1993 No. 162 (C. 8)

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (1991 Order) (Commencement No. 3) Order (Northern Ireland) 1993

Made . . . . . 31st March 1993

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 1(2) and (4) of the Health and Personal Social Services (Northern Ireland) Order 1991(**a**), paragraph 2(1) of Schedule 1 to the Northern Ireland Act 1974(**b**) and of all other powers enabling it in that behalf, hereby makes the following order:

Citation and interpretation

1.—(1) This order may be cited as the Health and Personal Social Services (1991 Order) (Commencement No. 3) Order (Northern Ireland) 1993.

(2) In this order "the Order" means the Health and Personal Social Services (Northern Ireland) Order 1991, and any reference to a numbered Article or Schedule is to the Article or Schedule of the Order bearing that number.

Appointed days

2. The day appointed for the coming into operation of—

(*a*) Article 25 (Arrangements by Department for provision of accommodation by voluntary organisations, etc.)

Article 26 (Exclusion of powers to provide accommodation in certain cases)

Article 27 (Charges in respect of accommodation provided by the Department)

Article 28 (Recovery of charges due to Department for accommodation) only insofar as it relates to accommodation provided under arrangements (made on or after 1st April 1993) under Article 15 or 36 of the Health and Personal Social Services (Northern Ireland) Order 1972(**c**)

Schedule 5 insofar as it relates to Articles 15(4), 71(1) and 101(1) of the Health and Personal Social Services (Northern Ireland) Order 1972

(**a**) S.I. 1991/194 (N.I. 1)
(**b**) 1974 c. 28
(**c**) S.I. 1972/1265 (N.I. 14)

Part II of Schedule 6 insofar as it relates to—

Article 15(4) of the Health and Personal Social Services (Northern Ireland) Order 1972

Article 11 of the Health and Personal Social Services (Northern Ireland) Order 1978(**a**)

Paragraph 7 of Schedule 3 to the Social Security (Northern Ireland) Order 1980(**b**)

Paragraph 31 of Schedule 9 to the Social Security (Northern Ireland) Order 1986(**c**)

Article 9 of the Health and Personal Social Services and Public Health (Northern Ireland) Order 1986(**d**),

is 1st April 1993; and

(*b*) Article 28 (Recovery of charges due to Department) insofar as it relates to accommodation provided under arrangements (made before 1st April 1993) under Article 15 or 36 of the Health and Personal Social Services (Northern Ireland) Order 1972,

is 12th April 1993.

Modification

3.—(1) The provisions specified in paragraph (2) shall come into operation immediately before the coming into operation of paragraph 2(4) to (6) of Schedule 1 to and Schedule 2 (insofar as it relates to Article 71(1) of the Health and Personal Social Services (Northern Ireland) Order 1972) to the Registered Homes (Northern Ireland) Order 1992(**e**).

(2) The provisions referred to in paragraph (1) are—

Article 25, 26 and Article 28 (insofar as it relates to accommodation provided under arrangements made (on or after 1st April 1993) under Article 15 or 36 of the Health and Personal Social Services (Northern Ireland) Order 1972

Schedule 5 insofar as it relates to Article 71(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

Savings

4. Neither the coming into operation of the provisions specified in Article 3 of this order nor the coming into operation of the Registered Homes (Northern Ireland) Order 1992 shall affect any rights or obligations arising out of or resulting from arrangements made, before 1st April 1993, under Article 15 or 36 of the Health and Personal Social Services (Northern Ireland) Order 1972.

(**a**) S.I. 1978/1907 (N.I. 26)
(**b**) S.I. 1980/870 (N.I. 8)
(**c**) S.I. 1986/1888 (N.I. 18)
(**d**) S.I. 1986/2229 (N.I. 24)
(**e**) S.I. 1992/3204 (N.I. 20)

Sealed with the Official Seal of the Department of Health and Social Services on 31st March 1993.

(L.S.) *B. McGahan*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This order provides for the coming into operation on 1st April 1993 of the last remaining provisions of the Health and Personal Social Services (Northern Ireland) Order 1991—

Article 25 which relates to arrangements by Department for provision of accommodation by voluntary organisations etc.,

Article 26 which relates to exclusion of powers to provide accommodation in certain cases in which residents have a preserved right to the special higher levels of Income Support,

Article 27 which relates to charges in respect of accommodation provided by the Department, and

Article 28 which relates to recovery of charges due to Department for accommodation where persons have disposed of assets only insofar as it relates to accommodation provided under arrangements (made on or after 1st April 1993) under Article 15 or 36 of the Health and Personal Social Services (Northern Ireland) Order 1972.

This order also provides for the coming into operation on 12th April 1993 of Article 28 which relates to recovery of charges due to Department for accommodation where persons have disposed of assets insofar as it relates to accommodation provided under arrangements (made before 1st April 1993) under Articles 15 or 36 of the Health and Personal Social Services (Northern Ireland) Order 1972.

It also gives effect to the remaining amendments and repeals contained in Schedule 5 and Part II of Schedule 6 to the Health and Personal Social Services (Northern Ireland) Order 1991.