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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 147**

**HEALTH AND PERSONAL SOCIAL SERVICES**

**The Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1997**

*Made* - - - - *13th March 1997*

*Coming into operation* *7th April 1997*

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(1) 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) 1997 and shall come into operation on 7th April 1997.

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

**Amendment of regulation 2 of the principal regulations**

2. In regulation 2(1) of the principal regulations (interpretation), in the appropriate places in alphabetical order, there shall be inserted the following definitions—

““personal pension scheme” has the same meaning as in the Income Support Regulations(3);  
“retirement annuity contract” has the same meaning as in the Income Support Regulations(4);”.

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(1) 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)  
(2) S.R. 1993 No. 127, as amended by S.R. 1993 No. 234, S.R. 1993 No. 438, Schedule 5 to S.R. 1994 No. 65, S.R. 1994 No. 160, S.R. 1995 No. 286, and S.R. 1996 No. 83  
(3) Definition was inserted by regulation 4(2)(d) of S.R. 1993 No. 373 and amended by regulation 2(2)(b) of S.R. 1995 No. 367  
(4) Definition was inserted by regulation 2(2)(c) of S.R. 1995 No. 367

### **Amendment of Schedule 3 to the principal regulations**

**3.** In paragraph 10A of Schedule 3 to the principal regulations (sums to be disregarded in the calculation of income other than earnings)**(5)**—

- (a) in sub-paragraph (1)—
  - (i) in head (b), after the words “occupational pension of his”, there shall be inserted the words “, or of any income from a personal pension scheme or a retirement annuity contract of his,”;
  - (ii) for the words “or pensions” there shall be substituted the words “, pensions or income”;
- (b) for sub-paragraph (2) there shall be substituted the following sub-paragraph—

“(2) Where a resident is entitled to pensions or income referred to in sub-paragraph (1) from more than one source, all pensions and income to which he is entitled shall be aggregated for the purposes of that sub-paragraph.”;
- (c) in sub-paragraph (3), for the words “occupational pension” there shall be substituted the words “pension or income referred to in sub-paragraph (1)”.

Sealed with the Official Seal of the Department of Health and Social Services on

L.S.

13th March 1997.

*Paul Simpson*  
Assistant Secretary

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(5) Paragraph 10A was inserted by regulation 5 of [S.R. 1996 No. 83](#)

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## 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.

The principal regulations are amended so that where at least one half of a resident’s income from a personal pension scheme or a retirement annuity contract is paid to or in respect of his spouse for the spouse’s maintenance, one half of such income is to be disregarded as income other than earnings.

These amendments have the effect of keeping the principal Regulations aligned with similar provisions of the Income Support (General) Regulations (Northern Ireland) 1987, as amended.