1952 No. 2179

The National Insurance (Hospital In-Patients) Amendment Regulations, 1952

Made - - - -	15*th December*, 1952
Laid before Parliament	16*th December*, 1952
Coming into Operation	29*th December*, 1952

The National Insurance Joint Authority(a), in conjunction with the Treasury, in exercise of powers conferred by section 30 of the National Insurance Act, 1946(b), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Hospital In-Patients) Amendment Regulations, 1952, shall be read as one with the National Insurance (Hospital In-Patients) Regulations, 1949(c), as amended(d) (hereinafter referred to as "the principal regulations") and shall come into operation on the 29th December, 1952.

Amendment of Part I of the principal regulations

2. In paragraph (2) of regulation 1 of the principal regulations (which makes provision for their interpretation), after the definition of "free in-patient treatment", the following definition shall be inserted:—

> "'prescribed accommodation' means, in relation to any person, any hospital accommodation or similar accommodation in which that person is residing or has resided either as a patient or inmate or as a person in need of care and attention and wholly or partly at the cost of a local authority, the Minister of Pensions, the Minister of Health, the Secretary of State for Scotland or a regional hospital board constituted as aforesaid, or any residential accommodation provided for that person under Part III of the National Assistance Act, 1948(e); but does not include any such accommodation for any period for which he is or was receiving free in-patient treatment;".

Amendment of Part II of the principal regulations

3.—(1) Regulations 3, 4 and 5 of the principal regulations (which relate to reduction, by reason of the receipt of free in-patient treatment, of the weekly rates of certain personal benefits) shall be amended in accordance with the provisions of paragraphs (2) to (6) of this regulation as from the appropriate date, and in accordance with the provisions of the next succeeding regulation, and shall accordingly have effect as set out in the Schedule to these regulations.

(a) *See* S. 63 (2), National Insurance Act, 1946, and National Insurance (Northern Ireland Reciprocal Arrangements) Regulations, 1948 (S.I. 1948/211; Rev. XVI, p. 367; 1948 I, p. 2905).
(b) 9 & 10 Geo. 6. c. 67.
(c) S.I. 1949/1461; 1949 I, p. 2718.
(d) Regs. 20 and 21, National Insurance (Increase of Benefit, Re-entry into Regular Employment and Miscellaneous Provisions) Regulations, 1951 (S.I. 1951/1232; 1951 I, p. 1457) and Reg. 10, National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations, 1952 (S.I. 1952/2144, p. 2154 below.)
(e) 11 & 12 Geo. 6. c. 29.

(2) In paragraph (4) of the said regulation 3 and in paragraph (1) of the said regulation 5, for the words "ten shillings" and "five shillings" (wherever they occur), there shall be substituted the words "eleven shillings and sixpence" and "six shillings and sixpence" respectively.

(3) In the said regulation 4, for the words "five shillings" and "ten shillings", there shall be substituted the words "six shillings and sixpence" and "twelve shillings and sixpence" respectively.

(4) In paragraph (2) of the said regulation 5, for the words "fifteen shillings", "ten shillings" and "five shillings", there shall be substituted the words "eighteen shillings", "thirteen shillings" and "six shillings and sixpence" respectively.

(5) In sub-paragraph (*a*) of paragraph (3) of the said regulation 5, for the words "ten shillings", there shall be substituted the words "twelve shillings and sixpence".

(6) In sub-paragraph (*b*) of paragraph (3) of the said regulation 5, for the words "twenty shillings" and "fifteen shillings", there shall be substituted the words "twenty-four shillings" and "nineteen shillings" respectively.

(7) In this regulation, the expression "the appropriate date" means,—

(*a*) in relation to any personal benefit by way of sickness benefit, widow's allowance, widowed mother's allowance, widow's pension or retirement pension, the day as from which the weekly rate of that benefit is increased by virtue of the Family Allowances and National Insurance Act, 1952(**a**), or the National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations, 1952(**b**), or the National Insurance (Increase of Benefit and Miscellaneous Provisions) (Transitional) Regulations, 1952(**c**);

(*b*) in relation to any personal benefit by way of widow's basic pension, the 24th July, 1952; and

(*c*) in relation to any personal benefit by way of contributory old age pension, the 29th September, 1952.

4.—(1) In sub-paragraph (*b*) of paragraph (3) of regulation 5 of the principal regulations, the words "as an inmate" shall be omitted and, for the words "an institution (not being a hospital or similar institution) administered by or under the Minister of Health or the Secretary of State for Scotland or a local authority", there shall be substituted the words "any prescribed accommodation".

