1987 No. 12

SOCIAL SECURITY

The Social Security (Hospital In-Patients) (Amendment) Regulations (Northern Ireland) 1987

Made	*20th January 1987*
Coming into operation . .	*13th February 1987*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 85(1) of the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Hospital In-Patients) (Amendment) Regulations (Northern Ireland) 1987 and shall come into operation on 13th February 1987.

(2) In these regulations "the principal regulations" means the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(**b**).

Amendment of the principal regulations

2.—(1) The principal regulations shall be amended in accordance with paragraphs (2) to (7) of this regulation.

(2) In regulation 6 (adjustment of personal benefit after 52 weeks in hospital) paragraph (4) shall be omitted.

(3) In regulation 7 (adjustment of personal benefit after 104 weeks in hospital) paragraphs (3) and (4) shall be omitted.

(4) In regulation 11 (adjustment of dependency benefit where dependant is husband or wife of beneficiary and is in hospital) paragraph (2) shall be omitted.

(5) In regulation 18 (priority of adjustments)—

(*a*) in paragraph (1) the words "Except in any case to which paragraph (2) applies," shall be omitted;

(*b*) paragraph (2) shall be omitted.

(6) In regulation 19 (treatment of age addition) for "has not a child or children or a wife who resides with him" there shall be substituted "is neither residing with a child or children nor with a spouse".

(7) In Schedule 1 (beneficiary to be regarded as having a dependant if any of these benefits is or would be payable)—

(a) 1975 c. 15; section 85(1) was amended by Article 23(1) of, and paragraph 29 of Schedule 4 to, the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16))

(b) S.R. 1975 No. 109; the relevant amending regulations are S.R. 1977 Nos. 73 and 316, S.R. 1979 No. 68 and S.R. 1984 Nos. 317 and 382

(*a*) in paragraph (*b*) the words from "otherwise than" to the end shall be omitted;

(*b*) for paragraph (*c*) there shall be substituted the following paragraph—

"(*c*) a retirement pension of any category where a beneficiary and spouse are residing together.";

(*c*) paragraphs (*d*) to (*f*) shall be omitted.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 20th January 1987.

(L.S.) *A. N. Burns*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975 ("the principal regulations") to provide for equality of treatment between men and women in compliance with European Community Directive 79/7/EEC (O.J. No. L6, 10.1.1979, p. 24). They correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

The principal regulations specify the circumstances in which benefit payable to or in respect of a person under the Social Security (Northern Ireland) Act 1975 may be adjusted when that person is undergoing medical or other treatment as an in-patient in a hospital or similar institution. These regulations amend the principal regulations so as to secure that men and women are treated equally in these respects.