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STATUTORY INSTRUMENTS

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**1997 No. 485**

**NATIONAL ASSISTANCE SERVICES**

**The National Assistance (Assessment of Resources) (Amendment) Regulations 1997**

<i>Made</i>	- - - -	<i>26th February 1997</i>
<i>Laid before Parliament</i>		<i>3rd March 1997</i>
<i>Coming into force</i>	- -	<i>7th April 1997</i>

In exercise of the powers conferred by section 22(5) of the National Assistance Act 1948(1) (including that provision as applied by section 87(3) of the Social Work (Scotland) Act 1968(2), and of all other powers enabling him in that behalf, the Secretary of State hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) (Amendment) Regulations 1997 and shall come into force on 7th April 1997.

(2) In these Regulations “the principal Regulations” means the National Assistance (Assessment of Resources) Regulations 1992(3).

**Amendment of the principal Regulations**

2.—(1) The principal Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation), in the appropriate places in alphabetical order, there shall be inserted the following definitions—

““personal pension scheme” has the same meaning as in the Income Support Regulations(4);

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(1) 1948 c. 29; section 22(5) of the National Assistance Act 1948 was amended by section 39(1) of and paragraph 6 of Schedule 6 to the Ministry of Social Security Act 1966 (c. 20), by section 35(2) of and paragraph 3(b) of Schedule 7 to the Supplementary Benefits Act 1976 (c. 71), by section 20 of and paragraph 2 of Schedule 4 to the Social Security Act 1980 (c. 30), and by section 86 of and paragraph 32 of Schedule 10 to the Social Security Act 1986 (c. 50).

(2) 1968 c. 49; section 87 was amended by paragraph 10(13) of Schedule 9 to the National Health Service and Community Care Act 1990 9(c. 19).

(3) S.I.1992/2977; the relevant amending instruments are S.I. 1993/2236, 1994/825, 1994/2386, 1995/858, 1996/602.

(4) See regulation 2(1) of the Income Support (General) Regulations 1987 (S.I. 1987/1967), as amended by regulation 2(c) of S.I. 1993/2119 and regulation 6(2)(b) of S.I. 1995/2303.

“retirement annuity contract” has the same meaning as in the Income Support Regulations<sup>(5)</sup>”.

(3) In paragraph 10A of Schedule 3 (sums to be disregarded in the calculation of income other than earnings)<sup>(6)</sup>—

(a) in sub-paragraph (1)—

(i) in head (b), after the words “occupational pension of his”, there shall be inserted the words “, or of any income from a personal pension scheme or a retirement annuity contract of his,”;

(ii) for the words “or pensions” there shall be substituted the words “, pensions or income”;

(b) for sub-paragraph (2) there shall be substituted the following sub-paragraph—

“(2) Where a resident is entitled to pensions or income referred to in sub-paragraph (1) from more than one source, all pensions and income to which he is entitled shall be aggregated for the purposes of that sub-paragraph,”.

(c) in sub-paragraph (3), for the words “occupational pension” there shall be substituted the words “pension or income referred to in sub-paragraph (1)”.

*Stephen Dorrell*  
One of Her Majesty’s Principal Secretaries of  
State  
Department of Health

26th February 1997

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<sup>(5)</sup> See regulation 2(1) of the Income Support (General) Regulations 1987 (S.I. 1987/1967), as amended by regulation 6(2)(c) of S.I. 1995/2303.

<sup>(6)</sup> Paragraph 10A was inserted by S.I. 1996/602, regulation 2(5).

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make further amendments to the National Assistance (Assessment of Resources) Regulations 1992 (“the principal Regulations”). The principal Regulations concern the assessment of the ability of a person (“a resident”) to pay for accommodation arranged by local authorities under Part III of the National Assistance Act 1948, the Social Work (Scotland) Act 1968 or section 7 of the Mental Health (Scotland) Act 1984.

The principal Regulations are amended so that where at least one half of a resident’s income from a personal pension scheme or a retirement annuity contract is paid to or in respect of his spouse for the spouse’s maintenance, one half of such income is to be disregarded as income other than earnings.

These amendments have the effect of keeping the principal Regulations aligned with similar provisions of the Income Support (General) Regulations 1987, as amended.