STATUTORY RULES OF NORTHERN IRELAND

2003 No. 428

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Assessment of Resources) (Amendment No. 2) Regulations (Northern Ireland) 2003

Made - - - -	*30th September 2003*
Coming into operation	*6th October 2003*

The Department of Health, Social Services and Public Safety(**1**), 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(**2**) 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 No. 2) Regulations (Northern Ireland) 2003 and shall come into operation on 6th October 2003.

(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

2. In paragraph (1) of regulation 2 of the principal regulations (interpretation) insert the following definitions at the appropriate place:

> ""the Pension Credit Regulations" means the State Pension Credit Regulations (Northern Ireland) 2003(**4**)
>
> ""savings credit" means a savings credit under the State Pension Credit Act (Northern Ireland) 2002(**5**);".

(**1**) *See*S.I. 1999/283 (N.I. 1) Article 3(6)
(**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) 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 section 1(3) of 2002 c. 9 (N.I.)
(**3**) S.R. 1993 No. 127, the relevant amending instrument is S.R. 2003 No. 320
(**4**) S.R. 2003 No. 28
(**5**) 2002 c. 14, (N.I.)*see* section 1(3)(b) and section 3

Amendment of Schedule 3 to the principal regulations

3. In Schedule 3 to the principal regulations (sums to be disregarded in the calculation of income other than earnings) after paragraph 27G, insert the following paragraph –

"**27H.**—(1) Where a resident is in receipt of savings credit as a person who has no partner and has qualifying income not exceeding the standard minimum guarantee –

(a) the amount of that savings credit where the amount received is £4·50 or less; or

(b) £4·50 of that savings credit where the amount received is greater than £4·50.

(2) Where a resident –

(a) has no partner;

(b) has attained the age of 65; and

(c) has qualifying income in excess of the standard minimum guarantee,

a sum of £4·50.

(3) Where a resident is in receipt of savings credit as a person who has a partner and has qualifying income not exceeding the standard minimum guarantee –

(a) the amount of that savings credit where the amount received is £6·75 or less; or

(b) £6·75 of that savings credit where the amount received is greater than £6·75.

(4) Subject to sub-paragraph (5) where a resident –

(a) has a partner;

(b) has –

(i) attained the age of 65; or

(ii) has attained the qualifying age and his partner has attained the age of 65; and

(c) has qualifying income in excess of the standard minimum guarantee,

a sum of £6·75.

(5) Where the sum referred to in sub-paragraph (4) has been disregarded in the assessment of the resident's partner's income under these regulations, sub-paragraph (4) does not apply to the resident.

(6) For the purposes of this paragraph –

(a) a resident has a partner if he would be considered to have a partner for the purposes of the Pension Credit Regulations(**6**);

(b) "qualifying age" has the same meaning as in section 1(6) of the State Pension Credit Act (Northern Ireland) 2002(**7**);

(c) "qualifying income" shall be construed in accordance with regulation 9 of the Pension Credit Regulations and for the purposes of sub-paragraphs (3) and (4) the resident's qualifying income shall include any qualifying income of his partner;

(d) "standard minimum guarantee" means, for the purposes of –

(i) sub-paragraphs (1) and (2), the amount prescribed by regulation 6(1)(b) of the Pension Credit Regulations; and

(**6**) S.R 2003 No. 28 ("the 2003 Regulations"). In the 2003 Regulations a member of a married or unmarried couple is referred to as a partner and both members are referred to as partners (*see* regulations 1(3)). The phrases "married couple" and "unmarried couple" for the purposes of the 2003 Regulations are defined in section 17 of the State Pension Credit Act (Northern Ireland) 2002 (c. 14). A "married couple" means a man and woman who are married to each other and are members of the same household. An "unmarried couple" means a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances

(**7**) 2002 c. 14 (N.I.). *See* section 1(6) for the meaning of "qualifying age" and section 17(1) for the meaning of "pensionable age"