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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 580**

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

**Amendment of the Income Support (General) Regulations**

**3.**—(1) The Income Support (General) Regulations (Northern Ireland) 1987 shall be amended in accordance with the paragraphs (2) to (6).

(2) In regulation 21 (special cases)—

- (a) paragraph (2)(1) shall be omitted; and
- (b) in paragraph (3) in the definition of “patient” for “the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975” there shall be substituted “regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 2005”.

(3) In paragraph 12(1) of Schedule 2 (applicable amounts)—

- (a) in head (b)(ii)(bb)(2) at the beginning there shall be inserted “subject to paragraphs 2A and 2B of Schedule 7,”; and
- (b) in head (d)(3) for “(1)(a), (b), (c)(ii) or (d)(ii) there shall be substituted “2A or 2B”.

(4) In paragraph 18(7)(g) of Schedule 3(4) (housing costs) for sub-heads (i) and (ii) there shall be substituted the following sub-heads—

- “(i) “patient” has the meaning given in paragraph 3(13)(b) and “prisoner” has the meaning given in regulation 21(3); and
- (ii) in calculating a period of 52 weeks as a patient, any two or more distinct periods separated by one or more intervals each not exceeding 28 days shall be treated as a single period; or”.

(5) In Schedule 7 (applicable amounts in special cases)—

- (a) paragraphs 1(5) (but not the heading before it) and 2 shall be omitted; and
- (b) for paragraph 2A(6) there shall be substituted the following paragraphs—

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“**2A.** A claimant who is detained, or liable to be detained, under Article 53 of the Mental Health (Northern Ireland) Order 1986 (removal to hospital of persons serving sentences of imprisonment, etc.) but not if his detention continues after the date which the Secretary of State certifies would have been the earliest date

**2A.** Nil.

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- (1) Paragraph (2) was amended by regulation 3(b) of S.R. 2003 No. 412
  - (2) Head (b) was substituted by regulation 2(12)(a)(ii) of S.R. 1995 No. 67 and amended by regulation 2(8) of S.R. 1995 No. 367
  - (3) Head (d) was inserted by regulation 24(5)(e) of S.R. 2003 No. 191 and amended by regulation 4 of S.R. 2004 No. 213
  - (4) Schedule 3 was substituted by Schedule 1 to S. R. 1995 No. 301 and paragraph 18(7)(g) was amended by regulation 3(4) of S.R. 2003 No. 261 and regulation 4(b)(ii)(aa) of S.R. 2004 No. 394
  - (5) Paragraph 1 was amended by regulation 19(a) of S.R. 1988 No. 431, paragraph 15(a) of Part I of the Schedule to S.R. 2002 No. 132, paragraph 21(a) to (c) of Schedule 1 to S.R. 2003 No. 195 and regulation 3(5)(a) of S.R. 2003 No. 261
  - (6) Paragraph 2A was inserted by regulation 19(b) of S.R. 1990 No. 131 and amended by regulation 5 of S.R. 1998 No. 81

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on which he could have been released in respect of, or from, the prison sentence if he had not been detained in hospital.

**2B.** Subject to paragraph 2A, a single claimant who has been a patient for a continuous period of more than 52 weeks or, where the claimant is one of a couple, the other member of the couple has been a patient for a continuous period of more than 52 weeks.

**2B.** The amount applicable under regulation 17(1) less any amount applicable by virtue of paragraphs 10 or 11 and 12 or paragraph 13A of Schedule 2.”

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(6) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) paragraph 38(7) shall be omitted.