
STATUTORY INSTRUMENTS

1972 No. 1265

Health and Personal Social Services (Northern Ireland) Order 1972

PART XII

MISCELLANEOUS AND GENERAL

Miscellaneous

Recovery of cost of accommodation for persons in need

101.—(1) [^{F1}Where under Article 15 or 36 accommodation is provided, or proposed to be provided, for any person] (in this Article referred to as a “person accommodated”), [^{F2}the appropriate HSC trust] may bring proceedings upon complaint under [^{F3} Part VIII of the Magistrates' Courts (Northern Ireland) Order 1981] against any other person who, for the purposes of this Order, is liable to maintain the person accommodated.

[^{F4}(1A) The “appropriate HSC trust” is the trust that provided the accommodation, or arranged or secured its provision, or (as the case may be) proposed the provision of it.]

(2) On hearing a complaint under this Article, the court shall have regard to all the circumstances and, in particular, to the resources of the defendant, and may order the defendant to pay such sum, weekly or otherwise, as the court may consider appropriate.

(3) In this Article, “the court” means the court of summary jurisdiction having jurisdiction in the place where the accommodation was provided or applied for.

(4) Payments under paragraph (2) shall be made—

- (a) to [^{F5}the trust] , in respect of the cost of accommodation, whether provided before or after the making of the order; or
- (b) to the applicant for accommodation or any other person, being a person accommodated; or
- (c) to such other person as appears to the court expedient in the interests of the person accommodated;

or as to part in one such manner and as to part in another, as may be provided by the order.

(5) The payments to be made pursuant to an order under this Article shall (irrespective of the recipient thereof) inure for the benefit of [^{F6}the trust] .

F1 1991 NI 1

F2 Words in art. 101(1) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 48\(2\)](#); S.R. 2022/102, art. 2(b)

F3 1981 NI 26

F4 [Art. 101\(1A\)](#) inserted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 48\(3\)](#); S.R. 2022/102, art. 2(b)

Changes to legislation: *Health and Personal Social Services (Northern Ireland) Order 1972, Section 101 is up to date with all changes known to be in force on or before 19 April 2024. 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) [View outstanding changes](#)*

- F5** Words in art. 101(4) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 48\(4\)](#); S.R. 2022/102, art. 2(b)
- F6** Words in art. 101(5) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 48\(4\)](#); S.R. 2022/102, art. 2(b)

Changes to legislation:

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Changes and effects yet to be applied to :

- Instrument amended by [1995 c. 51 s.4Sch. para.30](#)

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

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

- art. 56(4C)(4D) substituted by [S.I. 2002/3135 Sch. 1 para. 16](#) (This amendment has not been applied as it has been superceded by the substitution of art. 56 by 2004/311 NI 2 art. 3)
- art. 61-61E and art. 61F and cross-heading substituted for art. 61 by [2008 c. 2 \(N.I.\) s. 2\(2\)](#) (This amending provision is itself amended (13.6.2016) before it comes into force by 2016 c. 26 (N.I.), ss. 9, 20(2))
- art. 98(3) added by [2008 c. 2 \(N.I.\) s. 4\(1\)](#)
- art. 107(1A) inserted by [2008 c. 2 \(N.I.\) s. 4\(4\)\(b\)](#)