
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Health and Social Care Act 2001 (c. 15) amended section 21 of the National Assistance Act 1948 (c. 29) by substituting subsections (2A) and (2B). Section 21 provides for residential accommodation arranged by local authorities for expectant and nursing mothers and other persons who by reason of age, illness, disability or any other circumstances are in need of care and attention which is not otherwise available to them. The new subsections provide that regulations may specify or provide for the determination of a person's resources which the local authority shall disregard when deciding for the purposes of section 21(1)(a) or (aa) whether or not the person needs care and attention which is not otherwise available to him or her.

These regulations make provision as to the resources which are to be disregarded for those purposes. Subject to one exception, a person's capital up to the capital limit as specified in the National Assistance (Assessment of Resources) Regulations 1992 is to be disregarded. In the excepted case, when the person is someone with whom the local authority have agreed to enter into a deferred payment agreement, the local authority shall also disregard the value of that person's main or only home.