

*Status: This version of this provision is prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Employment and Support Allowance Regulations (Northern Ireland) 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## STATUTORY RULES OF NORTHERN IRELAND

# 2016 No. 219

## The Employment and Support Allowance Regulations (Northern Ireland) 2016

PROSPECTIVE

### PART 4

#### LIMITED CAPABILITY FOR WORK

##### **Hospital patients**

**21.**—(1) A claimant is to be treated as having limited capability for work on any day on which that claimant is undergoing medical or other treatment as a patient in a hospital or similar institution, or on any day which is a day of recovery from that treatment.

(2) The circumstances in which a claimant is to be regarded as undergoing treatment falling within paragraph (1) include where the claimant is attending a residential programme of rehabilitation for the treatment of drug or alcohol addiction.

(3) For the purposes of this regulation, a claimant is to be regarded as undergoing treatment as a patient in a hospital or similar institution only if that claimant has been advised by a health care professional to stay for a period of 24 hours or longer following medical or other treatment.

(4) For the purposes of this regulation, “day of recovery” means a day on which a claimant is recovering from treatment as a patient in a hospital or similar institution as referred to in paragraph (1) and the Department is satisfied that the claimant should be treated as having limited capability for work on that day.

##### **Commencement Information**

**II** Reg. 21 in operation at 27.9.2017, see [reg. 1\(2\)](#)

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**Changes and effects yet to be applied to :**

- reg. 21 coming into force by S.R. 2016/219 reg. 1(2)

**Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:**

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Pt. 8(crossheading)Pt. 8(step)(1) coming into force by S.R. 2016/219 reg. 1(2)
- Pt. 8(crossheading)Pt. 8(step)(2) coming into force by S.R. 2016/219 reg. 1(2)
- reg. 45(2) inserted by S.R. 2022/14 reg. 3(b)
- reg. 62(1)(a)(i) sum substituted by S.R. 2021/82 art. 32(3)(a)
- reg. 62(1)(a)(i) sum substituted by S.R. 2022/143 art. 32(3)(a)
- reg. 62(1)(a)(i) sum substituted by S.R. 2022/231 art. 31(3)(a)
- reg. 62(1)(a)(i) sum substituted by S.R. 2023/143 art. 31(3)(a) (This amendment not applied to legislation.gov.uk. S.R. 2023/143 revoked before coming into operation (26.9.2023) by The Social Security Benefits Up-rating (No. 3) Order (Northern Ireland) 2023 (S.R. 2023/150), arts. 1, 33)
- reg. 62(1)(a)(i) sum substituted by S.R. 2023/150 art. 31(3)(a)
- reg. 62(1)(a)(i) sum substituted by S.R. 2023/27 art. 31(3)(a)
- reg. 62(1)(a)(i) sum substituted by S.R. 2023/43 art. 32(3)(a)
- reg. 62(1)(a)(i) sum substituted by S.R. 2024/69 art. 30(3)(a)
- reg. 62(1)(a)(i) sum substituted by S.R. 2024/73 art. 31(3)(a)
- reg. 62(1)(a)(ii)(aa) sum substituted by S.R. 2021/82 art. 32(3)(a)
- reg. 62(1)(a)(ii)(bb) sum substituted by S.R. 2021/82 art. 32(3)(b)
- reg. 62(1)(a)(ii) sum substituted by S.R. 2022/143 art. 32(3)(a)
- reg. 62(1)(a)(ii)(bb) sum substituted by S.R. 2022/143 art. 32(3)(b)
- reg. 62(1)(a)(ii)(aa) sum substituted by S.R. 2022/231 art. 31(3)(a)
- reg. 62(1)(a)(ii)(bb) sum substituted by S.R. 2022/231 art. 31(3)(b)
- reg. 62(1)(a)(ii)(aa) sum substituted by S.R. 2023/143 art. 31(3)(a) (This amendment not applied to legislation.gov.uk. S.R. 2023/143 revoked before coming into operation (26.9.2023) by The Social Security Benefits Up-rating (No. 3) Order (Northern Ireland) 2023 (S.R. 2023/150), arts. 1, 33)
- reg. 62(1)(a)(ii)(bb) sum substituted by S.R. 2023/143 art. 31(3)(b) (This amendment not applied to legislation.gov.uk. S.R. 2023/143 revoked before coming into operation (26.9.2023) by The Social Security Benefits Up-rating (No. 3) Order (Northern Ireland) 2023 (S.R. 2023/150), arts. 1, 33)
- reg. 62(1)(a)(ii)(aa) sum substituted by S.R. 2023/150 art. 31(3)(a)
- reg. 62(1)(a)(ii)(bb) sum substituted by S.R. 2023/150 art. 31(3)(b)
- reg. 62(1)(a)(ii)(aa) sum substituted by S.R. 2023/27 art. 31(3)(a)
- reg. 62(1)(a)(ii)(bb) sum substituted by S.R. 2023/27 art. 31(3)(b)
- reg. 62(1)(a)(ii) sum substituted by S.R. 2023/43 art. 32(3)(a)
- reg. 62(1)(a)(ii)(bb) sum substituted by S.R. 2023/43 art. 32(3)(b)
- reg. 62(1)(a)(ii)(aa) sum substituted by S.R. 2024/69 art. 30(3)(a)
- reg. 62(1)(a)(ii)(bb) sum substituted by S.R. 2024/69 art. 30(3)(b)
- reg. 62(1)(a)(ii)(aa) sum substituted by S.R. 2024/73 art. 31(3)(a)

– reg. 62(1)(a)(ii)(bb) sum substituted by [S.R. 2024/73 art. 31\(3\)\(b\)](#)