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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 188**

The Health and Personal Social Services  
(Superannuation Scheme and Injury Benefits)  
and Health and Social Care (Pension Scheme)  
(Amendment) Regulations (Northern Ireland) 2009

PART 4

AMENDMENT OF THE HEALTH AND PERSONAL SOCIAL SERVICES  
(INJURY BENEFITS) REGULATIONS (NORTHERN IRELAND) 2001

**Amendment of the Injury Benefit Regulations**

79. The Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001(1) shall be amended as provided by regulations 80 to 83.

**Amendment of regulation 2**

80. In regulation 2(1) (Interpretation) at the appropriate place in the alphabetical order, insert—  
““ophthalmic provider” has the same meaning as in whichever of the 1995 Regulations or 2008 Regulations apply to that provider.”.

**Amendment of regulation 2A**

81.—(1) Regulation 2A (Meaning of “practitioner”) is amended as provided by paragraphs (2) and (3).

(2) After paragraph (1)(b)(ii), add—

“or

(c) an ophthalmic provider.”.

(3) After paragraph (2)(b)(ii), add—

“or

(c) an ophthalmic provider.”.

**Amendment of regulation 4**

82. In paragraph (6) of regulation 4 (Scale of benefits), after sub-paragraph (b)(v), add—

“(vi) employment and support allowance payable under section 1 (2)(a) of the Welfare Reform Act (Northern Ireland) 2007(2), in respect of the injury or disease, during the assessment

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(1) S.R. 2001 No. 367 as amended by S.R. 2005 Nos. 155, 533, 534 and 565; S.R. 2006 Nos. 159 and 410; S.R. 2008 No. 130

(2) 2007 c. 2 (N.I.)

phase referred to in section 2 of that Act, or as the case may be, after that phase has ended.”.

**Amendment of regulation 14**

**83.** In regulation 14 (Review and adjustment of allowance), after paragraph (1) insert—

“(1A) For the purposes of paragraph (1)(b)—

- (a) employment and support allowance payable during the assessment phase for that benefit and employment and support allowance payable after that phase has ended shall be treated as separate benefits; and
- (b) where employment and support allowance was awarded to a person prior to 1st April 2009 and that person continues to be entitled to that allowance on that day, payment of that allowance shall be deemed to have commenced on that day.”.