2002 CHAPTER 5

Preserved rights: transfer to Department of responsibilities as to accommodation

1.—(1) Article 36A of the 1972 Order (which prevents the Department providing residential accommodation for persons who were in such accommodation on 31st March 1993) shall cease to have effect on the appointed day.

(2) For the purposes of this section a "qualifying person" is a person to whom Article 36A(1) of that Order applied immediately before the appointed day.

(3) Where on or after the appointed day a qualifying person is provided by the Department with any **[**[F1]social care**]** in respect of his accommodation, his existing arrangements shall, by virtue of this subsection, terminate on the date as from which he is provided with those services.

(4) Where any such person is not provided with any such services as from the appointed day, any liability of his to make any payment under his existing arrangements in respect of any period (or part of a period) falling within the period beginning with the appointed day and ending with—

(a) the date as from which he is provided with any such services, or

(b) the date on which he notifies (or is in accordance with regulations to be treated as notifying) the Department that he does not wish to be provided with any such services,

shall instead be a liability of the Department.

(5) However the Department may, in respect of any payment made by it in pursuance of subsection (4), recover from the person such amount (if any) as may be prescribed; and any such amount shall be so recoverable summarily as a civil debt.

(6) Subsections (3) to (5) do not apply, to such extent as may be prescribed, in relation to any person falling within any prescribed description of persons.

(7) Regulations may—

(a) prescribe the circumstances in which persons are to be treated as ordinarily resident in any premises for the purposes of this section;

(b) for the purpose of prescribing any such amount as is mentioned in subsection (5), provide for any provision made by or under Article 36 of the 1972 Order to apply with or without modifications.

(8) In this section "existing arrangements", in relation to a person, means the arrangements for the provision of accommodation in the relevant premises in question, together with any arrangements for the provision of any services or facilities in connection with that accommodation.

F1 Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(a)** (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, **art. 2**

Changes to legislation:
There are currently no known outstanding effects for the Personal Social Services (Preserved Rights) Act (Northern Ireland) 2002, Section 1.