

SECOND SCHEDULE

Regulation 5.

REGULATION 23 OF THE NATIONAL INSURANCE (CONTRIBUTIONS) REGULATIONS (NORTHERN IRELAND), 1948, AS AMENDED*

Treatment for the purpose of maternity benefit of late paid contributions

23.—(1) For the purpose of any right to a maternity allowance, a contribution under the Act paid after the due date shall be treated —

- (a) if paid before the expiry of the maternity allowance period or the period of four weeks after the date on which the claim for the allowance is made (whichever period ends later)—as paid on the due date ;
- (b) if paid after the expiry of whichever of the said periods ends later—as not paid ;

and, for the purposes of this paragraph, the expression “ the maternity allowance period ” means the period mentioned in subsection (2) of section 14 of the Act or, in a case in relation to which that subsection is modified in accordance with regulations made under subsection (6) of that section, the period mentioned in the said subsection (2) as so modified.

(2) For the purpose of any right to a maternity grant, a contribution under the Act paid after the due date shall be treated —

- (a) if paid before the expiry of the period of three months after the date of confinement—as paid on the due date ;
- (b) if paid after the expiry of the said period of three months—as not paid :

Provided that in determining whether the relevant contribution conditions are satisfied as respects the number of contributions paid or credited in respect of the last complete contribution year before *the beginning of the benefit year comprising the relevant time* such a contribution shall, in such cases as the Ministry may in special circumstances allow, be treated as paid on the due date.

(3) For the purpose of the proviso to sub-paragraph (b) of paragraph (2) of this regulation the expression “ relevant time ” has the same meaning as in paragraph 2 of the Third Schedule to the Act.

* The words substituted by these regulations are shown in italics.

Hospital In-Patients

REGULATIONS, DATED 23RD JANUARY, 1953, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1953. No. 22

The National Insurance Joint Authority, in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 29

of the National Insurance Act (Northern Ireland), 1946 (a), and of all other powers enabling them in that behalf, hereby make the following regulations :—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Hospital In-Patients) Amendment Regulations (Northern Ireland), 1953, shall be read as one with the National Insurance (Hospital In-Patients) Regulations (Northern Ireland), 1949 (b), as amended (c) (hereinafter referred to as “ the principal regulations ”) and shall come into operation on the 2nd February, 1953.

Amendment of Part I of the principal regulations

2. In paragraph (2) of regulation 1 of the principal regulations (which makes provision for their interpretation), after the definition of “ free in-patient treatment ”, the following definition shall be inserted :—

“ ‘ prescribed accommodation ’ means, in relation to any person, any residential accommodation provided for that person under the Welfare Services Act (Northern Ireland), 1949 (d) ; ”.

Amendment of Part II of the principal regulations

3.—(1) Regulation 5 of the principal regulations (which relates to reduction, by reason of the receipt of free in-patient treatment, of the weekly rates of certain personal benefits) shall be amended in accordance with the following provisions of this regulation, and shall accordingly have effect as set out in the schedule to these regulations.

(2) In sub-paragraph (b) of paragraph (3) of the said regulation 5 the words “ as an inmate ” shall be omitted and, for the words “ an institution (not being a hospital or similar institution) administered by or under the Ministry of Health and Local Government or a local authority ”; there shall be substituted the words “ any prescribed accommodation ”.

(3) At the end of sub-paragraph (c) of the said paragraph (3), there shall be added the following proviso :—

“ Provided that —

(i) the payment of any benefit to which the last preceding sub-paragraph applies shall be suspended while the beneficiary is again receiving free in-patient treatment or is residing in any prescribed accommodation ; and

(a) 1946. c.23.

(b) S. R. & O. (N.I.) 1949. No. 161.

(c) Regs. 20 and 21, National Insurance (Increase of Benefit, Re-entry into Regular Employment and Miscellaneous Provisions) Regulations (Northern Ireland), 1951 (S. R. & O. (N.I.) 1951. No. 154) and Reg. 10, National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1952 (S. R. & O. (N.I.) 1952. No. 137) ; S. R. & O. (N.I.) 1949. No. 162 ; S. R. & O. (N.I.) 1952. No. 147.

(d) 1949. c.1.

- (ii) where a person again receives free in-patient treatment for any period in relation to which the provisions of sub-paragraph (b) of this paragraph apply, the amount of any benefit which would be payable to him under those provisions in respect of that period shall be reduced or extinguished by the deduction therefrom of the amount of any benefit which, at the commencement of that period, either was payable to him under those provisions in respect of any earlier period and was unpaid, or would have been so payable to him under those provisions if he had then satisfied the conditions for the receipt thereof."

Amendment of Part III of the principal regulations

4.—(1) Regulation 8 of the principal regulations (which specifies the persons constituting "dependants") shall be amended in accordance with the following provisions of this regulation, and shall accordingly have effect as set out in the schedule to these regulations.

