
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Assistance (Assessment of Resources) Regulations 1992 (S.I.1992/2977) (the “principal Regulations”). The principal Regulations concern the assessment of the ability of a person to pay for accommodation arranged by local authorities under Part III of the National Assistance Act 1948 (the “1948 Act”). By virtue of section 87(3) of the Social Work (Scotland) Act 1968 (c. 49) (the “1968 Act”) accommodation provided under the 1968 Act or section 7 of the Mental Health (Scotland) Act 1984 (c. 36) shall be regarded as accommodation provided under Part III of the 1948 Act.

Regulation 2 inserts new definitions into the principal Regulations.

Schedule 3 to the principal Regulations set out the income of a resident which is to be disregarded from the assessment of a resident's liability.

Regulation 3 adds new disregards into Schedule 3 to the principal Regulations. It provides that where a resident receives savings credit of £4.50 or less, that amount should be disregarded from the financial assessment. Where the resident's qualifying income exceeds the standard minimum guarantee, £4.50 should be disregarded.

Where a resident would be considered to have a partner for the purposes of the State Pension Credit Regulations (S.I. 2002/1792) and that resident receives a savings credit of £6.75 or less, that amount should be disregarded from the assessment. Where a resident has such a partner and their qualifying income exceeds the standard minimum guarantee, £6.75 should be disregarded from the assessment, provided that the partner has not benefited from the same disregard.

Regulation 3 also disregards, in respect of temporary residents only, payments made in lieu of concessionary coal (within the meaning of the Coal Industry Act 1994 (c. 21)).