(2) As from the 24th July, 1952, for the words "two pounds" in sub-paragraph (*c*) of the said paragraph (3), there shall be substituted the words "fifty shillings".

(3) At the end of sub-paragraph (*c*) of the said paragraph (3), there shall be added the following proviso:—

"Provided that—

(i) the payment of any benefit to which the last preceding sub-paragraph applies shall be suspended while the beneficiary is again receiving free in-patient treatment or is residing in any prescribed accommodation; and

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 29. (b) S.I. 1952/2144, p. 2154 below.
(c) S.I. 1952/1252, p. 2165 below.

(ii) where a person again receives free in-patient treatment for any period in relation to which the provisions of sub-paragraph (*b*) of this paragraph apply, the amount of any benefit which would be payable to him under those provisions in respect of that period shall be reduced or extinguished by the deduction therefrom of the amount of any benefit which, at the commencement of that period, either was payable to him under those provisions in respect of any earlier period and was unpaid, or would have been so payable to him under those provisions if he had then satisfied the conditions for the receipt thereof."

5.—(1) Regulation 8 of the principal regulations (which specifies the persons constituting " dependants ") shall be amended in accordance with the following provisions of this regulation, and shall accordingly have effect as set out in the Schedule to these regulations.

(2) At the end of the said regulation 8, there shall be added the following proviso:—

" Provided that, if the husband or wife of the beneficiary is temporarily absent from Great Britain for the specific purpose of being treated for incapacity which commenced before he or she left Great Britain, then, in determining for the purposes of the foregoing provisions of this regulation whether any benefit is, or would be, payable, that absence from Great Britain (and any absence of claim for benefit) shall be disregarded."

6. Regulation 11 of the principal regulations shall be omitted.

7.—(1) Regulation 12 of the principal regulations (which relates to the calculation of periods) shall be amended in accordance with the following provisions of this regulation, and shall accordingly have effect as set out in the Schedule to these regulations.

(2) In paragraph (2) of the said regulation 12, the words " as an inmate " shall be omitted and, for the words " an institution (not being a hospital or similar institution) administered by or under the Minister of Health or the Secretary of State for Scotland or a local authority ", there shall be substituted the words " any prescribed accommodation ".

(3) At the end of the said paragraph (2), there shall be added the following proviso:—

" Provided that,—

(*a*) where any such person has ceased to reside in any prescribed accommodation after it has been decided by the appropriate authority that he should be permitted to reside there otherwise than temporarily, the period of that residence (whatever its duration) shall be deemed to have been a period of fifty-two weeks ; and

(*b*) where the prescribed accommodation in which any such person has ceased to reside is residential accommodation in premises managed by a voluntary organisation provided for that person under Part III of the National Assistance Act, 1948, the foregoing provisions of this paragraph and the provisions of the next succeeding paragraph shall not apply in relation to that person unless and until, after having ceased to reside in such accommodation, he shall have received free in-patient treatment for a continuous period exceeding eight weeks."

(4) After paragraph (3) of the said regulation 12, there shall be added the following paragraph:—

"(4) Any period during which a person has received free in-patient treatment whilst that person was a serving member of the forces (as defined in paragraph (2) of regulation 1 of the National Insurance (Members of the Forces) Regulations, 1949(a)) shall be disregarded."

Addition to Part IV of the principal regulations

8. In Part IV of the principal regulations (which contains transitional provisions), after regulation 14, the following regulation shall be inserted:—

"14A.—(1) Where, by virtue of the provisions of paragraph (2) of regulation 3, the weekly rate of any reduction of personal benefit is, subject to the provisions of paragraph (4) of that regulation, to be determined in accordance with the provisions of regulation 4 for any period commencing on or after the appropriate date and forming part of a period of free in-patient treatment of which not less than eight weeks occurred before the appropriate date, a reduction of that personal benefit shall be made in accordance with the provisions of regulation 4 to such an extent only as will not cause that personal benefit to be payable at a weekly rate which, when added to the weekly rate at which any dependency benefit payable by way of an increase thereof is payable, is less than the weekly rate at which that personal benefit, together with any such dependency benefit, would have been payable if the Act and regulations mentioned in paragraph (2) of this regulation had not provided for an increase in the weekly rate of any benefit and Part II of these regulations had not been amended.

