
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 83

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1996

Made - - - - *8th March 1996*
Coming into operation *8th April 1996*

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) 1996 and shall come into operation on 8th April 1996.

(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) after the definition of “mobility supplement” there shall be inserted the following definition—

““occupational pension” means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;”.

Amendment in relation to capital limit

3. In regulation 20 (capital limit) for the words from “exceeds the amount” to the end there shall be substituted the words “exceeds £16,000.”

(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, and S.R. 1995 No. 286

Amendment in relation to calculation of tariff income

4. For regulation 28 (calculation of tariff income from capital) there shall be substituted the following regulation—

“28.—(1) Where a resident’s capital calculated in accordance with this Part exceeds £10,000 it shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £10,000 but not exceeding £16,000.

(2) Notwithstanding paragraph (1), where any part of the excess is not a complete £250 that part shall be treated as equivalent to a weekly income of £1.

(3) For the purposes of paragraph (1), capital includes any income treated as capital under regulations 22 and 34 (income treated as capital and liable relative payments) respectively.”.

Amendment of Schedule 3 to the principal regulations

5. In Schedule 3 (sums to be disregarded in the calculation of income other than earnings)(3) after paragraph 10 there shall be inserted the following paragraph—

“10A.—(1) Subject to subparagraphs (2) and (3), where a resident—

(a) is not residing with his spouse, and

(b) at least 50 per cent. of any occupational pension of his is being paid to or in respect of his spouse, for that spouse’s maintenance,

an amount equal to 50 per cent. of the pension or pensions concerned.

(2) Where a resident is entitled to more than one occupational pension, those pensions shall be aggregated for the purpose of subparagraph (1).

(3) This paragraph shall not have effect in respect of that part of any occupational pension to which the resident’s spouse is legally entitled, whether under a court order or not.”

Amendment of Schedule 4 to the principal regulations

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

“4. Any future interest in property which would be disregarded under paragraph 5 of Schedule 10 to the Income Support Regulations (future interests in property other than in certain land or premises)(4).”.

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

L.S.

8th March 1996.

Paul A. Conliffe
Assistant Secretary

(3) The relevant amending rules are [S.R. 1993 No. 438](#), [S.R. 1994 No. 160](#), and [S.R. 1995 No. 286](#)

(4) Paragraph 5 of Schedule 10 to the Income Support (General) Regulations (Northern Ireland) 1987 ([S.R. 1987 No. 459](#)) was substituted by regulation 2(10)(a) of [S.R. 1995 No. 367](#)

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.

The principal regulations are amended so that—

- (a) the capital limit above which a resident is not entitled to be assessed as unable to pay for accommodation is increased from £8,000 to £16,000;
- (b) weekly tariff income is to be calculated on a resident’s capital between £10,000 and £16,000 instead of on the previous lower and upper limits of £3,000 and £8,000;
- (c) one half of a resident’s occupational pension is to be disregarded as income other than earnings, where the resident makes an equivalent amount available to his spouse for the spouse’s maintenance; and
- (d) any interest in property which a resident will or may possess in the future but does not possess at the time his ability to pay for his accommodation is assessed continues to be disregarded. It does not apply to such interest where the property in question is land or premises in respect of which the resident has granted a subsisting lease or tenancy or a subsisting sub-lease or sub-tenancy.