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STATUTORY INSTRUMENTS

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**1996 No. 1923 (N.I. 19)**

**NORTHERN IRELAND**

**The Personal Social Services (Direct Payments) (Northern Ireland) Order 1996**

*Made - - - - 23rd July 1996*  
*Laid before Parliament 6th August 1996*  
*Coming into operation on days to be appointed under Article 1(2)*

At the Court at Buckingham Palace, the 23rd day of July 1996

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to the purposes of sections 1 and 2 of the Community Care (Direct Payments) Act 1996:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (as modified by section 6 of the said Act of 1996) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**Title and commencement**

1.—(1) This Order may be cited as the Personal Social Services (Direct Payments) (Northern Ireland) Order 1996.

(2) This Order shall come into operation on such day or days as the Department of Health and Social Services may by order appoint.

**Interpretation**

2. The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

**Direct payments in respect of personal social services**

3. In Part II of the Health and Personal Social Services (Northern, Ireland) Order 1972 the following Article shall be inserted after Article 15—

**“Direct payments in respect of personal social services**

**15A.—(1) Where—**

- (a) the Department has decided that the needs of a person aged 18 years or over call for the provision of any service which is a personal social service; and
- (b) the person is of a description prescribed for the purposes of this paragraph,

the Department may, if the person consents, make to him, in respect of his securing the provision of the service, a payment of such amount as it thinks fit.

(2) A payment under paragraph (1) shall be subject to the condition that the person to whom it is made shall not secure the provision of the service to which it relates by a person who is of a description prescribed for the purposes of this paragraph.

(3) The Department may by regulations provide that the power conferred by paragraph (1) shall not be exercisable in relation to the provision of residential accommodation for any person for a period in excess of such period as may be prescribed.

(4) If the Department is not satisfied, in relation to the whole or any part of a payment made under paragraph (1)—

- (a) that it has been used to secure the provision of the service to which it relates; or
- (b) that the condition imposed by paragraph (2), or any condition properly imposed by the Department, has been met in relation to its use,

the Department may require the payment or, as the case may be, the part of the payment to be repaid.

(5) Except as provided by paragraph (6), the fact that the Department makes a payment under paragraph (1) shall not affect the Department’s functions with respect to the provision of the service to which the payment relates.

(6) Subject to paragraph (7), where the Department makes a payment under paragraph (1), the Department shall not be under any obligation to the person to whom it is made with respect to the provision of the service to which it relates as long as the Department is satisfied that the need which calls for the provision of the service will be met by virtue of the person’s own arrangements.

(7) The fact that the Department makes a payment under paragraph (1) shall not affect the Department’s functions under Article 15 in relation to the provision, to the person to whom the payment is made, of assistance, in exceptional circumstances constituting an emergency, in cash in respect of the service to which the payment under paragraph (1) relates.

(8) Regulations under this Article may include such supplementary, incidental, consequential and transitional provisions and savings as the Department thinks fit.”

*N.H. Nicholls*  
Clerk of the Privy Council

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Health and Personal Social Services (Northern Ireland) Order 1972 to enable the Department of Health and Social Services to make payments to persons in respect of their securing the provision of personal social services.