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STATUTORY INSTRUMENTS

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**1972 No. 1265**

**Health and Personal Social Services  
(Northern Ireland) Order 1972**

**PART XII**

**MISCELLANEOUS AND GENERAL**

*Miscellaneous*

**[<sup>F1</sup>Charges in respect of accommodation provided by [<sup>F2</sup>HSC trust] under Article 15**

**99.**—(1) Where a person is provided under Article 15 with accommodation in premises provided by [<sup>F3</sup>an HSC trust] , [<sup>F4</sup>the trust] shall recover from him the amount of the payment which he is liable to make in accordance with the following provisions of this Article.

(2) Subject to the following provisions of this Article, the payment which a person is liable to make for any such accommodation shall be in accordance with a standard rate determined by the Department for that accommodation <sup>F5</sup>....

[  
<sup>F6</sup>(2A) Different rates may be determined under paragraph (2) for (in particular)—

- (a) different descriptions of accommodation;
- (b) accommodation provided by different trusts.

(2B) The standard rate determined for accommodation provided by any trust must represent the full cost to the trust of providing that accommodation, other than any costs in respect of nursing care by a registered nurse (within the meaning given by Article 36(4A)) at that accommodation.]

(3) Subject to paragraph (4), where a person for whom such accommodation is provided, or proposed to be provided, satisfies [<sup>F7</sup>the trust] that he is unable to pay for the accommodation at the standard rate, [<sup>F7</sup>the trust] shall assess his ability to pay, and accordingly determine at what lower rate he shall be liable to pay for the accommodation.

(4) The liability of any person to pay for accommodation under this Article may be reduced by reason of any work which he performs and which assists materially in the management of the premises.

(5) Regulations may make provision for the assessment, for the purposes of paragraph (3), of a person's ability to pay.

(6) [<sup>F8</sup>An HSC trust] may, on each occasion when it provides accommodation mentioned in paragraph (1) for any person and irrespective of his means, limit to such amount as appears to [<sup>F9</sup>the trust] reasonable for him to pay the payments required from him for his accommodation during a period commencing when [<sup>F9</sup>the trust] began to provide the accommodation for him and ending not more than 8 weeks after that.]

**Status:** Point in time view as at 01/04/2022.

**Changes to legislation:** Health and Personal Social Services (Northern Ireland) Order 1972, Section 99 is up to date with all changes known to be in force on or before 09 July 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)

- F1** 1991 NI 1
- F2** Words in art. 99 heading substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 47(7)**; S.R. 2022/102, art. 2(b)
- F3** Words in art. 99(1) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 47(2)(a)**; S.R. 2022/102, art. 2(b)
- F4** Words in art. 99(1) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 47(2)(b)**; S.R. 2022/102, art. 2(b)
- F5** Words in art. 99(2) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 47(3)**; S.R. 2022/102, art. 2(b)
- F6** Art. 99(2A)(2B) inserted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 47(4)**; S.R. 2022/102, art. 2(b)
- F7** Words in art. 99(3) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 47(5)**; S.R. 2022/102, art. 2(b)
- F8** Words in art. 99(6) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 47(6)(a)**; S.R. 2022/102, art. 2(b)
- F9** Words in art. 99(6) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 47(6)(b)**; S.R. 2022/102, art. 2(b)

**Status:**

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