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## EXPLANATORY NOTE

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

These Regulations amend the National Assistance (Assessment of Resources) Regulations 1992 (SI 1992/2977) (“the principal Regulations”). The principal Regulations concern the assessment of the ability of a person to pay for accommodation arranged by local authorities under Part III of the National Assistance Act 1948 (the “1948 Act”). By virtue of section 87(3) the Social Work (Scotland) Act 1968 (c. 49) (the “1968 Act”) accommodation provided under the 1968 Act or section 7 of the Mental Health (Scotland) Act 1984 (c. 36) shall be regarded as accommodation provided under Part III of the 1948 Act.

Regulation 2 inserts certain definitions into the principal Regulations and removes an obsolete definition.

Regulation 3 amends Schedule 2 to the principal regulations and substitutes the term “carers allowance” in place of invalid care allowance, which will cease to exist.

Regulations 4(a) and 5(3) amend Schedules 3 and 4 to the principal Regulations to provide that payments made to or on behalf of residents relating to housing support services in respect of which the Scottish Ministers have paid a grant to a local authority under section 91(1) of the Housing (Scotland) Act 2001 (asp 10) shall be disregarded as income or capital in the financial assessment of that person’s resources.

Regulation 4(b) amends Schedule 3 to the principal Regulations to provide that guardian’s allowance and child tax credit shall be disregarded in the financial assessment of a resident’s income.

Regulation 5(1) amends Schedule 4 to the principal Regulations to provide that the value of a dwelling which the resident has ceased to occupy following estrangement or divorce where the dwelling is still occupied as a home by the former partner who is a lone parent shall be disregarded as capital in the financial assessment of the resident’s resources

Regulation 5(2) amends Schedule 4 to the principal Regulations to provide that any arrears, or any concessionary payment to compensate for arrears due to the non-payment of tax credits for a period of 52 weeks, shall be disregarded as capital in the financial assessment of the resident’s resources.