

hospital patient. These Regulations increase that earnings limit; they apply it also to work done as a non-employed person, and require that such work, to be excepted, must be done with good cause. The Regulations also amend the rules of behaviour which are required to be observed by specifying the work which is described above as work which may be done without infringing those rules.

1960. No. 142

[C]

## NATIONAL INSURANCE

### Hospital In-Patients

REGULATIONS, DATED 15TH SEPTEMBER, 1960, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

The National Insurance Joint Authority, in conjunction with the Ministry of Finance, in exercise of 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), 1960, shall be read as one with the National Insurance (Hospital In-Patients) Regulations (Northern Ireland), 1949(b) (hereinafter referred to as "the principal regulations"), and shall come into operation on the 19th September, 1960.

#### *Amendment of regulation 1 of the principal regulations*

2.—(1) Regulation 1 of the principal regulations (which regulation contains certain definitions) shall be amended in accordance with the following provisions of this regulation.

(2) The definition of "hospital or similar institution" and the definition of "free in-patient treatment" in paragraph (2) of regulation 1 of the principal regulations shall be omitted.

(3) After the said paragraph (2), there shall be inserted the following paragraph:

"(2A) For the purposes of these regulations, a person shall be regarded as receiving or having received free in-patient treatment for any period for which he is or has been maintained free of charge while undergoing medical or other treatment as an in-patient—

(a) in a hospital or similar institution maintained or administered by the Northern Ireland Hospitals Authority constituted under the Health Services Act (Northern Ireland), 1948(c), or by or on behalf of the Minister of Pensions and National Insurance, the Minister of Health, the Admiralty, the Army Council or the Air Council; or

(a) 1946. c. 23.

(b) S.R. & O. (N.I.) 1949, No. 161 as amended by S.R. & O. (N.I.) 1949, No. 162; 1951, No. 154; 1952, No. 137; 1952, No. 147; 1953, No. 22; 1955, No. 7; 1956, No. 138; 1957, No. 225; 1957, No. 254 and 1957, No. 269.

(c) 1948 c. 3.

- (b) pursuant to arrangements made by the said Northern Ireland Hospitals Authority, the Minister of Pensions and National Insurance or the Minister of Health, in a hospital or similar institution not so maintained or administered;

and, for this purpose, a person shall only be regarded as not being maintained free of charge in a hospital or similar institution for any period if he is paying or has paid, in respect of his maintenance, charges which are designed to cover the whole cost of the accommodation or services (other than services by way of treatment) provided for him in the hospital or similar institution for that period."

*Amendment of regulation 6A of the principal regulations*

3.—(1) Regulation 6A(a) of the principal regulations (which regulation makes provision as to the payment of benefit payable subject to discharge from a hospital or similar institution) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Schedule.

(2) In paragraph (b) of the proviso to paragraph (2) of the said regulation 6A (which paragraph of the said proviso makes provision for cases in which a person, after having received free in-patient treatment and been discharged from the hospital or similar institution, again receives such treatment), after the word "where", there shall be inserted the words "after an interval of more than twenty-eight days".

*Regulation added to the principal regulations*

4. In Part III of the principal regulations (which contains supplementary provisions), after regulation 6B(b) thereof, there shall be inserted the following regulation:

*"Adjustment, or further adjustment, of benefit in certain cases*

6C.—(1) This regulation applies in relation to—

- (a) any personal benefit by way of sickness benefit, widow's benefit or retirement pension (not being personal benefit which, by virtue of an application such as is mentioned in paragraph (2) of regulation 5, is payable on behalf of the beneficiary to or for the benefit of the dependant or any personal benefit which, by virtue of the provisions of sub-paragraph (b) of paragraph (3) of that regulation, is not payable unless and until the beneficiary is discharged from a hospital or similar institution) which, but for the provisions of this regulation, would be payable to the beneficiary, and
- (b) any dependency benefit (not being dependency benefit which, by virtue of an application such as is mentioned in sub-paragraph (a) of paragraph (4) of regulation 6 and by virtue of the provisions of sub-paragraph (c) of the said paragraph (4), is payable to the beneficiary's wife or husband subject to her or his being discharged from a hospital or similar institution) which, but for the provisions of this regulation, would be payable in respect of the beneficiary's wife or husband,

for a period for which, in the case of personal benefit, the beneficiary, or, in the case of dependency benefit, each of the beneficiary and the beneficiary's wife or husband, is receiving free in-patient treatment after

(a) See reg. 15 of and Pt. VI of Sch. A to S.R. & O. (N.I.) 1957, No. 269.

(b) See reg. 5 of S.R. & O. (N.I.) 1957, No. 254.

having received that treatment continuously for a period of not less than fifty-two weeks; and, in relation to such benefit, the beneficiary, or, in the case of dependency benefit, the beneficiary's wife or husband, is hereafter in this regulation referred to as "the patient".

