

2004 No. 101

SOCIAL SECURITY

**The Social Security (Hospital In-Patients) Amendment
Regulations 2004**

Made - - - - - *19th January 2004*

Laid before Parliament *26th January 2004*

Coming into force in accordance with regulation 1

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 73(1)(b) and 189(1) and (4) of the Social Security Administration Act 1992^(a) and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it^(b), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Hospital In-Patients) Amendment Regulations 2004 and shall come into force for the purposes of—

- (a) this regulation, and regulation 2 in so far as it relates to a particular beneficiary in receipt of incapacity benefit or severe disablement allowance, on 16th February 2004 and
- (b) regulation 2 in so far as it relates to a particular beneficiary other than a beneficiary in receipt of incapacity benefit or severe disablement allowance, on 16th February 2004 if it is his day for payment or, if not, on his day for payment next following 16th February 2004, and for the purposes of this paragraph “day for payment” shall be construed in accordance with regulation 22(3) of, and Schedule 6 to, the Social Security (Claims and Payments) Regulations 1987^(c).

Amendment of the Social Security (Hospital In-Patients) Regulations 1975

2.—(1) The Social Security (Hospital In-Patients) Regulations 1975^(d) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1)(e) (interpretation)—

- (a) for the definition of “40% of the basic pension” substitute—
““38% of the basic pension” means an amount equal to 38% of the basic pension rounded to the nearest 5 pence, 2.5 pence being rounded to the next 5 pence above;” and
- (b) for the definition of “60% of the basic pension” substitute—

^(a) 1992 c. 5; there are amendments to sections 73(1)(b) and 189(1) and (4) which are not relevant to these Regulations.
^(b) See the Social Security Administration Act 1992, section 173(1)(b).
^(c) S.I. 1987/1968.
^(d) S.I. 1975/555.
^(e) Relevant amending instruments are S.I. 1987/1683 and 2003/1195.

““58% of the basic pension” means an amount equal to 58% of the basic pension rounded to the nearest 5 pence, 2.5 pence being rounded to the next 5 pence above;”.

(3) In regulation 6(1)(a) (adjustment of personal benefit after 52 weeks in hospital where person has a dependant)—

- (a) for “paragraphs (3) and (4)” substitute “paragraph (3)” and
- (b) for “40%” substitute “38%” and for “60%” substitute “58%”.

Signed by authority of the Secretary of State for Work and Pensions.

Malcolm Wicks
Minister of State,
Department for Work and Pensions

19th January 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Hospital In-Patients) Regulations 1975.

These Regulations amend the amount of benefit payable to a beneficiary’s dependant after the beneficiary has received 52 weeks of free in-patient treatment in a hospital and then has his benefit adjusted so that the first 20% only of the basic pension is payable. They provide that the next 38%, instead of 40%, of the basic pension is not payable and any excess over 58%, instead of 60%, of the basic pension is payable to the dependant.

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

(a) Regulation 6(1) was amended by S.I. 1987/1683 and 2003/1195.

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