
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 320

The Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2003

Amendment of Schedule 3 to the principal regulations

7.—(1) In paragraph 10 of Schedule 3 to the principal regulations (sums to be disregarded in the calculation of income other than earnings) -

- (a) in sub-paragraph (1), for the words “(charitable or voluntary payments) of any charitable payment or of any voluntary payment” there shall be substituted the words “(relevant payments) of any relevant payment”;
- (b) in sub-paragraph (2), for the words “charitable payment or voluntary payment” there shall be substituted the words “relevant payment”;
- (c) after sub-paragraph (2), there shall be added the following sub-paragraph –
 - “(3) In this paragraph, “relevant payment” means –
 - (a) a charitable payment;
 - (b) a voluntary payment;
 - (c) a payment (not falling within sub-paragraph (a) or (b) from a trust whose funds are derived from a payment made in consequence of any personal injury to the resident;
 - (d) a payment under an annuity purchased –
 - (i) pursuant to any agreement or court order to make payments to the resident:
or
 - (ii) from funds derived from a payment made,
in consequence of any personal injury to the resident; or
 - (e) a payment (not falling within sub-paragraphs (a) to (d)) received by virtue of any agreement or court order to make payments to the resident in consequence of any personal injury to the resident”.

(2) At the end of Part I of Schedule 3 to the principal regulations (sums to be disregarded in the calculation of income other than earnings) there shall be substituted for the paragraphs added by regulation 3 of the Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1994⁽¹⁾ and regulation 5 of the Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1995⁽²⁾ the following paragraphs –

“**27B.** Any payment which would be disregarded under paragraph 53 of Schedule 9 to the Income Support Regulations⁽³⁾.”

⁽¹⁾ S.R. 1994 No. 160

⁽²⁾ S.R. 1995 No. 286

⁽³⁾ S.R. 1987 No. 459, the relevant amending rule is S.R. 1994 No. 77

27C. Any payment which would be disregarded under paragraphs 54 to 56 of Schedule 9 to the Income Support Regulations(4).”.

(3) After paragraph 27C, insert the following paragraphs –

“**27D.** Any payment made by the Northern Ireland Housing Executive to or on behalf of the resident relating to the provision of a housing support service of the kind specified in regulation 2 of the Housing Support Services Regulations (Northern Ireland) 2003(5) provided to develop or sustain the capacity of the resident to live independently in the community.

27E. The amount of any payment made by the resident to the Northern Ireland Housing Executive or service provider in respect of the provision of housing support services specified in regulation 2 of the Housing Support Services Regulations (Northern Ireland) 2003.

27F. Any guardian’s allowance.

27G. Any child tax credit.”.

(4) In paragraph 29 of Schedule 3 to the principal regulations –

(a) for the words “charitable or voluntary payments” there shall be substituted the words “relevant payments”; and

(b) the words from “for the purposes” to “such payment” shall be numbered as sub-paragraph (1); and

(c) after that sub-paragraph there shall be added the following sub-paragraph –

“(2) In this paragraph “relevant payment” has the same meaning as in paragraph 10(3).”

(4) S.R. 1987 No. 459, the relevant amending rule is S.R. 1994 No. 327

(5) S.R. 2003 No. 172