

2003 No. 1195

SOCIAL SECURITY

The Social Security (Hospital In-Patients and Miscellaneous Amendments) Regulations 2003

Made - - - - 30th April 2003

Laid before Parliament 6th May 2003

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 52(4) and 54 of, and paragraph 5(a) of Schedule 1 to, the Child Support Act 1991(**a**), sections 123(1)(a), (d) and (e), 130(4), 131(10), 135(1), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(**b**), sections 73(1)(b) and 189(1), (4) and (5) of the Social Security Administration Act 1992(**c**), sections 4(5) and 36(1), (2) and (4)(a) of the Jobseekers Act 1995(**d**) and sections 2(3) and (6), 13(1), 17(1) and 19(1) of the State Pension Credit Act 2002(**e**), and all other powers enabling him in that behalf, after consultation in respect of provisions in these Regulations relating to housing benefit and council tax benefit with organisations appearing to him to be representative of the authorities concerned(**f**), and after agreement by the Social Security Advisory Committee that the proposals to make these Regulations should not be referred to it(**g**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Hospital In-Patients and Miscellaneous Amendments) Regulations 2003 and shall come into force for the purposes of—

- (a) this regulation and regulations 7 to 10, on 21st May 2003;
- (b) regulation 2—
 - (i) in so far as it relates to a particular beneficiary other than a beneficiary in receipt of incapacity benefit or severe disablement allowance, on 21st May 2003 if it is his appropriate pay day or, if not, on his appropriate pay day next following 21st May 2003, and for the purposes of this subparagraph “appropriate pay day” shall be construed in accordance with regulation 22(3) of, and Schedule 6 to, the Social Security (Claims and Payments) Regulations 1987(**h**); and

(a) 1991 c. 48; section 54 is cited for the meaning ascribed to the word “prescribed”; Schedule 1 was substituted by section 1 of the Child Support, Pensions and Social Security Act 2000 (c. 19).

(b) 1992 c. 4; section 123(1)(e) and section 131 were substituted by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraphs 1(1) and 4 respectively; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(c) 1992 c. 5; section 73 was amended by the Jobseekers Act 1995 (c. 18), Schedule 2, paragraph 49.

(d) 1995 c. 18.

(e) 2002 c. 16; section 17(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(f) See the Social Security Administration Act 1992, section 176(1)(a) which was amended by the Local Government Finance Act 1992, Schedule 9, paragraph 23.

(g) See the Social Security Administration Act 1992, section 173(1)(b).

(h) S.I. 1987/1968.

- (ii) in so far as it relates to a particular beneficiary in receipt of incapacity benefit or severe disablement allowance, on 21st May 2003;
- (c) regulation 3, in so far as it relates to a beneficiary paid in advance, on the first day of the first benefit week to commence for that beneficiary on or after 21st May 2003, but otherwise on the first day of the benefit week which includes that date, and for the purpose of this paragraph “benefit week” has the same meaning as in the Income Support (General) Regulations 1987(a);
- (d) regulations 4(1) and 4(3) to (5) and regulations 5(1) and 5(3) to (5) on 26th May 2003;
- (e) regulations 4(2) and 5(2) on 6th October 2003; and
- (f) regulation 6, in so far as it relates to a beneficiary paid in advance, on the first day of the first benefit week to commence for that beneficiary on or after 21st May 2003, but otherwise on the first day of the benefit week which includes that date, and for the purpose of this paragraph “benefit week” has the same meaning as in the Jobseeker’s Allowance Regulations 1996(b)

[Regulation 2 makes various amendments to S.I. 1975/555.]

[Regulation 3 makes various amendments to S.I. 1987/1967.]

[Regulation 4 makes various amendments to S.I. 1987/1971.]

[Regulation 5 makes various amendments to S.I. 1992/1814.]

[Regulation 6 makes various amendments to S.I. 1996/207.]

[Regulation 7 makes various amendments to S.I. 2001/155.]

[Regulation 8 makes various amendments to S.I. 2002/1792.]

[Regulation 9 amends regulation 36 of S.I. 2002/3019.]

[Regulation 10 omits regulation 31 of S.I. 2003/325.]

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

30th April 2003

Malcolm Wicks
Parliamentary Under-Secretary of State,
Department for Work and Pensions

(a) S.I. 1987/1967.
(b) S.I. 1996/207.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Hospital In-Patients) Regulations 1975 in respect of specified benefits and other regulations in respect of income support, housing benefit, council tax benefit, jobseeker's allowance, state pension credit and child support maintenance calculations.

Regulations 2(3) and (5) provide that a beneficiary's weekly rate of specified benefits will not be adjusted after he has received 6 weeks of free in-patient treatment but only after he has received 52 weeks of such in-patient treatment. Regulations 3(5)(a), 4(2) and (3), 5(2) and (3) and 8(3) make similar provision in respect of income support, housing benefit, council tax benefit and state pension credit respectively. Provision is made in regulation 2(8) and in other regulations, in particular regulation 6(5)(a) in respect of income-based jobseeker's allowances, for the amount of dependency benefit to be adjusted after a dependant of a beneficiary has received 52 weeks of free in-patient treatment.

Regulation 2(9) stops the downrating of specified benefits immediately a person enters hospital to receive free in-patient treatment after living in prescribed residential accommodation provided and managed by a local authority. Regulations 3(5)(b) and 6(5)(b) make similar provision in respect of income support and income-based jobseeker's allowance.

Regulations 3(2) and (5)(c) and 6(2) specify the period as a hospital in-patient which is to be regarded as a temporary absence from a specified care home.

Regulations 3(4), 6(4), 4(4), 5(4), and 8(2) provide that, to calculate the applicable amount for the purposes of a beneficiary's income support or income-based jobseeker's allowance, the maximum amount of his housing benefit or council tax benefit or the housing costs element of his state pension credit respectively, no deduction will be made for a non-dependant receiving free in-patient treatment when the treatment has continued for over 52 weeks.

Regulation 7 provides for child support maintenance to be payable at a nil rate after a non-resident parent in receipt of income support or state pension credit has received 52 weeks of free in-patient treatment.

Regulations 9 and 10 remove provisions which are rendered superfluous by the previous amendments.

These Regulations do not impose a charge on business.

