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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 91**

**Travelling Expenses and Remission of  
Charges Regulations (Northern Ireland) 2004**

**PART IV**

**CALCULATION OF RESOURCES AND REQUIREMENTS**

**General**

**13.**—(1) Where it is necessary that the resources or requirements of a person should be calculated for the purposes of these Regulations, they must be calculated by the Department according to the provisions of this Part and Schedule 1.

(2) The resources and requirements of a person must be calculated –

- (a) in the case of a claim made under regulation 7 (Claims to entitlement) by reference to his resources and requirements at the date of claim; or
- (b) in the case of a claim for repayment made under regulation 10(2) (Claims for repayment) by reference to his resources and requirements at the date when the HS charge or HS travel expenses were paid.

(3) Where a claimant is a member of a family, the resources and requirements of the other members of his family must be calculated in the same manner as those of the claimant and must be taken into account as if they were his resources and requirements, and in this Part and in the provisions referred to in Schedule 1, any reference to the claimant includes the other members of his family.

(4) In a case where the earnings of any person are to be calculated and those earnings have been affected by a trade dispute, the earnings to be taken into account are the earnings which that person would have received if there had been no trade dispute.

(5) In the application of the Income Support Regulations as mentioned in regulation 14 and regulation 15, the provisions of those Regulations shall be applied as if –

- (a) references to income support were to the remission of HS charges and the payment of any HS travel expenses,
- (b) references in any of those provisions to any other of those provisions were to that other provision as modified in accordance with regulation 14(4) or, as the case may be, regulation 15(2); and
- (c) the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations (Northern Ireland) 2003(1) had not been made.

**Calculation of resources**

**14.**—(1) A claimant's resources must be calculated in terms of income and capital.

(2) Income must be calculated on a weekly basis according to the method of calculating or estimating income prescribed by the Income Support Regulations, subject to the modifications referred to in paragraph (4).

(3) Capital must be calculated according to the method of calculating or estimating capital as prescribed by the provisions of Chapter VI in Part V of, and Schedule 10 to, the Income Support Regulations subject to the modifications referred to in paragraph (4).

(4) The provisions of the Income Support Regulations apply and those provisions specified in column 1 of Table A in Schedule 1 shall be applied in accordance with the modifications specified in the corresponding entries in column 2.

### **Calculation of requirements**

**15.—**(1) A claimant's requirements must be calculated as being the amount referred to in sub-paragraph (a) less, where applicable, the amount referred to in sub-paragraph (b), as follows –

- (a) the amount which represents the aggregate of the weekly applicable amount which would apply to him, including that in respect of any other member of his family, in connection with a claim for income support as specified by the Income Support Regulations, but subject to the modifications referred to in paragraph (2), and
- (b) the amount which represents the aggregate of the weekly amount of any housing benefit to which the claimant or any member of his family is entitled under the provisions of Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(2).

(2) The provisions of the Income Support Regulations apply and those provisions specified in column 1 of Table B in Schedule 1 shall be applied in accordance with the modifications specified in the corresponding entries in column 2.