(2) In this regulation, the expression "the appropriate date" means, in relation to any personal benefit by way of sickness benefit, widow's allowance, widowed mother's allowance, widow's pension or retirement pension, the day as from which the weekly rate of that benefit is increased by virtue of the Family Allowances and National Insurance Act, 1952, or the National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations, 1952, or the National Insurance (Increase of Benefit and Miscellaneous Provisions) (Transitional) Regulations, 1952."

Revocation of provisional regulations

9. The National Insurance (Hospital In-Patients) Amendment Provisional Regulations, 1952(b), are hereby revoked but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred, thereunder.

Given under the official seal of the National Insurance Joint Authority this 11th day of December, nineteen hundred and fifty-two.

(L.S.) *T. C. Stephens,*
Secretary,
National Insurance Joint Authority.

Dated this 15th day of December, nineteen hundred and fifty-two.

Edward Heath,
T. G. D. Galbraith,
Two of the Lords Commissioners
of Her Majesty's Treasury.

(a) S.I. 1949/875; 1949 I, p. 2731. (b) S.I. 1952/1290.

SCHEDULE Regulations 3, 4, 5 and 7

CONTAINING PROVISIONS OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS

Regulations 3, 4 *and* 5 *as amended**

Personal benefit

3.—(1) Where the conditions for the receipt of personal benefit by way of sickness benefit, widow's allowance, widowed mother's allowance, widow's pension, retirement pension, widow's basic pension or contributory old age pension are satisfied in relation to any person who receives, or has received, continuously, for a period exceeding eight weeks, free in-patient treatment, the weekly rate of that personal benefit which, but for the provisions of these regulations, would be payable for any period after the first eight weeks of that treatment shall be reduced subject to and in accordance with the following provisions of these regulations.

(2) In any case in which the provisions of paragraph (1) of this regulation apply in relation to any of the said personal benefits except widow's basic pension and contributory old age pension, the weekly rate of any reduction of that personal benefit shall, subject to the provisions of paragraph (4) of this regulation, be determined, for any part of the period of free in-patient treatment which occurs during the forty-four weeks next following the first eight weeks thereof, in accordance with the provisions of regulation 4, and, for any part of the period of that treatment which occurs after the first fifty-two weeks thereof, in accordance with the provisions of regulation 5.

(3) In any case in which the provisions of paragraph (1) of this regulation apply in relation to any personal benefit by way of widow's basic pension or contributory old age pension, there shall not be any reduction of that personal benefit under these regulations unless the beneficiary receives, or has received, continuously free in-patient treatment for a period exceeding fifty-two weeks, and in that event the weekly rate of any reduction of that personal benefit shall, subject to the provisions of paragraph (4) of this regulation, be determined, for any part of the period of that treatment which occurs after the first fifty-two weeks thereof and during which the beneficiary has not a dependant, in accordance with the provisions of paragraph (1) of regulation 5.

(4) In any case where a reduction of personal benefit at a rate determined in accordance with the provisions of regulation 4 or paragraph (2) or paragraph (3) of regulation 5 would reduce the rate of that personal benefit, where the beneficiary is a tuberculosis patient, to less than *eleven shillings and six pence* a week, or, in any other case, to less than *six shillings and six pence* a week, the reduction of that personal benefit shall not be as so determined but shall be such (if any) as will reduce the rate of that personal benefit, where the beneficiary is a tuberculosis patient, to *eleven shillings and six pence* a week, or, in any other case, to *six shillings and six pence* a week.

4. Where, by virtue of the provisions of paragraph (2) of regulation 3, the weekly rate of any reduction of personal benefit is to be determined for any period in accordance with the provisions of this regulation, that reduction shall be,—

(*a*) for any part of that period during which the beneficiary has a dependant, at the rate of *six shillings and six pence* a week ; and

(*b*) for any other part of that period, at the rate of *twelve shillings and six pence* a week.

5.—(1) Where, by virtue of the provisions of paragraph (2) or paragraph (3) of regulation 3, the weekly rate of any reduction of personal benefit is to be determined for any period in accordance with the provisions of this regulation, that reduction shall, subject to the following provisions of this regulation, be such (if any) as will reduce the rate of that personal benefit where the beneficiary is a tuberculosis patient, to *eleven shillings and six pence* a week, or, in any other case, to *six shillings and six pence* a week.

* The words added or substituted by these regulations are shown in italics.

