

**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<sup>(a)</sup>, in exercise of the powers conferred by Articles 36(6) and 99(5) of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(b)</sup>, 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<sup>(c)</sup>.

**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;”.

**Amendment of regulation 20 of the principal Regulations**

4. In regulation 20<sup>(d)</sup> of the principal Regulations (capital limit) for “£23,000” substitute “£23,250”.

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(a) S.I. 1999/283 (N.I. 1)

(b) 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.)

(c) S.R. 1993 No. 127, as last amended by S.R. 2009 No. 88

(d) Regulation 20 was amended by regulation 2 of S.R. 2009 No. 88

### **Amendment of regulation 28(1) of the principal Regulations**

5. In regulation 28(1)(a) 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)(b) 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(c) 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.”

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 8th March 2010

(L.S.)

*Christine Jendoubi*

Castle Buildings  
8th March 2010

A senior officer of the  
Department of Health, Social Services and Public Safety

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(a) Regulation 28 was amended by regulation 3 of S.R. 2009 No. 88  
(b) 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  
(c) Paragraph 2 was substituted by regulation 9 of S.R. 1993 No. 234

## 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 of the resources of residents in accommodation arranged under Articles 15 and 36 of the Health and Personal Social Services (Northern Ireland) Order 1972.

Regulation 3 inserts new interpretation provisions into regulation 2(1) of the principal Regulations.

Regulation 4 amends the principal Regulations so that the capital limit set out in regulation 20 becomes £23,250.

Regulation 5 amends the principal Regulations so that the capital limits set out in regulation 28(1) become £14,250 and £23,250.

Regulation 6 is a consequential amendment made to the principal Regulations as a result of amendments to the Income Support (General) Regulations 1987 which came into operation on 6th April 2010. The earnings disregard for claimants in receipt of a disability premium is linked to retirement age and, prior to the amendments coming into operation, ceased when the claimant reached the age of 60. As a result of the amendments, the age at which a disability premium is paid has changed so that entitlement will be aligned with the qualifying age for state pension credit. This regulation makes the changes necessary to align the provisions.

Regulation 7 provides an increase to £5.75 where the resident does not have a partner or £8.60 where the resident has a partner in the amount of savings credit to be disregarded in calculating a resident’s income.

Regulation 8 amends the principal Regulations so that the capital disregard for the value of premises occupied by a partner or family member of a resident applies in relation to all partners (and not just those who are aged 60 or over or are incapacitated) and only in relation to other family members and relatives who are aged 60 or over or are incapacitated.

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