

2007 No. 161

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2007

Made - - - - - *12th March 2007*

Coming into operation - - - - - *9th April 2007*

The Department of Health, Social Services and Public Safety^(a), in exercise of the powers conferred by Articles 36(6) and 99(5) of the Health and Personal Social Services (Northern Ireland) Order 1972^(b), 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) 2007 and shall come into operation on 09 April 2007.

(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 “£21,000” substitute “£21,500”.

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 “£12,750” (both times it appears) substitute “£13,000”; and

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

Amendment of Schedule 3 to the principal regulations

4.—(1) Part 1 of Schedule 3 to the principal regulations (sums to be disregarded in the calculation of income other than earnings) is amended in accordance with paragraphs (2) and (3)—

(2) For paragraph 27A^(a) substitute—

(a) See Article 3(6) of S.I. (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. 2006 No. 103

(d) Regulation 20 was amended by regulation 3 of S.R. 2006 No. 103

(e) Regulation 28 was amended by regulation 4 of S.R. 2006 No. 103

“27A.—(1) Any child benefit, except in circumstances where a resident is accompanied by the child or qualifying young person in respect of whom the child benefit is payable and accommodation is provided for that child or young person under Article 15 or 16 of the Order**(b)**

(2) In this paragraph “child” and “qualifying young person” have the same meaning as in section 138 of the Contributions and Benefits Act**(c)**.”

(3) In paragraph 27 (H)**(d)**

(a) In sub-paragraphs (1) and (2), for “£5.05” (each time it appears) substitute “£5.25”;

(b) In sub-paragraphs (3) and (4), for “£7.50” (each time it appears) substitute “£7.85”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 12th March 2007.



Castle Buildings
12th March 2007

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

(a) Paragraph 27A was added by regulation 3 of S.R. 1994 No. 160.
(b) 1972, No. 1265 (NI 14)
(c) Section 138 was substituted by section 2(2) of the Child Benefit Act 2005 (c.6); see also regulation 2 of S.I. 2006/223
(d) Paragraph 27(H) was added by regulation 3 of S.R. 2003 No. 428 and amended by regulation 4 of S.R. 2006 No. 103

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.

Regulation 2 amends the principal regulations so that the capital limit set out in regulation 20 becomes £21,500.

Regulation 3 amends the principal regulations so that the capital limits set out in regulation 28(1) become £13,000 and £21,500.

Regulation 4 provides for an increase to £5.25 where the resident does not have a partner or £7.85 where the resident has a partner in the amount of savings credit to be disregarded in calculating a resident’s income.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of the business.