(2) For any part of the period referred to in paragraph (1) of this regulation during which the beneficiary has a dependant and in respect of which an application has been made by the beneficiary to the Minister to pay on behalf of the beneficiary to that dependant, or to some other person who is approved by the Minister and satisfies the Minister that he will apply it for the benefit of that dependant, so much (if any) of the personal benefit as would, but for the provisions of these regulations, be payable to the beneficiary in excess, where the beneficiary is a tuberculosis patient, of *eighteen shillings* a week, or, in any other case, of *thirteen shillings* a week, the reduction of personal benefit shall be at the rate of *six shillings and six pence* a week.

(3)—(*a*) For any part of the period of free in-patient treatment which falls within the period of fifty-two weeks next following the first fifty-two weeks thereof, and during which the beneficiary has not a dependant or, if the beneficiary has a dependant, in respect of which any such application as is mentioned in paragraph (2) of this regulation has not been made, the reduction of personal benefit shall, subject to the provisions of the next following sub-paragraph, be at the rate of *twelve shillings and six pence* a week.

(*b*) In addition to the reduction of benefit specified in the last foregoing sub-paragraph, so much (if any) of the personal benefit as would, but for the provisions of these regulations, be payable for the said part of the said period in excess, where the beneficiary is a tuberculosis patient, of *twenty-four shillings* a week, or, in any other case, of *nineteen shillings* a week, shall not be payable unless and until the beneficiary is discharged from the hospital or similar institution by and with the approval of a person authorised or empowered to discharge him and thereafter proves, in such manner as the Minister shall require, that he has been so discharged and is neither receiving free in-patient treatment nor residing in *any prescribed accommodation*, and in that event there shall be payable only so much thereof as is payable in accordance with the provisions of the next following sub-paragraph.

(*c*) Where a beneficiary satisfies the conditions for the receipt of any benefit to which the last preceding sub-paragraph applies, that benefit shall, during his lifetime, be payable to the beneficiary by instalments not exceeding *fifty shillings* a week unless, having regard to the circumstances of any particular case, the Minister decides that payment by other instalments or in one sum is desirable, and any benefit which, at his death, has not been paid in accordance with this provision shall not be payable:

Provided that—

(*i*) *the payment of any benefit to which the last preceding sub-paragraph applies shall be suspended while the beneficiary is again receiving free in-patient treatment or is residing in any prescribed accommodation; and*

(*ii*) *where a person again receives free in-patient treatment for any period in relation to which the provisions of sub-paragraph (b) of this paragraph apply, the amount of any benefit which would be payable to him under those provisions in respect of that period shall be reduced or extinguished by the deduction therefrom of the amount of any benefit which, at the commencement of that period, either was payable to him under those provisions in respect of any earlier period and was unpaid, or would have been so payable to him under those provisions if he had then satisfied the conditions for the receipt thereof.*

Regulation 8 *as amended**

Persons constituting " dependants "

8. For the purposes of these regulations, a beneficiary shall be regarded as having a dependant for any period if, but only if, for that period either—

(*a*) any dependency benefit is payable to the beneficiary (or to some other person on his behalf) or, but for the operation of the National Insurance (Overlapping Benefits) Regulations, 1948, and the provisions of regulation 6, would, subject to his satisfying the condition of making a claim therefor, be payable to the beneficiary; or

* The words added by these regulations are shown in italics.

(*b*) an increase of benefit would, but for the provisions of regulation 6 and subject as aforesaid, be payable to the beneficiary in respect of an adult dependant, if any earnings of that dependant were disregarded otherwise than for the purpose of ascertaining whether or not the beneficiary is or has been wholly or mainly maintaining that dependant; or

(*c*) an increase of benefit would, but for the provisions of regulation 6 and subject as aforesaid, be payable to the beneficiary in respect of his wife for any period in respect of which a retirement pension is payable to her, if she had not attained pensionable age and any earnings of the wife were disregarded otherwise than for the purpose of ascertaining whether or not the beneficiary is or has been wholly or mainly maintaining her; or

(*d*) a retirement pension is payable to the beneficiary (being the wife of a man to whom a retirement pension is payable in respect of that period) and the beneficiary would, for the purposes of the Act, be regarded as residing with her husband;

and, in relation to a beneficiary who is regarded as having a dependant by virtue of the provisions of paragraph (*a*), (*b*) or (*c*) of this regulation, a person in respect of whom any dependency benefit is or, but for any provision or condition mentioned in that paragraph would be payable to the beneficiary (or to some other person on his behalf) shall, for the purposes of these regulations, be regarded as a dependant, and, in relation to a married woman who is regarded as having a dependant by virtue of the provisions of paragraph (*d*) of this regulation, her husband shall, for those purposes, be regarded as a dependant:

