
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 138

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1998

Made - - - - *3rd April 1998*

Coming into operation *11th May 1998*

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) 1998 and shall come into operation on 11th May 1998.

(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 “the Order” there shall be inserted—

““the 1992 Order” means the Registered Homes (Northern Ireland) Order 1992(3);”.

Amendment of regulation 17 of the principal regulations

3. After paragraph (5) of regulation 17 of the principal regulations (notional income) there shall be inserted the following paragraph—

“(6) A resident shall be treated as possessing any income paid or due to be paid by a third party to a person, who is required to be registered to carry on a residential care home or nursing home pursuant to Article 4 or 17 of the 1992 Order, in respect of some or all of the cost of maintaining the resident in that home.”

(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, the relevant amending instrument is S.R. 1993 No. 234
(3) S.I. 1992/3204 (N.I. 20)

Amendment of regulation 25 of the principal regulations

4. In regulation 25 of the principal regulations (notional capital)—
- (a) after paragraph (1)(b), there shall be added the following—
 - “or
 - (c) any sum to which paragraph 43(a) of Schedule 10 to the Income Support Regulations (disregard of compensation for personal injuries which is administered by the Court)(4) refers.”;
 - (b) in paragraph (3)(a), for the words “regulation 51(2)”(5) there shall be substituted the words “regulation 51(2)(c)”.

Amendment of Schedule 4 to the principal regulations

5. At the end of Schedule 4 to the principal regulations (capital to be disregarded) there shall be added the following paragraph—

“19. Any amount which would be disregarded under paragraph 43(a) of Schedule 10 to the Income Support Regulations (disregard of compensation for personal injuries which is administered by the Court).”.

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

L.S.

3rd April 1998.

Paul A. Conliffe
Assistant Secretary

(4) Paragraph 43 was added by regulation 2(11)(b) of S.R. 1994 No. 327 and amended by regulation 7(5) of S.R. 1997 No. 412
(5) The relevant amending rule is regulation 5(4) of S.R. 1997 No. 412

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 payments to home owners by a third party on behalf of residents may be treated as notional income, and for the purpose of calculating a resident’s capital, certain funds in Court arising from compensation for personal injuries are excepted from being treated as capital or notional capital.