1993 No. 163

HEALTH AND PERSONAL SOCIAL SERVICES

The Residential Accommodation (Other Premises, Persons Ordinarily Resident and Exemptions) Regulations (Northern Ireland) 1993

Made . . . . . *31st March 1993*

Coming into operation . . . *1st April 1993*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 36A(1)(*c*), (2) and (3) of the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Residential Accommodation (Other Premises, Persons Ordinarily Resident and Exemptions) Regulations (Northern Ireland) 1993 and shall come into operation on 1st April 1993.

(2) In these regulations—

"Board" means a Health and Social Services Board;

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**b**);

"nursing home" has the meaning prescribed in regulation 19(2) of the Income Support Regulations (persons in residential care and nursing homes);

"the Order" means the Health and Personal Social Services (Northern Ireland) Order 1972;

"the 1992 Order" means the Registered Homes (Northern Ireland) Order 1992(**c**);

"preserved right" means a preserved right for the purposes of regulation 19 of the Income Support Regulations;

"relevant premises" means, except in regulation 7—

(i) the premises specified in Article 36A(1)(*a*) to (*d*) of the Order as originally enacted;

(a) S.I. 1972/1265 (N.I. 14); Article 36A was inserted by Article 26 of S.I. 1991/194 (N.I. 1) and amended by paragraph 2(6) of Schedule 1 to S.I. 1992/3204 (N.I. 20)

(b) S.R. 1987 No. 459; the relevant amending instruments are S.R. 1988 Nos. 146, 318 and 395, S.R. 1991 No. 170 and S.R. 1993 No. 149

(c) S.I. 1992/3204 (N.I. 20)

(ii) the premises specified in Article 36A(1)(*a*) and (*b*) of the Order; and

(iii) the premises prescribed in regulation 2 (other premises);

"residential care home" means—

(i) any premises in respect of which a person is registered in accordance with Schedule 5 to the Order as in operation on 31st March 1993;

(ii) any premises in respect of which a person is registered under Part II of the 1992 Order;

(iii) any premises in respect of which a person is exempt from such registration solely by virtue of their being managed or controlled by a body constituted by special Act of Parliament or incorporated by Royal Charter; or

(iv) any premises in which a person is ordinarily resident at 31st March 1993 which are managed by the Abbeyfield Society including any person affiliated to that Society but excluding any such premises managed after 31st March 1993 by that Society or any person affiliated to that Society;

"temporarily absent" means absent for a period which does not exceed—

(*a*) unless sub-paragraph (*b*) of this paragraph applies—

(i) 4 weeks, where the person was before his absence a temporary resident in relevant premises, or

(ii) 13 weeks, where the person was before his absence a permanent resident in relevant premises; or

(*b*) 52 weeks, where throughout the period of absence the person was a patient,

and for these purposes a "patient" means a person (other than a prisoner) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(**a**), and "permanent resident" and "temporary resident" have the same meanings as in regulation 19 of the Income Support Regulations;

"unavailable premises" means—

(i) in relation to any premises from which a person has been evicted, those premises;

(ii) in relation to premises from which a person is temporarily absent and to which he will not be allowed to return, those premises;

(iii) in relation to premises in respect of which a person has been served with a notice to quit, those premises.

(a) S.R. 1975 No. 109; the relevant amending instruments are S.R. 1987 No. 391 and S.R. 1992 No. 453