
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 425

**The National Assistance (Assessment of Resources)
Amendment (No. 3) (Scotland) Regulations 2003**

Amendment of Schedule 3 to the principal Regulations

3. In Schedule 3 Part I to the principal Regulations (sums to be disregarded in the calculation of income other than earnings) after paragraph 28F(1), insert—

“**28G.**—(1) Where a resident is in receipt of savings credit as a person who has no partner and has qualifying income not exceeding the standard minimum guarantee –

- (a) the amount of that savings credit where the amount received is £4.50 or less; or
- (b) £4.50 of that savings credit where the amount received is greater than £4.50.

(2) Where a resident—

- (a) has no partner;
- (b) has attained the age of 65; and
- (c) has qualifying income in excess of the standard minimum guarantee,

a sum of £4.50.

(3) Where a resident is in receipt of savings credit as a person who has a partner and has qualifying income not exceeding the standard minimum guarantee –

- (a) the amount of that savings credit where the amount received is £6.75 or less; or
- (b) £6.75 of that savings credit where the amount received is greater than £6.75.

(4) Where a resident receives a savings credit and—

- (a) has a partner;
- (b) has
 - (i) attained the age of 65; or
 - (ii) has attained the qualifying age and his partner has attained the age of 65; and
- (c) has qualifying income in excess of the standard minimum guarantee,

a sum of £6.75.

(5) Where a resident—

- (a) has a partner and this paragraph has not been applied to that partner where that partner is also a resident;
- (b) has
 - (i) attained the age of 65; or
 - (ii) has attained the qualifying age and his partner has attained the age of 65; and
- (c) has qualifying income in excess of the standard minimum guarantee,

a sum of £6.75.

(6) For the purposes of this paragraph—

- (a) a resident has a partner if he would be considered to have a partner for the purposes of the State Pension Credit Regulations⁽²⁾;
- (b) “qualifying age” has the same meaning as in section 1(6) of the State Pension Credit Act 2002⁽³⁾;
- (c) “qualifying income” shall be construed in accordance with regulation 9 of the State Pension Credit Regulations and for the purposes of sub-paragraphs (3), (4) and (5) the resident’s qualifying income shall include any qualifying income of that resident’s partner;
- (d) “standard minimum guarantee” means, for the purposes of
 - (i) sub-paragraphs (1) and (2), the amount prescribed by regulation 6(1)(b) of the State Pension Credit Regulations; and
 - (ii) sub-paragraphs (3), (4) and (5), the amount prescribed by regulation 6(1)(a) of the State Pension Credit Regulations.

28H. Any payment made to a temporary resident in lieu of concessionary coal pursuant to section 19(1)(b) or (c) of the Coal Industry Act 1994⁽⁴⁾.”

(2) S.I.2002/1792 (“the 2002 Regulations”). In the 2002 Regulations a member of a married or unmarried couple is referred to as a partner and both members are referred to as partners (see regulation 1(3)). The phrases “married couple” and “unmarried couple” for the purposes of the 2002 Regulations are defined in section 17 of the State Pension Credit Act 2002 (c. 16). A “married couple” means a man and woman who are married to each other and are members of the same household. Regulation 5 of the 2002 Regulations sets out circumstances when persons are not treated as being members of the same household. An “unmarried couple” means a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances.

(3) 2002 c. 16. See section 1(6) for the meaning of “qualifying age” and section 17(1) for the meaning of “pensionable age” .

(4) 1994 c. 21.