

Serial Number **1954/157**



**THE SOCIAL SECURITY (HOSPITAL BENEFITS)
REGULATIONS 1954**

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 6th day of October 1954

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Social Security Act 1938, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Social Security (Hospital Benefits) Regulations 1954.
2. (1) In these regulations, unless the context otherwise requires—
 - “The Act” means the Social Security Act 1938;
 - “Approved institution” means an institution or place (not being a public hospital or a private hospital as herein defined), which is recognized and approved by the Minister, in accordance with these regulations, as a hospital for the purposes of Part III of the Act;
 - “Class A hospital” means any public hospital or private hospital in which there are available properly equipped facilities, including an operating theatre or operating room and ancillary service rooms, for the hospital treatment of patients undergoing surgical operations, or properly equipped facilities for the hospital treatment of women in relation to maternity; and includes any other public hospital or private hospital which is for the purposes of these regulations designated by the Minister as a Class A hospital having regard to the class or classes of patients for which hospital treatment facilities are available therein:

“Class B hospital” means any public hospital or private hospital which is not a Class A hospital as defined herein:

“Day” means a period of twenty-four hours ending at midnight:

“Hospital Board” means a Hospital Board under the Hospitals Act 1926:

“Minister” means the Minister of Health:

“Private hospital” means a private hospital licensed under Part III of the Hospitals Act 1926:

“Public hospital” means a hospital or other institution maintained by a Hospital Board.

(2) The Minister’s determination as to whether or not any public or private hospital is a Class A hospital or a Class B hospital for the purposes of these regulations shall be final.

3. These regulations apply with respect to hospital treatment, as defined in section 91 (1) of the Act, afforded on or at any time after the 1st day of October 1954 to any person who is entitled to claim hospital benefits under the Act or to any member of his family.

PAYMENTS FOR HOSPITAL BENEFITS

4. (1) In respect of every patient for whom hospital treatment is afforded in any public hospital or private hospital, there shall be payable out of the Social Security Fund—

(a) For hospital treatment afforded in a Class A hospital—

(i) Where treatment has been afforded on not more than two days, the sum of £2 2s.:

(ii) Where treatment has been afforded on more than two days, the sum of £1 1s. for every day on which treatment has been afforded:

(b) For hospital treatment afforded in a Class B hospital the sum of 18s. for every day on which treatment has been afforded:

Provided that for the purposes of this subclause the day of admission to hospital and the day of discharge from hospital shall together be counted as one day.

(2) For any period the Minister may direct with respect to any specified Hospital Board that, instead of payments calculated in respect of individual patients in accordance with subclause (1) of this regulation, there shall be paid in respect of hospital treatment afforded in that period such amount as the Minister determines, being an amount which in his opinion is approximately the amount that would be payable for that period if calculated in accordance with subclause (1); and every direction or determination by the Minister under this subclause shall be final.

5. In respect of hospital treatment afforded in any approved institution as hereinbefore defined there shall be payable out of the Social Security Fund such amount as the Minister from time to time, upon or subject to such conditions as he thinks fit, authorizes, being either—

(a) An amount in respect of each individual patient receiving hospital treatment, not exceeding the amount that would be payable in respect of that treatment if it had been afforded in a public hospital; or

(b) A commuted sum or grant, instead of payments in respect of individual patients.

6. Any payment made under these regulations in respect of any case to which section 15 of the Hospitals Amendment Act 1932 or section 81 of the Social Security Act 1938 is applicable shall be a provisional payment and be subject accordingly to the provisions of the said section 81.

7. Notwithstanding anything in the foregoing provisions of these regulations, payment in respect of any hospital treatment afforded in any private hospital may be withheld unless the Minister is satisfied that the amount payable from the Social Security Fund will be accepted in reduction, to the extent thereof, of the charges that would otherwise be payable in respect of that treatment by the patient or any other person.

