1993 No. 438

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Assessment of Resources) (Amendment No. 2) Regulations (Northern Ireland) 1993

Made . . . . . *4th November 1993*

Coming into operation . . *29th November 1993*

The Department of Health and Social Services, 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(**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 Health and Personal Social Services (Assessment of Resources) (Amendment No. 2) Regulations (Northern Ireland) 1993 and shall come into operation on 29th November 1993.

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

Amendment of regulation 2 of the principal regulations

2. In regulation 2(1) of the principal regulations (interpretation)—

(*a*) after the definition of ''Board'' there shall be inserted:

'' ''child benefit'' means child benefit under section 137 of the Contributions and Benefits Act;'';

(*b*) after the definition of ''dwelling'' there shall be inserted:

'' ''Eileen Trust'' has the same meaning as in the Income Support Regulations(**c**);''.

Amendment in relation to net profit of self-employed earners

3. In regulation 12(1) of the principal regulations (weekly amount of net profit of self-employed earners)—

(**a**) 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 Article 99 was substituted by Article 27 of S.I. 1991/194 (N.I. 1)

(**b**) S.R. 1993 No. 127; as amended by S.R. 1993 No. 234

(**c**) *See* regulation 2(1) of the Income Support (General) Regulations (Northern Ireland) 1987. The relevant amending instrument is S.R. 1993 No. 233

(*a*) in sub-paragraph (*a*) for the words ''52 weeks'' there shall be substituted the words ''one year''; and

(*b*) in sub-paragraph (*b*) the words ''of weeks'' shall be omitted.

Amendment in relation to income treated as capital

4.—(1) In regulation 22(4) of the principal regulations (income treated as capital), for the words ''paragraph 1, 2, 5, 10 or 16 of'' there shall be substituted the words ''paragraph 1, 2, 5, 10, 16 or 18 of''.

(2) In regulation 22(7) of the principal regulations(**a**) (income treated as capital), after the words ''the Fund,'' there shall be inserted the words ''the Eileen Trust,''.

Amendment of Schedule 2 to the principal regulations

5. In paragraph 3(2) of Schedule 2 to the principal regulations(**b**) (residents who qualify for the higher disregard in the calculation of earnings)—

(*a*) in head (*a*) after the word ''receives'' there shall be inserted the words ''an invalid care allowance or receives''; and

(*b*) in head (*b*)(i), the words ''an invalid care allowance'' shall be omitted.

Amendment of Schedule 3 to the principal regulations

6.—(1) Schedule 3 to the principal regulations (sums to be disregarded in the calculation of income other than earnings) shall be amended in accordance with paragraphs (2) to (5).

(2) In paragraph 11 (amount of a certain war and other similar pensions to be disregarded), for the words ''paragraph 31 of this Schedule'' there shall be substituted the words ''paragraph 30 of this Schedule'' and after the words ''of this Schedule'' there shall be added the words ''and as if the reference in paragraph 16(*a*) of Schedule 9 to the Income Support Regulations(**c**) to paragraphs 8 or 9 of Schedule 9 to the Income Support Regulations were a reference to paragraphs 5 or 6 of this Schedule''.

(3) In paragraph 14(2) (income derived from disregarded capital), for the words ''paragraph 2 or 16'' there shall be substituted the words ''paragraph 2, 16 or 18''.

(4) In paragraph 27 (housing costs of a temporary resident to be disregarded), the words '', which are'' shall be omitted.

(5) In Part I, after paragraph 27 there shall be inserted the following paragraph—

(**a**) Amended by regulation 6 of S.R. 1993 No. 234

(**b**) Amended by regulation 8(1) and (2) of S.R. 1993 No. 234

(**c**) The Income Support (General) Regulations (Northern Ireland) 1987. The relevant amending instrument is S.R. 1993 No. 373