(2) At the end of the said regulation 8, there shall be added the following proviso :—

" Provided that, if the husband or wife of the beneficiary is temporarily absent from Northern Ireland for the specific purpose of being treated for incapacity which commenced before he or she left Northern Ireland, then, in determining for the purposes of the foregoing provisions of this regulation whether any benefit is, or would be, payable, that absence from Northern Ireland (and any absence of claim for benefit) shall be disregarded."

5. Regulation 11 of the principal regulations shall be omitted.

6.—(1) Regulation 12 of the principal regulations (which relates to the calculation of periods) shall be amended in accordance with the following provisions of this regulation, and shall accordingly have effect as set out in the schedule to these regulations.

(2) In paragraph (2) of the said regulation 12, the words " as an inmate " shall be omitted and, for the words " an institution (not being a hospital or similar institution) administered by or under the Ministry of Health and Local Government or a local authority ", there shall be substituted the words " any prescribed accommodation ".

(3) At the end of the said paragraph (2), there shall be added the following proviso :—

" Provided that,—

- (a) where any such person has ceased to reside in any prescribed accommodation after it has been decided by the appropriate authority that he should be permitted to reside there otherwise than temporarily, the period of that residence (whatever its duration) shall be deemed to have been a period of fifty-two weeks ; and

(b) where the prescribed accommodation in which any such person has ceased to reside is residential accommodation in premises managed by a voluntary organisation provided for that person under the Welfare Services Act (Northern Ireland), 1949, the foregoing provisions of this paragraph and the provisions of the next succeeding paragraph shall not apply in relation to that person unless and until, after having ceased to reside in such accommodation, he shall have received free in-patient treatment for a continuous period exceeding eight weeks."

(4) After paragraph (3) of the said regulation 12, there shall be added the following paragraph :—

"(4) Any period during which a person has received free in-patient treatment whilst that person was a serving member of the forces (as defined in paragraph (2) of regulation 1 of the National Insurance (Members of the Forces) Regulations, 1949 (a)) shall be disregarded."

Given under the Official Seal of the National Insurance Joint Authority this 23rd day of January, nineteen hundred and fifty-three.

(L.S.)

T. C. Stephens,

Secretary, National Insurance Joint Authority.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 23rd day of January, nineteen hundred and fifty-three.

(L.S.)

G. N. Cox,

Assistant Secretary to the Ministry of Finance
for Northern Ireland.

SCHEDULE

Regulations 3, 4 and 6.

CONTAINING PROVISIONS OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS

*Regulation 5 as amended **

Personal benefit

5.—(1) Where, by virtue of the provisions of paragraph (2) or paragraph (3) of regulation 3, the weekly rate of any reduction of personal benefit is to be determined for any period in accordance with the provisions of this regulation, that reduction shall, subject to the following provisions of this regulation, be such (if any) as will reduce the rate of that personal benefit where the beneficiary is a tuberculosis patient, to eleven shillings and six pence a week, or, in any other case, to six shillings and six pence a week.

* The words added or substituted by these regulations are shown in italics.

(a) S.I. 1949/875.

(2) For any part of the period referred to in paragraph (1) of this regulation during which the beneficiary has a dependant and in respect of which an application has been made by the beneficiary to the Ministry to pay on behalf of the beneficiary to that dependant, or to some other person who is approved by the Ministry and satisfies the Ministry that he will apply it for the benefit of that dependant, so much (if any) of the personal benefit as would, but for the provisions of these regulations, be payable to the beneficiary in excess, where the beneficiary is a tuberculosis patient, of eighteen shillings a week, or, in any other case, of thirteen shillings a week, the reduction of personal benefit shall be at the rate of six shillings and six pence a week.

(3) (a) For any part of the period of free in-patient treatment which falls within the period of fifty-two weeks next following the first fifty-two weeks thereof, and during which the beneficiary has not a dependant or, if the beneficiary has a dependant, in respect of which any such application as is mentioned in paragraph (2) of this regulation has not been made, the reduction of personal benefit shall, subject to the provisions of the next following sub-paragraph, be at the rate of twelve shillings and six pence a week.

(b) In addition to the reduction of benefit specified in the last foregoing sub-paragraph, so much (if any) of the personal benefit as would, but for the provisions of these regulations, be payable for the said part of the said period in excess, where the beneficiary is a tuberculosis patient, of twenty-four shillings a week, or, in any other case, of nineteen shillings a week, shall not be payable unless and until the beneficiary is discharged from the hospital or similar institution by and with the approval of a person authorised or empowered to discharge him and thereafter proves, in such manner as the Ministry shall require, that he has been so discharged and is neither receiving free in-patient treatment nor residing in *any prescribed accommodation*, and in that event there shall be payable only so much thereof as is payable in accordance with the provisions of the next following sub-paragraph.