(2) The weekly rate of any benefit in relation to which this regulation applies shall be reduced for any period for which there is in operation a certificate in writing, given by a medical officer who, at the time when it was given, was treating the patient, showing that, in the opinion of that officer, either no sum or no more than a specified weekly sum (being a weekly sum which is less than the weekly rate of that benefit) can be applied by or on behalf of the patient for his personal comfort or enjoyment; and the reduction of the weekly rate of that benefit to be made in accordance with the foregoing provisions of this paragraph shall be such that that benefit is not payable or, as the case may be, it is payable at a weekly rate equal to the weekly sum specified in the certificate.

(3) A certificate such as is referred to in the last foregoing paragraph shall operate from the date on which it is furnished to the Ministry and shall continue in operation unless and until either the Ministry receives a notice in writing, given by a medical officer who, at the time when it was given, was treating the patient, stating that the certificate is revoked or another such certificate, relating to the same patient, comes into operation.

(4) In relation to any personal benefit, the foregoing provisions of this regulation shall apply only as respects any period during which the beneficiary is unable to act and benefit to which he is entitled is payable, on his behalf, to the management committee or other body or authority responsible for the management and control of the hospital or similar institution in which he is receiving treatment and is so payable to that management committee, body or authority either as a person or persons empowered to act on behalf of the beneficiary by virtue of an appointment made by the Ministry or pursuant to a request made to the Ministry by a person so empowered.

(5) Notwithstanding the foregoing provisions of this regulation, any benefit which, by reason only of the application of those provisions, would not be payable to or in respect of the patient shall be payable subject to and in accordance with the following provisions:

- (a) Such benefit shall not be payable unless and until the patient is discharged from the hospital or similar institution.
- (b) If, as respects any benefit in relation to which this regulation applies, reductions have been made in accordance with the provisions of paragraph (2) for more than fifty-two weeks, the amount payable in respect of that benefit by virtue of this paragraph shall not exceed the aggregate amount of the reductions so made for the first fifty-two of those weeks.

(6) If and in so far as an application made in accordance with the provisions of paragraph (6) of regulation 6 relates to dependency benefit which would be payable but for any reduction falling to be made in accordance with the provisions of paragraph (2), it shall have effect as if it were an application made by the beneficiary to the Ministry for the payment of that dependency benefit to the dependant subject to the dependant's being discharged from the hospital or similar institution and subject also to the provisions of regulation 6A.

(7) The references in paragraph (4) of regulation 6 to benefit which would be payable but for that regulation, and the reference in paragraph (6) of that regulation to benefit which would be payable but for the provisions of that paragraph, shall be construed as if this regulation had not been made."

*Revocation of regulation 10 of the principal regulations*

5. Regulation 10 of the principal regulations (which contains provisions for determining whether maintenance is free of charge) shall cease to have effect.

Given under the Official Seal of the National Insurance Joint Authority this 15th day of September, nineteen hundred and sixty.

(L.S.)

*D. J. Carter,*

Secretary.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 15th day of September, nineteen hundred and sixty.

(L.S.)

*K. R. Shimeld,*

Assistant Secretary.

SCHEDULE

Regulation 3

**Regulation 6A of the Principal Regulations as amended\***

*Benefit payable on discharge from a hospital or similar institution*

6A.—(1) Where, by virtue of any provision of these regulations, the payment to a person (hereafter in this regulation referred to as "the payee") of any sum by way of benefit is conditional upon the payee's discharge from a hospital or similar institution, that sum (which sum or any part thereof is hereafter in this regulation referred to as "resettlement benefit") shall not be payable unless and until, after the payee's discharge from the hospital or similar institution, the payee proves, in such manner as the Ministry shall require, that his discharge therefrom was effected by and with the approval of a person authorised or empowered to discharge him and that he is neither receiving free in-patient treatment nor residing in any prescribed accommodation, and in that event there shall be payable only so much resettlement benefit as is payable in accordance with the provisions of the next following paragraph.

(2) Resettlement benefit shall, during the lifetime of the payee, be payable to him by instalments not exceeding seventy shillings a week unless, having regard to the circumstances of any particular case, the Ministry decides that payment by other instalments or in one sum is desirable, and any resettlement benefit which, at the payee's death, has not been paid in accordance with this provision shall not be payable:

Provided that—

- (a) the payment of any resettlement benefit shall be suspended while the payee is again receiving free in-patient treatment or is residing in any prescribed accommodation; and
- (b) where *after an interval of more than twenty-eight days* the payee again receives free in-patient treatment for any period, the amount of any resettlement benefit which, but for the provisions of this paragraph of this proviso, would be payable to him in respect of that period shall be reduced or

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