
DRAFT STATUTORY INSTRUMENTS

2004 No.

The Age-Related Payments (Northern Ireland) Order 2004

Payments for 2004

Disqualifications

6.—(1) A qualifying individual who would (but for this Article) be entitled to a payment under Article 4 or 5 shall not be entitled to the payment if—

- (a) he is in receipt of free in-patient treatment throughout the period of 52 weeks ending with the relevant week,
- (b) he is in custody throughout the relevant week, or
- (c) he is subject to immigration control throughout the relevant week.

(2) For the purposes of paragraph (1)—

- (a) the reference to receipt of free in-patient treatment shall be construed in accordance with regulation 2(2) and (2A) of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975 ([S.R. 1975 No. 109](#)),
- (b) a person is in custody if he is detained in custody under a sentence imposed by a court, and
- (c) the reference to being subject to immigration control shall be construed in accordance with section 115(9) of the Immigration and Asylum Act [1999 \(c. 33\)](#).

(3) Where a person to whom this Article applies is part of a couple, in the application of Article 4(3) and (4) to the other member of the couple the person to whom this Article applies shall be treated as a non-qualifying individual.