(c) Where a beneficiary satisfies the conditions for the receipt of any benefit to which the last preceding sub-paragraph applies, that benefit shall, during his lifetime, be payable to the beneficiary by instalments not exceeding fifty shillings a week unless, having regard to the circumstances of any particular case, the Ministry is of the opinion that payment by other instalments or in one sum is desirable, and any benefit which, at his death, has not been paid in accordance with this provision shall not be payable :

Provided that —

- (i) *the payment of any benefit to which the last preceding sub-paragraph applies shall be suspended while the beneficiary is again receiving free in-patient treatment or is residing in any prescribed accommodation ; and*
- (ii) *where a person again receives free in-patient treatment for any period in relation to which the provisions of sub-paragraph (b) of*

this paragraph apply, the amount of any benefit which would be payable to him under those provisions in respect of that period shall be reduced or extinguished by the deduction therefrom of the amount of any benefit which, at the commencement of that period, either was payable to him under those provisions in respect of any earlier period and was unpaid, or would have been so payable to him under those provisions if he had then satisfied the conditions for the receipt thereof.

*Regulation 8 as amended **

Persons constituting "dependants"

8. For the purposes of these regulations, a beneficiary shall be regarded as having a dependant for any period if, but only if, for that period either —

- (a) any dependency benefit is payable to the beneficiary (or to some other person on his behalf) or, but for the operation of the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1949, and the provisions of regulation 6, would, subject to his satisfying the condition of making a claim therefor, be payable to the beneficiary ; or
- (b) an increase of benefit would, but for the provisions of regulation 6 and subject as aforesaid, be payable to the beneficiary in respect of an adult dependant, if any earnings of that dependant were disregarded otherwise than for the purpose of ascertaining whether or not the beneficiary is or has been wholly or mainly maintaining that dependant ; or
- (c) an increase of benefit would, but for the provisions of regulation 6 and subject as aforesaid, be payable to the beneficiary in respect of his wife for any period in respect of which a retirement pension is payable to her, if she had not attained pensionable age and any earnings of the wife were disregarded otherwise than for the purpose of ascertaining whether or not the beneficiary is or has been wholly or mainly maintaining her ; or
- (d) a retirement pension is payable to the beneficiary (being the wife of a man to whom a retirement pension is payable in respect of that period) and the beneficiary would, for the purposes of the Act, be regarded as residing with her husband ;

and, in relation to a beneficiary who is regarded as having a dependant by virtue of the provisions of paragraph (a), (b) or (c) of this regulation, a person in respect of whom any dependency benefit is or, but for any provision or condition mentioned in that paragraph, would be payable to the beneficiary (or to some other person on his behalf) shall, for the purposes of these regulations, be regarded as a dependant, and, in relation to a married woman who is regarded as having a dependant

* The words added by these regulations are shown in italics.

by virtue of the provisions of paragraph (d) of this regulation, her husband shall, for those purposes, be regarded as a dependant :

Provided that, if the husband or wife of the beneficiary is temporarily absent from Northern Ireland for the specific purpose of being treated for incapacity which commenced before he or she left Northern Ireland, then, in determining for the purposes of the foregoing provisions of this regulation whether any benefit is, or would be, payable, that absence from Northern Ireland (and any absence of claim for benefit) shall be disregarded.

*Regulation 12 as amended **

Calculation of periods

12.—(1) For the purpose of calculating any period mentioned in Part II or Part IV of these regulations, but for no other purpose, the following provisions of this regulation shall apply.

(2) Where a person has entered a hospital or similar institution for the purpose of receiving there medical or other treatment as an in-patient after having ceased to reside in *any prescribed accommodation*, he shall be regarded as having received free in-patient treatment throughout the period during which he so resided :

Provided that,—

(a) *where any such person has ceased to reside in any prescribed accommodation after it has been decided by the appropriate authority that he should be permitted to reside there otherwise than temporarily, the period of that residence (whatever its duration) shall be deemed to have been a period of fifty-two weeks ; and*

(b) *where the prescribed accommodation in which any such person has ceased to reside is residential accommodation in premises managed by a voluntary organisation provided for that person under the Welfare Services Act (Northern Ireland), 1949, the foregoing provisions of this paragraph and the provisions of the next succeeding paragraph shall not apply in relation to that person unless and until, after having ceased to reside in such accommodation, he shall have received free in-patient treatment for a continuous period exceeding eight weeks.*

(3) Where a person has received (or is regarded under this regulation as having received) free in-patient treatment for two or more distinct periods separated by a temporary interval or temporary intervals, he shall be regarded as having received such treatment continuously for a period, equal in duration to the total of such distinct periods, ending on the last day of the latter or last of such periods ; and, for this purpose, the expression " temporary interval " means a period not exceeding twenty-eight days.

(4) *Any period during which a person has received free in-patient treatment whilst that person was a serving member of the forces (as defined in paragraph (2) of regulation 1 of the National Insurance (Members of the Forces) Regulations, 1949) shall be disregarded.*

* The words added or substituted by these regulations are shown in italics.