

1994 No. 160

HEALTH AND PERSONAL SOCIAL SERVICES**The Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1994**

Made 22nd April 1994

Coming into operation 2nd May 1994

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 19772(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) Regulations (Northern Ireland) 1994 and shall come into operation on 2nd May 1994.

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

Amendment of Schedule 1 to the principal regulations

2. In Part III of Schedule 1 to the principal regulations (transitional provisions) after sub-paragraph (7) of paragraph 8 there shall be added the following sub-paragraph—

“(8) Where a resident’s capital is increased so that when calculated in accordance with Part III of these regulations it amounts to more than the amount prescribed (“the prescribed amount”) for the purposes of section 130(1) of the Contributions and Benefits Act(c) (exclusions from benefit) and where before that increase his capital calculated under that Part amounted to less than the prescribed amount the provisions of this Part of this Schedule shall not apply to him from the date of the increase in capital.”.

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- (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, S.R. 1993 No. 438 and Schedule 5 to S.R. 1994 No. 65
- (c) See regulation 45 of the Income Support Regulations, as amended by regulation 5(2) of S.R. 1990 No. 137. The amount prescribed is currently £8,000

Amendment of Schedule 3 to the principal regulations

3. At the end of Part I of Schedule 3 to the principal regulations (sums to be disregarded in the calculation of income other than earnings) there shall be added the following paragraph—

“27A. Any payment which would be disregarded under paragraph 53 of Schedule 9 to the Income Support Regulations(a).”.

Amendment of Schedule 4 to the principal regulations

4. For paragraph 1 of Schedule 4 to the principal regulations (capital to be disregarded) there shall be substituted the following paragraph—

“1. The value of one dwelling (and not more than one dwelling) of a temporary resident from which he is absent in circumstances where—

- (a) he is taking reasonable steps to dispose of the dwelling in order that he may acquire another dwelling which he intends to occupy as his home; or
- (b) he intends to return to occupy that dwelling as his home and the dwelling to which he intends to return is still available to him.”.

Sealed with the Official Seal of the Department of Health and Social Services on 22nd April 1994.

(L.S.)

Hugh P. Simpson

Assistant Secretary

(a) S.R. 1987 No. 459, the relevant amending rule is S.R. 1994 No. 77.

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 Article 15 and 36 of the Health and Personal Social Services (Northern Ireland) Order 1972.

Regulation 2 enables a Health and Social Services Board or HSS trust to charge a resident who has been assessed as liable to pay a reduced amount in respect of his accommodation, the full amount if he receives capital which takes his capital over £8,000.

Regulation 3 provides a disregard in the calculation of income other than earnings of a resident where an increase of a specified benefit is payable in respect of a dependant.

Regulation 4 provides a disregard in the calculation of capital in respect of the former home of which a temporary resident intends to dispose so that he may acquire an alternative dwelling which he intends to occupy as his home.