

2005 No. 103

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2005

Made - - - - - *14th March 2005*

Coming into operation *11th April 2005*

The Department of Health, Social Services and Public Safety(a), 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(b) 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) 2005 and shall come into operation on 11th April 2005.

(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 the amount “£20,000” substitute the amount “£20,500”.

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 the amount “£12,250” (both times it appears) substitute the amount “£12,500”; and
- (b) for the amount “£20,000” substitute the amount “£20,500”.

Amendment of Schedule 3 to the principal regulations

4. In paragraph 27H(f) of Schedule 3 to the principal Regulations (sums to be disregarded in the calculation of income other than earnings) –

(a) See S.I. 1999/283 (N.I.) – Article 3(6)
(b) S.I. 1972/1265 (N.I. 14); Article 36 was substituted by Article 25 of S.I. 1991/194 (N.I.), 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.) and Article 45 of S.I. 2003/431 (N.I. 9); and Article 99 was substituted by Article 27 of S.I. 1991/194 (N.I.) 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. 2004 No. 121
(d) Regulation 20 was amended by regulation 2 of S.R. 2004 No. 121
(e) Regulation 28 was amended by regulation 3 of S.R. 2004 No. 121
(f) Paragraph 27H was added by regulation 3 of S.R. 2003 No.428

- (a) in sub-paragraphs (1) and (2), for the amount “£4.65” (each time it appears) substitute the amount “£4.85”;
- (b) in sub-paragraphs (3) and (4), for the amount “£6.95” (each time it appears) substitute the amount “£7.20”.

Amendment of Schedule 4 to the principal regulations

5. At the end of Schedule 4 to the principal regulations (capital to be disregarded), after paragraph 24(a), there shall be added the following new paragraph –

“25. Any payment made to the resident under Article 4 or 5 of the Age-Related Payments (Northern Ireland) Order 2004 (entitlement: basic or special cases)(b).”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 14th March 2005.

(L.S.)

Leslie Frew

Senior Officer of the Department of Health, Social Services and Public Safety

(a) Paragraphs 23 and 24 were added by regulation 8 of S.R. 2003 No. 320
(b) S.I. 2004/1987 (N.I. 11)

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 £20,500.

Regulation 3 amends the principal regulations so that the capital limits set out in regulation 28(1) become £12,500 and £20,500.

Regulation 4 provides for an increase to £4.85 in the case of an individual or £7.20 for a couple of the amount of savings credit to be disregarded in calculating a resident’s income.

Regulation 5 provides a capital disregard for payments made under Article 4 or 5 of the Age-Related Payments (Northern Ireland) Order 2004.

These regulations do not impose a charge on business.

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Published by The Stationery Office Limited

ISBN 0-337-95879-3



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