residing in such a home”;

(b) after sub-paragraph (4) there shall be inserted the following sub-paragraph—

“(4A) For the purposes of sub-paragraph (2)(a), where a person’s principal place of residence is a residential care home or nursing home, and he is temporarily absent from that home, he shall be regarded as continuing to reside in that home—

(a) 1992 c. 7

(b) S.R. 1987 No. 459; relevant amending rules are S.R. 1993 Nos. 149, 150 and 165

(c) 1954 c. 33 (N.I.)

- (a) where he is absent because he is a patient, for the first 6 weeks of any such period of absence, and for this purpose—
- (i) “patient” has the meaning it has in Schedule 7 by virtue of regulation 21(3), and
  - (ii) periods of absence separated by not more than 28 days shall be treated as a single period of absence equal in duration to all those periods, and
- (b) for the first 3 weeks of any other period of absence.”.

*Transitional provision*

3. Where—

- (a) on 31st May 1993 a person is temporarily absent from a residential care home or nursing home, and his absence forms part of a period which on that day exceeded 6 days, and
- (b) before that day paragraph 2A of Schedule 2 to the principal regulations (applicable amounts) as in operation on 30th May 1993 applied to him,

he shall be treated, for the purposes of paragraph 2A of Schedule 2 to the principal regulations, as amended by regulation 2, as if his first day of absence was 31st May 1993.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 17th May 1993.

(L.S.)

W. G. Purdy

Assistant Secretary

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EXPLANATORY NOTE

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

These regulations further amend the Income Support (General) Regulations (Northern Ireland) 1987 as they affect the residential allowance, which is part of the applicable amount. They provide that a person living in a residential care home or nursing home shall be treated as continuing to live in that home whilst he is away from it for up to 3 weeks, or for up to 6 weeks where he is in hospital.

These regulations make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Social Security 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 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.