SCOTTISH STATUTORY INSTRUMENTS

2003 No. 156

The National Assistance (Assessment of Resources) Amendment (No. 2) (Scotland) Regulations 2003

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) Amendment (No. 2) (Scotland) Regulations 2003 and shall come into force–

(a) for the purposes of this regulation and regulations 2(1), 3, 4(a) and 5(1) and (3) on 1st April 2003; and

(b) for the purposes of regulations 2(2), 4(b) and 5(2) on 7th April 2003.

(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.—(1) In regulation 2(1) of the principal Regulations (interpretation)–

(a) insert the following definitions at the appropriate place:–

""carer's allowance" means a carer's allowance under the Contributions and Benefits Act(**2**);";

""lone parent" has the same meaning as in the Income Support Regulations(**3**);"; and

(b) omit the definition of "invalid care allowance";

(2) In regulation 2(1) of the principal Regulations, insert the following definitions at the appropriate place:–

""child tax credit" means a child tax credit under the Tax Credits Act 2002(**4**);";

""guardian's allowance" means a guardian's allowance under the Contributions and Benefits Act 2002(**5**);";

""working tax credit" means a working tax credit under the Tax Credits Act 2002(**6**);".

Amendment of Schedule 2 to the principal Regulations

3. In paragraph 3(2)(a) of Schedule 2 to the principal Regulations (sums to be disregarded in the calculation of earnings), for the words "an invalid care allowance" substitute the words "a carer's allowance"(**7**).

(**1**) S.I.1992/2977; as relevantly amended by S.I. 1993/964 and 2230, 1994/825, 1995/855, 1996/602, 1997/485, 1998/730, and as regards Scotland S.S.I.2001/105 and 2001/138.
(**2**) Social Security Contributions and Benefits Act 1992 (c. 4), section 70. Section 70 was amended by S.I. 2002/1457.
(**3**) Income Support (General) Regulations 1987 (S.I. 1987/1967).
(**4**) 2002 c. 21; see section 8.
(**5**) 1992 c. 4; section 77.
(**6**) 2002 c. 21; see section 10.
(**7**) The reference to invalid care allowance was inserted by S.I. 1993/2230, regulation 5.

Amendment of Schedule 3 to the principal Regulations

4. In Schedule 3, Part I, to the principal Regulations (sums to be disregarded in the calculation of income other than earnings) after paragraph 28C(**8**), insert–

(a) "**28D.** Any payment made by a local authority to or on behalf of a resident relating to housing support services in respect of which Scottish Ministers have paid a grant to the local authority under section 91(1) of the Housing (Scotland) Act 2001(**9**) where the resident qualified for that payment."; and

(b) "**28E.** Any guardian's allowance

28F. Any child tax credit.".

Amendment of Schedule 4 to the principal Regulations

5.—(1) In Schedule 4 to the principal Regulations (capital to be disregarded) after paragraph 2, insert–

"**2A.** Where a resident has ceased to occupy a dwelling, which was formerly occupied as the home, following that resident's estrangement or divorce from their former partner, the value of that resident's interest in that dwelling where it is still occupied as the home by the former partner who is a lone parent.".

(2) In Schedule 4 to the principal Regulations after paragraph 6, insert–

"**6A.** Any arrears of, or any concessionary payment made to compensate for arrears due to the non payment of–

(a) working families' tax credit under section 128 of the Contributions and Benefits Act(**10**);

(b) disabled person's tax credit under section 129 of the Contributions and Benefits Act(**11**);

(c) child tax credit; or

(d) working tax credit,

but only for a period of 52 weeks from the date of the receipt of the arrears or of the concessionary payment."

(3) In Schedule 4 to the principal Regulations after paragraph 21(**12**), insert–

"**22.** Any payment made by a local authority to or on behalf of a resident relating to housing support services in respect of which the Scottish Ministers have paid a grant to the local authority under section 91(1) of the Housing (Scotland) Act 2001(**13**) where the resident qualified for that payment.".

St Andrew's House, Edinburgh
6th March 2003

FRANCIS McAVEETY
Authorised to sign by the Scottish Ministers

(**8**) Paragraph 28C was inserted by S.I. 1994/2386, regulation 2.
(**9**) 2001 asp 10.
(**10**) Section 128 was amended by the Jobseekers Act 1995 (c. 18), section 41(4) and Schedule 2, paragraph 33 and the Tax Credits Act 1999 (c. 10), section 1 and Schedule 1, paragraph 2.
(**11**) Section 129 was amended by the Local Government Finance Act 1992 (c. 14), section 103 and Schedule 9, paragraph 2, the Social Security (Incapacity for Work) Act 1994 (c. 18) sections 10 and 11(1) and Schedule 1, paragraph 32, the Jobseekers Act 1995 (c. 18), section 41(4) and Schedule 2, paragraph 34, the Tax Credits Act 1999 (c. 10), sections 1(2) and 14 and Schedule 1, paragraph 2 and the Welfare Reform and Pensions Act 1999 (c. 30), section 88 and Schedule 13, Part IV.
(**12**) Paragraph 21 was inserted by S.S.I. 2001/105, and substituted by S.S.I. 2001/138.
(**13**) 2001 asp 10.