
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975 and amend other regulations so that, except in specified cases, a person's benefit is no longer adjusted when the person has been receiving free medical treatment as a hospital in-patient for 52 weeks.

Regulation 2 provides for the circumstances in which a dependency increase is payable if the beneficiary, or the beneficiary and dependant, have received free medical treatment as a hospital in-patient for 52 weeks or more.

Regulation 3 amends the Income Support (General) Regulations (Northern Ireland) 1987 to adjust the income support of beneficiaries who are hospital in-patients. Paragraph (2) abolishes the rule that absences from hospital of up to 28 days are ignored when calculating a 52-week period as an in-patient but paragraph (4) maintains that rule for stopping non-dependant deductions when the non-dependant has been a hospital in-patient for 52 weeks. Paragraph (5)(a) abolishes, for most cases, the adjustment of income support when a claimant has received free medical treatment as a hospital in-patient for 52 weeks. Paragraph (5)(b) provides for a nil applicable amount of income support if a person is sentenced to a period of imprisonment and during that period is detained in hospital under the Mental Health (Northern Ireland) Order 1986. It also removes any entitlement to a disability premium, enhanced disability premium or higher pensioner premium after 52 weeks as a hospital in-patient.

Regulations 4 and 6 respectively make consequential amendments to the Housing Benefit (General) Regulations (Northern Ireland) 1987 and the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000.

Regulations 5 and 7 respectively make similar amendments in relation to jobseeker's allowance and state pension credit as those made for income support by regulation 3.

Regulation 8 makes consequential revocations.

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.