

## 2006 No. 103

### HEALTH AND PERSONAL SOCIAL SERVICES

#### The Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2006

*Made* - - - - - *10th March 2006*

*Coming into operation* - - - - - *10th April 2006*

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, commencement and interpretation**

1.—(1) These Regulations may be cited as the Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 10th April 2006.

(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 principle regulations**

2. In regulation 2(1) of the principal regulations in the definition of “liable relative”, for “or former spouse” substitute “, former spouse, civil partner or former civil partner”.

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

3. In regulation 20(d) (capital limit) of the principal regulations for the amount “£20,500” substitute the amount “£21,000”.

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

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

(a) for the amount “£12,500” (both times it appears) substitute the amount “£12,750”; and

(b) for the amount “£20,500” substitute the amount “£21,000”.

---

(a) See Article 3(6) of 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, the relevant amending instrument is S.R. 2005 No. 103

(d) Regulation 20 was amended by regulation 2 of S.R. 2005 No. 103

(e) Regulation 28 was amended by regulation 3 of S.R. 2005 No. 103

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

5. In schedule 3 to the principal regulations (sums to be disregarded in the calculation of income other than earnings)—

In paragraph 10(A)(a)

- (i) in sub-paragraphs (1)(a) and (3) after “spouse” (each time it appears) insert “or civil partner”,
- (ii) in sub-paragraph (1)(b) after “spouse’s maintenance” insert “or his civil partner for that civil partner’s maintenance”.

6. In paragraph 27H(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 the amount “£4.85” (each time it appears) substitute the amount “£5.05”;
- (b) In sub-paragraphs (3) and (4), for the amount “£7.20” (each time it appears) substitute the amount “£7.50”.

### **Amendment of Schedule 4 to the principal regulations**

7. At the end of Schedule 4 to the principal regulations (capital to be disregarded), after paragraph 25(c), there shall be added the following paragraph—

“26. Any payment made to the resident under Regulations made under Article 9 of the Age-Related Payments (Northern Ireland) Order 2004 (Power to provide for payments)(d).”

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on  
10th March 2006



Castle Buildings  
10th March 2006

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

---

(a) Inserted by regulation 5 of S.R. 1996 No. 83  
(b) Paragraph 27H was added by regulation 3 of S.R. 2003 No. 428 and amended by regulation 4 of S.R. 2005 No. 103  
(c) Paragraph 25 was added by regulation 5 of S.R. 2005 No. 103  
(d) S.I. 2004/1987 (N.I. 11)

## 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.

Regulations 2 and 5 amend the principal regulations in the light of the Civil Partnership Act 2004. The Civil Partnership Act 2004 provides that two people of the same sex may form a civil partnership and will then be given many of the same rights and responsibilities as those that accompany marriage.

Regulation 3 amends the principal regulations so that the capital limit set out in regulation 20 becomes £21,000

Regulation 4 amends the principal regulations so that the capital limits set out in regulation 28(1) become £12,750 and £21,000.

Regulation 6 provides for an increase to £5.05 in the case of an individual or £7.50 for a couple of the amount of savings credit to be disregarded in calculating a resident’s income.

Regulation 7 provides a capital disregard for payments made under Regulations made under Article 9 of the Age-Related Payments (Northern Ireland) Order 2004.

These Regulations do not impose a charge on business.