Provided that, if the husband or wife of the beneficiary is temporarily absent from Great Britain for the specific purpose of being treated for incapacity which commenced before he or she left Great Britain, then, in determining for the purposes of the foregoing provisions of this regulation whether any benefit is, or would be, payable, that absence from Great Britain (and any absence of claim for benefit) shall be disregarded.

Regulation 12 *as amended**

Calculation of Periods

12.—(1) For the purpose of calculating any period mentioned in Part II or Part IV of these regulations, but for no other purpose, the following provisions of this regulation shall apply.

(2) Where a person has entered a hospital or similar institution for the purpose of receiving there medical or other treatment as an in-patient after having ceased to reside in *any prescribed accommodation*, he shall be regarded as having received free in-patient treatment throughout the period during which he so resided:

Provided that,—

(*a*) *where any such person has ceased to reside in any prescribed accommodation after it has been decided by the appropriate authority that he should be permitted to reside there otherwise than temporarily, the period of that residence (whatever its duration) shall be deemed to have been a period of fifty-two weeks; and*

(*b*) *where the prescribed accommodation in which any such person has ceased to reside is residential accommodation in premises managed by a voluntary organisation provided for that person under Part III of the National Assistance Act,* 1948, *the foregoing provisions of this paragraph and the provisions of the next succeeding paragraph shall not apply in relation to that person unless and until, after having ceased to reside in such accommodation, he shall have received free in-patient treatment for a continuous period exceeding eight weeks.*

(3) Where a person has received (or is regarded under this regulation as having received) free in-patient treatment for two or more distinct periods separated by a temporary interval or temporary intervals, he shall be regarded as having received such treatment continuously for a period, equal in duration

* The words added or substituted by these regulations are shown in italics.

to the total of such distinct periods, ending on the last day of the latter or last of such periods; and, for this purpose, the expression "temporary interval" means a period not exceeding twenty-eight days.

(4) *Any period during which a person has received free in-patient treatment whilst that person was a serving member of the forces (as defined in paragraph (2) of regulation 1 of the National Insurance (Members of the Forces) Regulations, 1949) shall be disregarded.*

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations revoke and replace the National Insurance (Hospital In-Patients) Amendment Provisional Regulations, 1952. They alter the amounts by which the benefit of certain hospital patients is required to be reduced under the National Insurance (Hospital In-Patients) Regulations, 1949. They also amend the last-mentioned Regulations by amplifying the provisions relating to periods which are to be treated as periods of free in-patient treatment, by providing for the suspension of payment of accumulated benefit in certain circumstances, by limiting the amount which may be payable in respect of benefit accumulated during successive periods of free in-patient treatment, and by providing that, for the purpose of the provisions relating to persons constituting "dependants", the absence from Great Britain, in certain circumstances, of the spouse of a beneficiary shall be disregarded.

The preliminary drafts of these Regulations (then respectively entitled the National Insurance (Hospital In-Patients) Amendment Regulations, 1952, and the National Insurance (Hospital In-Patients) Amendment (No. 2) Regulations, 1952) were submitted to the National Insurance Advisory Committee in accordance with Section 77 of the National Insurance Act, 1946, and their reports thereon, respectively dated the 29th October, 1952, and the 19th November, 1952, are contained in House of Commons Paper No. 46 (Session 1952-53) published by Her Majesty's Stationery Office.

1952 No. 2144

The National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations, 1952

Made - - - -	*8th December*, 1952
Laid before Parliament	*11th December*, 1952
Coming into Operation	*15th December*, 1952

The Minister of National Insurance, in exercise of powers conferred by section 9 of the Family Allowances and National Insurance Act, 1952(**a**), and sections 17(**b**), 29, 60 and 71 of the National Insurance Act, 1946(**c**), and the National Insurance Joint Authority in exercise of powers conferred by sections 23, 24, 25 and 30 of the last-mentioned Act, in each case in conjunction with the Treasury so far as relates to matters with regard to

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 29.
(b) *See* s. 2 (3), National Insurance Act, 1951.
(c) 9 & 10 Geo. 6. c. 67.