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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 221**

**SOCIAL SECURITY**

**The Social Security (Hospital In-Patients, Attendance Allowance and Disability Living Allowance) (Amendment) Regulations (Northern Ireland) 1999**

*Made* - - - -

*11th May 1999*

*Coming into operation*

*7th June 1999*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 113(2) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1) and sections 71(1)(b) and 165(1) and (4) of the Social Security Administration (Northern Ireland) Act 1992(2) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

**Citation and commencement**

**1.** These Regulations may be cited as the Social Security (Hospital In-Patients, Attendance Allowance and Disability Living Allowance) (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 7th June 1999.

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

**2.** In regulation 2 of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(3) (interpretation) after paragraph (2) there shall be inserted the following paragraph—

“(2A) For the purposes of paragraph (2), a period during which a person is regarded as receiving or having received free in-patient treatment shall be deemed to begin on the day after the day on which he enters a hospital or similar institution referred to in that paragraph and to end on the day on which he leaves such a hospital or similar institution.”.

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(1) 1992 c. 7

(2) 1992 c. 8; section 71(1) was amended by paragraph 32(2) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(3) S.R. 1975 No. 109; relevant amending regulations are S.R. 1992 No. 453

### **Amendment of the Social Security (Attendance Allowance) Regulations**

3. In regulation 6 of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992(4) (hospitalisation) after paragraph (2) there shall be inserted the following paragraph—

“(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 similar institution referred to in that paragraph and to end on the day on which he leaves such a hospital or similar institution.”.

### **Amendment of the Social Security (Disability Living Allowance) Regulations**

4.—(1) The Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(5) shall be amended in accordance with paragraphs (2) and (3) of this regulation.

(2) In regulation 8 (hospitalisation) after paragraph (2) there shall be inserted the following paragraph—

“(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 similar institution referred to in that paragraph and to end on the day on which he leaves such a hospital or similar institution.”.

(3) In regulation 12A(6) (hospitalisation in mobility component cases) after paragraph (2) there shall be added the following paragraph—

“(3) 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 similar institution referred to in that paragraph and to end on the day on which he leaves such a hospital or similar institution.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland  
on

L.S.

11th May 1999.

*John O'Neill*  
Assistant Secretary

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(4) S.R. 1992 No. 20; relevant amending regulations are S.R. 1992 No. 481

(5) S.R. 1992 No. 32; relevant amending regulations are S.R. 1992 No. 481 and S.R. 1996 No. 225

(6) Regulation 12A was inserted by regulation 4(3) of S.R. 1996 No. 225

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations further amend the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975 (“the Hospital In-Patients Regulations”), the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992 (“the Attendance Allowance Regulations”) and the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992 (“the Disability Living Allowance Regulations”).

Regulations 2, 3 and 4 amend respectively regulation 2 of the Hospital In-Patients Regulations, regulation 6 of the Attendance Allowance Regulations and regulations 8 and 12A of the Disability Living Allowance Regulations to provide that a period during which a person is, or is treated as, receiving free in-patient treatment, or is treated as being maintained free of charge while undergoing medical or other treatment as an in-patient, begins on the day after he enters a hospital or similar institution and ends on the day on which he leaves.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.