1980 No. 389

HEALTH AND PERSONAL SOCIAL SERVICES

Remission of Charges (Amendment) Regulations (Northern Ireland) 1980

Made . . . . . *4th November 1980*

Coming into operation . . . *1st December 1980*

The Department(**a**) of Health and Social Services in exercise of the powers conferred on it by Articles 98, 106 and 107 of, and Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972(**b**) and of all other powers enabling it in that behalf, with the approval of and in conjunction with the Department(**a**) of Finance, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Remission of Charges (Amendment) Regulations (Northern Ireland) 1980 and shall come into operation on 1st December 1980.

Amendment to regulations

2. The Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974(**c**) shall be further amended as follows:—

(*a*) In regulation 4 (Application of remission) in sub-paragraph (*d*) for the word "calculated" in both places where that word occurs, there shall be substituted the word "determined".

(*b*) In regulation 5 (Restrictions on remission) for sub-paragraph (*a*) of paragraph (2) there shall be substituted—

"(2)(*a*) In a case to which regulation 4(*d*) applies and to the provisions of paragraph (1), the remission of charges for which regulation 3 provides shall if the resources of the claimant as determined by the Department in accordance with the provisions of regulation 6 exceed his requirements as so determined, be limited in respect of him to the amount by which the sum of his claims (including those of any person whose requirements and resources are, pursuant to the determination hereinafter referred to, aggregated with his) in a claims period exceeds three times the amount by which his resources determined as aforesaid exceed his requirements as so determined."

(*c*) For regulation 6 there shall be substituted the following—

"*Determination of requirements and resources*

6.—(1) For the purposes of regulation 4(*d*), the requirements and resources of a claimant shall, be determined pursuant to the provisions of Schedule 1 to the Supplementary Benefits (Northern Ireland) Order 1977(**d**) (provisions for determining right to and amount of supplementary benefit).

(2) The requirements and resources of the claimant for the purposes of the determination for which paragraph (1) provides shall be determined—

(**a**) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8
(**b**) S.I. 1972/1265 (N.I. 14)
(**c**) S.R. 1974 No. 271 (II, p. 1282) amended by S.R. 1975 No. 299 and S.R. 1976 No. 337
(**d**) S.I. 1977/2156 (N.I. 27) as amended by and set out in Schedule 2 to the Social Security (Northern Ireland) Order 1980, S.I. 1980/870 (N.I. 8)