

2001 No. 3069

NATIONAL ASSISTANCE SERVICES, ENGLAND

**The National Assistance (Residential Accommodation)
(Relevant Contributions) (England) Regulations 2001**

Made - - - - - 10th September 2001

Laid before Parliament 10th September 2001

Coming into force - - - 1st October 2001

The Secretary of State for Health, in exercise of the powers conferred by section 55(7) of the Health and Social Care Act 2001(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the National Assistance (Residential Accommodation) (Relevant Contributions) (England) Regulations 2001, and shall come into force on 1st October 2001.

(2) In these Regulations—

“the 2001 Act” means the Health and Social Care Act 2001;

“the Act” means the National Assistance Act 1948(b);

“the Assessment Regulations” means the National Assistance (Assessment of Resources) Regulations 1992(c); and

“resident” means a person whom the local authority have assessed under section 47 of the National Health Service and Community Care Act 1990(d) as needing accommodation pursuant to section 21 of the Act.

(3) These Regulations extend to England only(e).

Relevant contributions

2.—(1) For the purposes of section 55 of the 2001 Act, relevant contributions shall be the part of the payments that the resident is liable to pay to the local authority that shall be determined by calculating the difference between—

(a) the payments that the resident is liable to pay to the local authority, calculated in accordance with the Assessment Regulations, and

(a) 2001 c. 15.

(b) 1948 c. 29.

(c) S.I. 1992/2977; S.I. 1992/2977 has been amended by S.I. 1993/964; S.I. 1993/2230; S.I. 1994/825; S.I. 1994/2386; S.I. 1995/858; S.I. 1995/3054; S.I. 1996/602; S.I. 1997/485; S.I. 1998/497; S.I. 1998/1730; S.I. 2001/58; S.I. 2001/1066; and S.I. 2001/1124.

(d) 1990 c. 19.

(e) Although section 55 of the 2001 Act extends to both England and Wales, these Regulations are made by the Secretary of State who is the relevant authority empowered to make regulations for England only, see section 66 of the 2001 Act.

- (b) the payments that the resident is liable to pay to the local authority, calculated in accordance with the Assessment Regulations, but not taking into account the value of the resident's beneficial interest in the property which he occupies or formerly occupied as his only or main residence.

Signed by authority of the Secretary of State for Health

10th September 2001

Jacqui Smith
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 55 of the Health and Social Care Act 2001 makes provision for local authorities and residents in residential accommodation provided for or arranged by the local authority to enter into a deferred payment agreement, as defined in section 55(3). Briefly, the agreement allows a resident to defer part of the payment which he is liable to pay to the local authority (that is, his relevant contributions), and in return the resident will allow the local authority to secure payment of the total amount of relevant contributions by granting the local authority a charge in their favour on his home.

These Regulations set out how the relevant contributions are to be determined.

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