
STATUTORY INSTRUMENTS

1991 No. 2890

The Social Security (Disability Living Allowance) Regulations 1991

PART III

CARE COMPONENT

[^{F1}Hospitalisation of persons aged 18 or over]

8.—(1) Subject to [^{F2}paragraph (2B) and] regulation 10, it shall be a condition for the receipt of a disability living allowance which is attributable to entitlement to the care component for any period in respect of any person that during that period he is not maintained free of charge while undergoing medical or other treatment as an in-patient—

- (a) in a health service hospital, within the meaning of [^{F3}the NHS Act of 1978, the NHS Act of 2006 or the NHS (Wales) Act of 2006]; or
- (b) in pursuance of arrangements made, or having effect as if made, by the Secretary of State, or any body in the exercise of functions on behalf of the Secretary of State under either of those Acts, in a hospital or similar institution; or
- (c) in a hospital or similar institution maintained or administered by the Defence Council or a National Health Service Trust; or
- (d) in a hospital or similar institution in pursuance of arrangements made by a member of a recognised fund-holding practice.

(2) For the purposes of paragraph (1) a person shall only be regarded as not being maintained free of charge in a hospital or similar institution during any period when his accommodation and services are provided under;

- [^{F4}(a) section 57 of, and paragraph 14 of Schedule 7A to, the NHS Act of 1978;
- (b) section 13 of, and paragraph 15 of Schedule 2 to, the NHS Act of 2006;
- (c) section 28 of, and paragraph 11 of Schedule 6 to, the NHS Act of 2006;
- (d) section 44(6) of, and paragraph 19(1) of Schedule 4 to, the NHS Act of 2006;
- (e) section 11 of, and paragraph 15 of Schedule 2 to, the NHS (Wales) Act of 2006;
- (f) section 18 of, and paragraph 19(1) of Schedule 3 to, the NHS (Wales) Act of 2006; or
- (g) section 22 of, and paragraph 11 of Schedule 5 to, the NHS (Wales) Act of 2006.]

[^{F5}(2A) For the purposes of paragraph (1), a period during which a person is maintained free of charge while undergoing medical or other treatment as an in-patient shall be deemed to begin on the day after the day on which he enters a hospital or other similar institution referred to in that paragraph and to end on the day [^{F6}before the day]on which he leaves such a hospital or other similar institution.]

[^{F7}(2B) This regulation does not apply to a person who was under the age of 18 on the day on which he entered the hospital or other similar institution referred to in paragraph (1) to begin his current period as an in-patient.]

(3) In this regulation—

“National Health Service trust” has the meaning assigned to it by the NHS Act of 1990;

“recognised fund-holding practice” shall be construed in accordance with section 14 of the NHS Act of 1990.

Textual Amendments

- F1** Reg. 8 title substituted (29.6.2016) by [The Social Security \(Disability Living Allowance and Personal Independence Payment\) \(Amendment\) Regulations 2016 \(S.I. 2016/556\)](#), regs. 1(2), **2(2)(a)**
- F2** Words in reg. 8(1) inserted (29.6.2016) by [The Social Security \(Disability Living Allowance and Personal Independence Payment\) \(Amendment\) Regulations 2016 \(S.I. 2016/556\)](#), regs. 1(2), **2(2)(b)**
- F3** Words in reg. 8(1)(a) substituted (8.4.2013) by [The Social Security \(Disability Living Allowance, Attendance Allowance and Carer’s Allowance\) \(Amendment\) Regulations 2013 \(S.I. 2013/389\)](#), regs. 1(2), **4(6)(a)**
- F4** Reg. 8(2)(a)-(g) substituted (8.4.2013) by [The Social Security \(Disability Living Allowance, Attendance Allowance and Carer’s Allowance\) \(Amendment\) Regulations 2013 \(S.I. 2013/389\)](#), regs. 1(2), **4(6)(b)**
- F5** Reg. 8(2A) inserted (7.6.99) by [S.I. 1999/1326](#), **reg. 1, 4**
- F6** Words in reg. 8(2A) inserted (19.6.2000) by [The Social Security \(Attendance Allowance and Disability Living Allowance\) \(Amendment\) Regulations 2000 \(S.I. 2000/1401\)](#), regs. 1, **3(2)**
- F7** Reg. 8(2B) added (29.6.2016) by [The Social Security \(Disability Living Allowance and Personal Independence Payment\) \(Amendment\) Regulations 2016 \(S.I. 2016/556\)](#), regs. 1(2), **2(2)(c)**

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Disability Living Allowance) Regulations 1991, Section 8.