SCOTTISH STATUTORY INSTRUMENTS

2001 No. 138

The National Assistance (Assessment of Resources) Amendment (No. 3) (Scotland) Regulations 2001

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) Amendment (No. 3) (Scotland) Regulations 2001 and shall come into force on 6th April 2001 for the purpose of regulation 6, on 12th April 2001 for the purpose of regulation 5(3) and on 9th April 2001 for all other purposes.

(2) In these Regulations "the principal Regulations" means the National Assistance (Assessment of Resources) Regulations 1992(**1**).

(3) These Regulations extend to Scotland only.

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) (interpretation) of the principal Regulations insert, after the definition of "partner", the following definition:–

"" permanent resident" means a resident who is not a temporary resident.".

Amendment of regulation 20 of the principal Regulations

3. In regulation 20 (capital limit) of the principal Regulations for the amount of "£16,000" substitute the amount of "£18,500".

Amendment of regulation 28(1) of the principal Regulations

4. In regulation 28(1) (calculation of tariff income from capital) of the principal Regulations–

(a) for the amount of "£10,000", both times it appears, substitute the amount of "£11,500"; and

(b) for the amount of "£16,000" substitute the amount of "£18,500".

Amendment of Schedule 4 to the principal Regulations

5.—(1) Schedule 4 (capital to be disregarded) to the principal Regulations is amended in accordance with this regulation.

(2) After paragraph 1 insert the following paragraph:–

"**1A.**—(1) In the case of a resident who becomes a permanent resident on or after 9th April 2001 ("a qualifying resident") in respect of the first period of permanent residence the value of any dwelling which he would otherwise normally occupy as his only or main residence ("his home") for a period of 12 weeks beginning with the day on which the first period of residence begins.

(**1**) S.I.1992/2977; as relevantly amended by S.I. 1993/964 and 2230, 1994/825, 1995/858 and 3054, 1996/602, 1997/485, 1998/497 and 1730 and as regards Scotland only by S.S.I. 2001/6 and 105.

(2) In the case of a qualifying resident–

(a) who ceases to be a permanent resident; and

(b) who subsequently becomes a permanent resident again at any time within the period of 52 weeks from the end of the first period of permanent residence,

the value of his home for such period (if any) which when added to the period disregarded under sub-paragraph (1) in respect of his first period of permanent residence does not exceed 12 weeks in total.

(3) In the case of a qualifying resident–

(a) who ceases to be a permanent resident and is not a person to whom sub paragraph (2) has applied; and

(b) who subsequently becomes a permanent resident again at any time after a period of more than 52 weeks from the end of the first period of residence,

the value of his home for a period of 12 weeks beginning with the day on which the second period of permanent residence begins.

(4) In this paragraph "the first period of permanent residence" means the period of permanent residence beginning on or after 9th April 2001 and "the second period of permanent residence" means the period of permanent residence beginning at anytime after the period of 52 weeks referred to in sub-paragraph (3)(b).".

(3) After paragraph 20 insert the following paragraph:–

"**21.** Any payment which would be disregarded under paragraph 64 of Schedule 10 to the Income Support Regulations (payments under a trust established out of funds provided by the Secretary of State in respect of persons who suffered or are suffering from variant Creutzfeldt-Jakob disease).".

Revocation

6. The National Assistance (Assessment of Resources) Amendment (No. 2) (Scotland) Regulations 2001(**2**) are hereby revoked.

St Andrew's House,
Edinburgh
5th April 2001

MALCOLM CHISHOLM
Authorised to sign by the Scottish Ministers

(**2**)   S.S.I. 2001/105