
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 250

The Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations (Northern Ireland) 2016

PART 5

MISCELLANEOUS

Care home residents

26.—(1) Subject to regulation 29, no welfare supplementary payment is payable in respect of any period during which a person is a resident of a care home in circumstances in which any of the costs of any qualifying services provided for the person are borne out of public funds by virtue of any of the statutory provisions referred to in paragraph (2).

(2) The statutory provisions are—

- (a) Article 5, 15 or 36 the Health and Personal Social Services (Northern Ireland) Order 1972^{M1},
- (b) the Mental Health (Northern Ireland) Order 1986^{M2},
- (c) section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002^{M3}, or
- (d) any other statutory provision relating to persons under a disability or to young persons or to education or training except—
 - (i) Articles 50 and 51 of the Education and Libraries (Northern Ireland) Order 1986^{M4},
 - (ii) Article 30 of the Education and Libraries (Northern Ireland) Order 1993^{M5}, or
 - (iii) Article 3 of the Education (Student Support) (Northern Ireland) Order 1998^{M6}.

(3) Subject to paragraph (4), paragraph (1) does not apply in the case of a person—

- (a) who has not attained the age of 18 and to whom—
 - (i) Article 17(b) of the Children (Northern Ireland) Order 1995^{M7} applies because the person's health is likely to be significantly impaired, or further impaired, without the provision of services for the person, or
 - (ii) Article 17(c) of that Order applies, or
- (b) who is accommodated outside the United Kingdom if the costs of any qualifying services are borne wholly or partly by an education authority pursuant to its powers under Article 11 of the Education (Northern Ireland) Order 1996^{M8}.

(4) Paragraph (3)(a) only applies during any period in which the Regional Health and Social Care Board or the Health and Social Care trust looking after the person places the person in a private dwelling with a family, or with a relative of the person, or with some other suitable person.

(5) In this regulation—

“care home” and “qualifying services” have the same meaning as in Article 90 of the 2015 Order,

“Health and Social Care trust” means a body as established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 ^{M9}, and

“the Regional Health and Social Care Board” means the body established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 ^{M10}.

Marginal Citations

- M1** S.I. 1972/1265 (N.I. 14); Article 15 was amended by paragraph 2(2) of Schedule 1 to the [Registered Homes \(Northern Ireland\) Order 1992](#) (S.I. 1992/3204 (N.I. 20)) and Article 36 was amended by section 1(1) and (2) of the [Health and Personal Social Services Act \(Northern Ireland\) 2002](#) (c. 9 (N.I.)) and Article 45 of the [Health and Personal Social Services \(Quality, Improvement and Regulation\) \(Northern Ireland\) Order 2003](#) (S.I. 2003/431 (N.I. 9))
- M2** S.I. 1986/595 (N.I. 4)
- M3** 2002 c. 6 (N.I.)
- M4** S.I. 1986/594 (N.I. 3); Article 51 was substituted by Part 2 of Schedule 5 to the [Education \(Northern Ireland\) Order 1996](#) (S.I. 1996/274 (N.I. 1)) and certain functions transferred from the Department of Education by Parts I and II of Schedule 3 to the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481) and for certain purposes functions transferred by Article 7(a) of the Departments (Transfer of Functions) Order (Northern Ireland) 2001 (S.R. 2001 No. 229)
- M5** S.I. 1993/2810 (N.I. 12)
- M6** S.I. 1998/1760 (N.I. 14); Article 3 was amended by section 147(3) of the [Learning and Skills Act 2000](#) (c. 21), **paragraph 238** of Schedule 6 to the [Income Tax \(Earnings and Pensions\) Act 2003](#) (c.1), **section 147(4)** of the [Finance Act 2003](#) (c. 14) and Article 11(1) of the Higher Education (Northern Ireland) Order 2005 (S.I. 2005/1116 (N.I. 5))
- M7** S.I. 1995/755 (N.I. 2)
- M8** S.I. 1996/274 (N.I. 1)
- M9** S.I. 1991/194 (N.I. 1); Article 10 was amended by section 1 of the [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1 (N.I.))
- M10** 2009 c. 1 (N.I.)

Changes to legislation:

There are currently no known outstanding effects for the The Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations (Northern Ireland) 2016, Section 26.