



2007 CHAPTER 2

PART 4

MISCELLANEOUS

Other

Power to stop payment of allowances to care home residents

54.—(1) In section 67 of the Contributions and Benefits Act (exclusions relating to attendance allowance) for subsection (2) substitute—

“(2) Regulations may provide that an attendance allowance shall not be payable in respect of a person for a period when he is a resident of a care home in circumstances in which any of the costs of any qualifying services provided for him are borne out of public or local funds under a specified enactment.

(3) The reference in subsection (2) above to a care home is to an establishment that provides accommodation together with nursing or personal care.

(4) The following are qualifying services for the purposes of subsection (2) above—

- (a) accommodation,
- (b) board, and
- (c) personal care.

(5) The reference in subsection (2) above to a specified enactment is to an enactment which is, or is of a description, specified for the purposes of that subsection by regulations.

Changes to legislation: *Welfare Reform Act (Northern Ireland) 2007, Cross Heading: Other is up to date with all changes known to be in force on or before 23 April 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) The power to specify an enactment for the purposes of subsection (2) above includes power to specify it only in relation to its application for a particular purpose.”.

(2) In section 72 of that Act (care component of disability living allowance), for subsection (8) substitute—

“(8) Regulations may provide that no amount in respect of a disability living allowance which is attributable to entitlement to the care component shall be payable in respect of a person for a period when he is a resident of a care home in circumstances in which any of the costs of any qualifying services provided for him are borne out of public or local funds under a specified enactment.

(9) The reference in subsection (8) above to a care home is to an establishment that provides accommodation together with nursing or personal care.

(10) The following are qualifying services for the purposes of subsection (8) above—

- (a) accommodation,
- (b) board, and
- (c) personal care.

(11) The reference in subsection (8) above to a specified enactment is to an enactment which is, or is of a description, specified for the purposes of that subsection by regulations.

(12) The power to specify an enactment for the purposes of subsection (8) above includes power to specify it only in relation to its application for a particular purpose.”.

Annotations:

Commencement Information

- II** S. 54 wholly in operation at 29.10.2007; s. 54 not in operation at Royal Assent see s. 60(1); s. 54 in operation for specified purposes at 8.10.2007 and in operation at 29.10.2007 in so far as not already in operation by [S.R. 2007/429](#), [art. 2\(1\)\(c\)\(2\)](#)

Medical examinations

55.—(1) The 1998 Order is amended as follows.

(2) In Article 2 (interpretation), in paragraph (2), after the definition of “the Department” insert—

““health care professional” means—

- (a) a registered medical practitioner;

Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, Cross Heading: Other is up to date with all changes known to be in force on or before 23 April 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) a registered nurse;
- (c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Act 1999 (c. 8); or
- (d) a member of such other profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17) as the Department may prescribe;”.

(3) In Article 19 (medical examination required by the Department), in paragraphs (1) and (2)(b), for “medical practitioner” substitute “ health care professional approved by the Department ”.

(4) In Article 20 (medical examination required by appeal tribunal), in paragraph (2), for “medical practitioner” substitute “ health care professional approved by the Department ”.

(5) In that Article, after paragraph (2), insert—

“(2A) The power under paragraph (2) to refer a person to a health care professional approved by the Department includes power to specify the description of health care professional to whom the person is to be referred.”.

Minor and consequential amendments relating to Part 4

56. Schedule 7 (which makes miscellaneous minor amendments and amendments consequential on this Part) has effect.

Annotations:

Commencement Information

- I2** S. 56 wholly in operation at 27.10.2008; s. 56 in operation for certain purposes at Royal Assent see s. 60(1)(2)(c); s. 56 in operation for certain purposes at 8.10.2007 by [S.R. 2007/429](#), [art. 2\(1\)\(d\)](#); s. 56 in operation at 27.10.2008 in so far as not already in operation by [S.R. 2008/276](#), [art. 2\(2\)\(d\)](#), [Sch. Pt. 2](#)

Changes to legislation:

Welfare Reform Act (Northern Ireland) 2007, Cross Heading: Other is up to date with all changes known to be in force on or before 23 April 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(3)(za) inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(2\)](#)
- s. 1(3B) inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(3\)](#)
- s. 14(5) added by [2010 c. 13 \(N.I.\) s. 25\(2\)](#)
- s. 14(5) amendment to earlier affecting provision [2010 c. 13 \(N.I.\) s. 25\(2\)](#) by [S.I. 2015/2006 \(N.I.\) art. 60\(7\)](#)
- s. 14(5) words substituted by [S.R. 2016/76 Sch. 6 para. 56\(b\)](#)
- Sch. 1 para. 6(1)(da) inserted by [2010 c. 13 \(N.I.\) s. 5\(2\)\(a\)](#)
- Sch. 1 para. 6(2A) inserted by [2010 c. 13 \(N.I.\) s. 5\(2\)\(b\)](#)
- Sch. 2 para. 4B inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(4\)](#)
- Sch. 3 para. 12(4)(5) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)