STATUTORY RULES OF NORTHERN IRELAND

2004 No. 121

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2004

Made - - - - - *16th March 2004*

Coming into operation *12th April 2004*

The Department of Health, Social Services and Public Safety(**a**), in exercise of the powers conferred on it by Articles 36(6) and 99(5) of the Health and Personal Social Services (Northern Ireland) Order 1972(**b**) 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 Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 12th April 2004.

(2) In these regulations "the principal regulations" means the Health and Personal Social Services (Assessment of Resources) Regulations (Northern Ireland) 1993(**c**).

Amendment of regulation 20 (capital limit) of the principal regulations

2. In regulation 20(**d**) (capital limit) of the principal regulations for the amount "£19,500" substitute the amount "£20,000".

Amendment of regulation 28(1) of the principal regulations

3. In regulation 28(1)(**e**) (calculation of tariff income from capital) of the principal regulations –

(a) for the amount "£12,000" (both times it appears) substitute the amount "£12,250"; and

(b) for the amount "£19,500" substitute the amount "£20,000".

Amendment of Schedule 3 to the principal regulations

4. In paragraph 27H(**f**) of Schedule 3 to the principal Regulations (sums to be disregarded in the calculation of income other than earnings) –

(**a**) *See* S.I. 1999/283 (N.I.) – Article 3(6)

(**b**) S.I. 1972/1265 (N.I. 14); Article 36 was substituted by Article 25 of S.I. 1991/194 (N.I.), and then amended by paragraph 2(4) and (5) of Schedule 1 to S.I. 1992/3204 (N.I. 20) and section 1 of 2002 c. 9 (N.I.); and Article 99 was substituted by Article 27 of S.I. 1991/194 (N.I. 1) and amended by section 1(3) of 2002 c. 9 (N.I.)

(**c**) S.R. 1993 No. 127, the relevant amending instruments are S.R. 2003 No. 320 and No. 428

(**d**) Regulation 20 was amended by regulation 4 of S.R. 2003 No. 320

(**e**) Regulation 28 was amended by regulation 5 of S.R. 2003 No. 320

(**f**) Paragraph 27H was added by Regulation 3 of S.R. 2003 No. 428

(a) in sub-paragraphs (1) and (2), for the amount "£4·50" (each time it appears) substitute the amount "£4·65";

(b) in sub-paragraphs (3) and (4), for the amount "£6·75" (each time it appears) substitute the amount "£6·95";

(c) for sub-paragraph (5) substitute the following paragraph –

"(5) Where –

(a) the sum referred to in sub-paragraph (4) has been disregarded in the assessment of the resident's partner's income under these Regulations, or

(b) the resident's partner is in receipt of savings credit,

sub-paragraph (4) does not apply to the resident.".

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 16th March 2004.

(L.S.) *Leslie Frew*

Senior Officer of the Department of Health, Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further amendments to the Health and Personal Social Services (Assessment of Resources) Regulations (Northern Ireland) 1993 ("the principal regulations") which relate to the assessment by Health and Social Services Boards and HSS Trusts of the resources of residents in accommodation arranged under Articles 15 and 36 of the Health and Personal Social Services (Northern Ireland) Order 1972.

Regulation 2 amends the principal regulations so that the capital limit set out in regulation 20 becomes £20,000.

Regulation 3 amends the principal regulations so that the capital limits set out in regulation 28(1) become £12,250 and £20,000.

Regulation 4 provides for an increase to £6·95 of the amount of savings credit to be disregarded in calculating a resident's income. It also amends paragraph 27H of Schedule 3 to the principal Regulations so that where one partner is at home and in receipt of the Savings Credit element of Pension Credit, the other partner in the care home does not qualify for the savings disregard.

These regulations do not impose a charge on business.

Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. N1421. C5. 3/04. Gp. 130. 14567.

© Crown Copyright 2004

£3·00

Published by The Stationery Office Limited

ISBN 0-337-95453-4

9 780337 954535