STATUTORY RULES OF NORTHERN IRELAND

2010 No. 65

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2010

Made - - - - 8th March 2010
Coming into operation in accordance with regulation 1(2) and (3)

The Department of Health, Social Services and Public Safety(**1**), in exercise of the powers conferred by Articles 36(6) and 99(5) of the Health and Personal Social Services (Northern Ireland) Order 1972(**2**), makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2010.

(2) Regulations 3, 6, 7(c) and 8 shall come into operation on 6th April 2010.

(3) The remaining Regulations shall come into operation on 12th April 2010.

Interpretation

2. In these Regulations "the principal Regulations" means the Health and Personal Social Services (Assessment of Resources) Regulations (Northern Ireland) 1993(**3**).

Amendment of regulation 2 of the principal Regulations

3. In regulation 2(1) of the principal Regulations (interpretation), at the appropriate place, insert —

> ""qualifying age" has the same meaning as in section 1(6) of the State Pension Credit Act (Northern Ireland) 2002; and
>
> "relative" has the same meaning as in the Income Support Regulations;".

(**1**) S.I. 1999/283 (N.I. 1)
(**2**) S.I. 1972/1265 (N.I. 14); Article 36 was substituted by Article 25 of S.I. 1991/194 (N.I. 1) and then amended by paragraph 2(4) and (5) of Schedule 1 to S.I. 1992/3204 (N.I. 20), section 1 of 2002 c.9 (N.I.), section 4 of 2002 c.5 (N.I.) and Article 45 of S.I. 2003/431 (N.I. 9); 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)
(**3**) S.R. 1993 No. 127, as last amended by S.R. 2009 No. 88

Amendment of regulation 20 of the principal Regulations

4. In regulation 20(**4**) of the principal Regulations (capital limit) for "£23,000" substitute "£23,250".

Amendment of regulation 28(1) of the principal Regulations

5. In regulation 28(1)(**5**) of the principal Regulations (calculation of tariff income from capital)—

(a) for "£14,000" (both times it appears) substitute "£14,250"; and

(b) for "£23,000" substitute "£23,250".

Amendment of Schedule 2 to the principal Regulations

6. In Schedule 2 to the principal Regulations (sums to be disregarded in the calculation of income other than earnings), in sub-paragraph (2) of paragraph 3—

(a) in paragraph (b), for "the age of 60" substitute "the qualifying age"; and

(b) in paragraph (c), for "the age of 60", in each place where it occurs, substitute "the qualifying age".

Amendment of Schedule 3 to the principal Regulations

7. In paragraph 27(H)(**6**) of Schedule 3 to the principal Regulations (sums to be disregarded in the calculation of income other than earnings)—

(a) in sub-paragraphs (1) and (2), for "£5.65" (each time it appears) substitute "£5.75";

(b) in sub-paragraphs (3) and (4), for "£8.45" (each time it appears) substitute "£8.60"; and

(c) in sub-paragraph (6), paragraph (b) is omitted.

Amendment of Schedule 4 to the principal Regulations

8. In Schedule 4 to the principal Regulations (capital to be disregarded), for paragraph 2(**7**) substitute—

"**2.** The value of any premises—

(a) which would be disregarded under paragraph 2 or 4(b) of schedule 10 to the Income Support Regulations (premises acquired for occupation, and premises occupied by a former partner); or

(b) occupied in whole or in part as their home by the resident's—

(i) partner,

(ii) other family member or relative who is aged 60 or over or is incapacitated, or

(iii) child."

(**4**) Regulation 20 was amended by regulation 2 of S.R. 2009 No. 88
(**5**) Regulation 28 was amended by regulation 3 of S.R. 2009 No. 88
(**6**) Paragraph 27(H) was added by regulation 3 of S.R. 2003 No.428 and amended by regulation 4 of S.R. 2009 No. 88
(**7**) Paragraph 2 was substituted by regulation 9 of S.R. 1993 No. 234