

2002 No. 113

**HEALTH AND PERSONAL SOCIAL SERVICES**

**The Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2002**

*Made* . . . . . 15th March 2002

*Coming into operation* . . . . . 22nd April 2002

The Department of Health, Social Services and Public Safety(a), 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(b) 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) 2002 and shall come into operation on 22nd April 2002.

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

*Amendment of regulation 20 (capital limit) of the principal regulations*

2. In regulation 20(d) (capital limit) of the principal regulations for the amount “£18,500” substitute the amount “£19,000”.

*Amendment of regulation 28(1) of the principal regulations*

3. In regulation 28(1)(e) (calculation of tariff income from capital) of the principal regulations—

(a) for the amount “£11,500”(both times it appears) substitute the amount “£11,750”; and

(b) for the amount “£18,500” substitute the amount “£19,000”.

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(a) See S.I. 1999/283 (N.I.), Article 3(6)

(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); and Article 99 was substituted by Article 27 of S.I. 1991/194 (N.I. 1)

(c) S.R. 1993 No. 127, the relevant amending instruments are S.R. 1996 No. 83, S.R. 1998 No. 138 and S.R. 2001 No. 205

(d) Regulation 20 was amended by regulation 2 of S.R. 2001 No. 205

(e) Regulation 28 was substituted by regulation 4 of S.R. 1996 No. 83 and amended by regulation 3 of S.R. 2001 No. 205

*Amendment of Schedule 4 to the principal regulations*

4. At the end of Schedule 4 to the principal regulations (capital to be disregarded), after paragraph 21(a), there shall be added the following new paragraphs—

“22.—(1) In the case of a resident who becomes a permanent resident on or after 22nd April 2002 the value of any dwelling which he would otherwise normally occupy as his only or main residence; but only for a period of 12 weeks beginning with the day on which he becomes a permanent resident.

(2) In the case of a resident who has had capital disregarded under sub-paragraph (1) in respect of a period of permanent residence (the first period of residence) who, having ceased to be such a resident, subsequently becomes a permanent resident again and does so within 52 weeks of the end of the first period of residence the value of any dwelling which he would otherwise normally occupy as his only or main residence; but only for such period (if any) when added to the period disregarded in respect of the first period of residence which does not exceed 12 weeks in total.

(3) In the case of a resident who has had capital disregarded under sub-paragraph (1) in respect of a period of permanent residence (the first period of residence) who, having ceased to be such a resident, subsequently becomes a permanent resident again and does so more than 52 weeks after the end of the first period of residence the value of any dwelling which he would otherwise normally occupy as his only or main residence; but only for a period of 12 weeks beginning with the day on which the second period of residence began”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 15th March 2002.

(L.S.)

*Leslie Frew*  
Senior Officer of the Department of  
Health, Social Services and Public Safety

## 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:—

- (a) the capital limit above which a Resident is not entitled to be assessed as unable to pay for accommodation is increased from £18,500 to £19,000. (Regulation 2)
- (b) weekly tariff income is to be calculated on a Resident’s capital between £11,750 and £19,000 instead of the previous lower and upper limits of £11,500 and £18,500. (Regulation 3)
- (c) a further category of capital to be disregarded under Schedule 4 to the principal regulations is introduced. (Regulation 4)

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