

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Social Security (Hospital In-Patients) Regulations 1975 (“the 1975 Regulations”) and amend other regulations so that, except in specified cases, a person's benefit is no longer adjusted when the person has been receiving free medical treatment as a hospital in-patient for 52 weeks.

Regulation 2 saves provisions in the 1975 Regulations which remove or transfer any increase in benefit for an adult dependant if the beneficiary, or the beneficiary and dependant, have received free medical treatment as a hospital in-patient for 52 weeks or more.

Regulation 3 extends provisions in the Social Security (General Benefit) Regulations 1982 which disqualify claimants from receiving certain contributory and non-contributory benefits if they are sentenced to a period of imprisonment and during that period they are detained in hospital under mental health legislation. It updates the references to mental health legislation.

Regulation 4 amends the Income Support (General) Regulations 1987. Paragraph (2) abolishes, for most purposes, the rule that absences from hospital of up to 28 days are ignored when calculating a 52 week period as an in-patient; but paragraph (4) maintains the rule for stopping non-dependant deductions when the non-dependant has been a hospital in-patient for 52 weeks. Paragraph (5) (a) abolishes, for most cases, the adjustment of income support when a claimant has received free medical treatment as a hospital in-patient for 52 weeks. But if the claimant is entitled to a disability premium, enhanced disability premium or higher pensioner premium, paragraph (5) (c) removes entitlement to the premium after 52 weeks as such an in-patient. Paragraph (5) (b) provides for a nil applicable amount of income support in the circumstances specified by regulation 3 for other benefits.

Regulation 5 makes consequential amendments to the Housing Benefit (General) Regulations 1987 and the Council Tax Benefit (General) Regulations 1992.

Regulation 6 mirrors for jobseeker's allowance the provisions made for income support by regulation 4(2), (4) and (5)(a) and (c).

Regulation 7 makes a consequential amendment to the Social Fund Winter Fuel Payment Regulations 2000.

Regulation 8 makes consequential amendments to the State Pension Credit Regulations 2002 and mirrors the provisions made for income support by regulation 4(2) and (5)(a) and (b).

Regulation 9 revokes the 1975 Regulations and other regulations.

A full regulatory impact assessment has not been provided for this instrument as it has no impact on the costs of businesses, charities and voluntary bodies.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Hospital In-Patients) Regulations 2005.