

2009 No. 88

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2009

Made - - - -

10th March 2009

Coming into operation -

6th April 2009

The Department of Health, Social Services and Public Safety^(a), in exercise of the powers conferred by Articles 36(6) and 99(5) of the Health and Personal Social Services (Northern Ireland) Order 1972 ^(b), 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) 2009 and shall come into operation on 06 April 2009.

(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 “£22,250” substitute “23,000”.

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 “£13,500” (both times it appears) substitute “£14,000”; and
- (b) for “£22,250” substitute “£23,000”.

Amendment of Schedule 3 to the principal Regulations

4.—(1) In Part 1 of Schedule 3 to the principal Regulations (sums to be disregarded in the calculation of income other than earnings)—

(a) See Article 3(6) of S.I. 1999/283 (N.I. 1)

(b) 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), section 1 of 2002 c.9 (N.I.), section 4 of 2002 c.5 (N.I.) and Article 45 of S.I. 2003/431 (N.I. 9); Article 99 was substituted by Article 27 of S.I. 1991/194 (N.I. 1) 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. 2008 No. 91

(d) Regulation 20 was amended by regulation 2 of S.R. 2008 No. 91

(e) Regulation 28 was amended by regulation 3 of S.R. 2008 No. 91

- (a) in paragraph 10(1)(a), for “paragraphs 29 and 31, the amount specified in paragraph 15(1) of Schedule 9 to the Income Support Regulations (relevant payments) of” substitute “paragraph 28,”;
 - (b) in paragraph 10(2), for “paragraph 29” substitute “paragraph 28”; and
 - (c) in paragraph 27(H)(b)—
 - (i) in sub-paragraphs (1) and (2), for “£5.45” (each time it appears) substitute “£5.65”;
 - (ii) in sub-paragraphs (3) and (4), for “£8.15” (each time it appears) substitute “£8.45”.
- (2) In Part 2 of Schedule 3 to the principal Regulations (special provisions relating to charitable or voluntary payments and certain pensions)—
- (a) omit paragraph 29; and
 - (b) in paragraph 30, “for paragraphs 10(1) and 11” substitute “paragraph 11”.

Amendment of Schedule 4 to the principal Regulations

5. In Schedule 4 to the principal Regulations (capital to be disregarded)—

- (a) after paragraph 10 insert—

“(10A) Any amount which would be disregarded under paragraph 12A of Schedule 10 to the Income Support Regulations (personal injury payments) with the exception of any payment or any part of any payment that has been specifically identified by a court to deal with the cost of providing care.”; and
- (b) for paragraph 19(c) substitute—

“Any amount which falls within paragraph 43(2)(a), and would be disregarded under paragraph 43(1)(a) or (b), of Schedule 10 to the Income Support Regulations.”

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on
10th March 2009
L.S.

Castle Buildings
10th March 2009

Christine Jendoubi
A senior officer of the
Department of Health, Social Services and Public Safety

(a) Paragraph 10 was amended by S.R. 2003 No. 320
 (b) Paragraph 27(H) was added by regulation 3 of S.R. 2003 No. 428 and amended by regulation 4 of S.R. 2008 No. 91
 (c) Paragraph 19 was inserted by S.R. 1998 No. 138

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 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 £23,000.

Regulation 3 amends the principal Regulations so that the capital limits set out in regulation 28(1) become £14,000 and £23,000.

Regulation 4(1)(c) provides for an increase to £5.65 where the resident does not have a partner or £8.45 where the resident has a partner in the amount of savings credit to be disregarded in calculating a resident’s income.

Regulation 4(1)(a) and (b), and regulation 4(2) amend paragraphs 10, 29 and 30 of Schedule 3 to the principal Regulations in order to reflect amendments made to the Income Support (General) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 459) (“the Income Support Regulations”) by the Social Security (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 359) (“the Social Security Regulations”), to provide that, as under the Income Support Regulations, certain charitable and voluntary payments of income are to be disregarded in full in the calculation of income other than earnings.

Regulations 5 amends Schedule 4 to the principal Regulations to reflect other amendments made to the Income Support Regulations by the Social Security Regulations. Regulation 5(a) creates, as under the Income Support Regulations, a disregard for any payment made in consequence of any personal injury to a claimant or his or her partner for a period of up to 52 weeks from the day of receipt of the first payment except where that payment is specifically intended to cover the cost of care. Regulation 5(b) enables awards of certain damages to be disregarded where those awards are held subject to the order or direction of the court.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of the business.

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