

## SCHEDULE 4

Regulation 12

### AMENDMENT OF THE STATE PENSION CREDIT REGULATIONS

1. In regulation 1(2) (citation, commencement and interpretation), after the definition of “the Income Support Regulations” there shall be inserted the following definition—

““independent hospital” has the meaning assigned to it by Article 2(2) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003;”.

2. In regulation 5(1) (persons treated as being or not being members of the same household), in sub-paragraph (b) for “or nursing home” there shall be substituted “, nursing home or an independent hospital”.

3. In regulation 12(c) (end of assessed income period) for “or nursing home” there shall be substituted “, nursing home or an independent hospital”.

4. In regulation 15(7) (income for purposes of the Act), for sub-paragraph (c) there shall be substituted the following sub-paragraph—

“(c) in an independent hospital.”.

5. In Schedule 2 (housing costs)—

(a) in paragraph 4 (circumstances in which a person is to be treated as occupying a dwelling as his home)—

(i) in sub-paragraph (7), in head (c)(iii) for “or nursing home” there shall be substituted “, nursing home or an independent hospital”;

(ii) for sub-paragraph (8) there shall be substituted the following sub-paragraph—

“(8) This sub-paragraph applies to a person who enters a residential care home, nursing home or an independent hospital—

(a) for the purpose of ascertaining whether that residential care home, nursing home or independent hospital suits his needs, and

(b) with the intention of returning to the dwelling which he normally occupies as his home should, in the event that, the residential care home, nursing home or independent hospital prove not to suit his needs,

and while in the residential care home, nursing home or independent hospital, the part of the dwelling which he normally occupies as his home is not let, or as the case may be, sub-let to another person.”.

(iii) in sub-paragraph (9) for “accommodation” in both places where it occurs, there shall be substituted “residential care home, nursing home or independent hospital”;

(iv) in sub-paragraph (11), in head (c)(iii), (c)(vii) and (c)(ix) for “or nursing home” there shall be substituted “, nursing home or an independent hospital”;

(b) in paragraph 5(1), in head (b) for “or nursing home” there shall be substituted “, nursing home or an independent hospital”.

6. In Schedule 5 (capital disregarded for the purpose of calculating income), in paragraph 13(5) for “being in a residential care home or nursing home.” there shall be substituted “residing in a residential care home, nursing home or an independent hospital.”.