8. (1) Claims for payment under these regulations shall be made monthly, and every such claim shall relate to the period of one month ending on the last day of the month preceding the date of the making of the claim:

Provided that no such claim need be made in any case—

(a) Where the Minister has directed payment to a Hospital Board of a lump sum under subclause (2) of regulation 4 hereof; or

(b) Where the Minister has authorized the payment to the controlling authority of an approved institution of a commuted sum or grant in accordance with paragraph (b) of regulation 5 hereof.

(2) Every such claim shall be forwarded by the claimant to the local Medical Officer of Health.

(3) Every such claim shall be supported by such certificates or declarations and by such other documents, if any, as may be required in proof of the facts upon which the claim is based.

(4) All such certificates and declarations shall be given or made on forms to be provided for the purpose by or by direction of the Minister.

(5) Every Hospital Board shall keep records, in such forms as the Minister may require or approve, of admissions to and discharges from any hospital or institution in which any hospital treatment is afforded by the Board, with such particulars as the Minister may require as to the nature of the treatment so afforded.

APPROVED INSTITUTIONS

9. (1) Application for the approval by the Minister for the purposes of these regulations of any institution or place in which sick or injured persons are received for treatment (not being a public hospital or a private hospital as hereinbefore defined) may be made by the controlling authority of the institution or place in writing addressed to the Director-General of Health at Wellington.

(2) The approval by the Minister of any such institution or place may be given subject to such conditions, if any, as he thinks fit, and may be at any time revoked by notice in writing given to the controlling authority under the hand of the Minister.

HOSPITAL BENEFITS IN MATERNITY CASES

10. Where any hospital treatment within the meaning of these regulations is afforded to any woman who has received or is entitled to claim maternity benefits under the Act, no payment shall be made under these regulations in respect of any such hospital treatment as is received by that woman at any time during the period for which fees are payable under the Social Security (*Maternity Benefits*) Regulations 1939* to any Hospital Board or to the licensee of any private maternity hospital in respect of any maternity benefits afforded to that woman.

REVOCATIONS AND SAVINGS

11. (1) The regulations specified in the Schedule hereto are hereby revoked.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provision so revoked or under any corresponding former provision, and every such document or thing, in so far as it is subsisting or in force at the time of the revocation and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

(3) All matters that have been commenced under the regulations hereby revoked, and are pending or in progress at the commencement of these regulations, may be continued or completed under these regulations.

(4) In particular, but without derogating from the foregoing provisions of this regulation, it is hereby declared that payments out of the Social Security Fund in respect of hospital treatment afforded before the 1st day of October 1954 shall be computed in accordance with the regulations hereby revoked as if they had not been revoked.

SCHEDULE

REGULATIONS REVOKED

Title	Serial Number
The Social Security (<i>Hospital Benefits</i>) Regulations 1939	1939/75
The Social Security (<i>Hospital Benefits</i>) Regulations 1939, Amendment No. 1	1943/98
The Social Security (<i>Hospital Benefits</i>) Regulations 1939, Amendment No. 2	1951/89

T. J. SHERRARD,
Clerk of the Executive Council.

* Statutory Regulations 1939, Serial number 1939/43, page 207. (Reprinted with Amendments Nos. 1 and 2: Statutory Regulations 1950, Serial number 1950/114, page 374.)
Amendment No. 3: Statutory Regulations 1951, Serial number 1951/88, page 304.
Amendment No. 4: Statutory Regulations 1954, Serial number 1954/151, page 782.

EXPLANATORY NOTE

[This note is not part of the regulations, but is intended to indicate their general effect.]

These regulations consolidate the existing provisions of the Social Security (Hospital Benefits) Regulations 1939, relating to payments out of the Social Security Fund in respect of the hospital treatment of inpatients of hospitals.

The regulations prescribe new rates of payment in respect of treatment afforded on and after 1 October 1954, differentiating between certain classes of hospitals.

The regulations also modify the existing provisions affecting "approved institutions".

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 7 October 1954.

These regulations are administered in the Department of Health.