
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Assistance (Assessment of Resources) Regulations 1992 (S.I.1992/2977) (“the principal Regulations”). The principal Regulations concern the assessment of a person’s liability to pay for accommodation provided under the Social Work (Scotland) Act 1968 (“the 1968 Act”). By virtue of section 87(3) of the 1968 Act, accommodation provided under the 1968 Act or section 25 of the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#) shall be regarded as accommodation provided under Part III of the National Assistance Act 1948.

Regulations 2 and 5(2) make consequential amendments to the principal Regulations in light of the changes to the rights and liabilities of civil partners made by the Civil Partnership Act 2004 (c. 33). Regulation 2 amends regulation 2 of the principal Regulations to include civil partners and former civil partners of the resident within the meaning of “liable relative” in the principal Regulations. The definition is used for the purpose of assessing payments made to the resident under Part IV of the principal Regulations. Regulation 5(2) amends paragraph 10A to Schedule 3 to the principal Regulations so that certain payments by the resident out of pension income to a civil partner, as well as a spouse, are disregarded from the calculation of income in the financial assessment.

Regulation 3 amends the principal Regulations so that the capital limit set out in regulation 20 is increased from £19,500 to £20,000. Regulation 4 amends the principal Regulations so that the capital limits set out in regulation 28(1) are increased from £12,000 and £19,500 to £12,250 and £20,000 respectively.

Regulation 5(3) amends paragraph 17(b) of Schedule 3 to the principal Regulations to update the reference to payments made under adoption allowance schemes under section 51A of the Adoption (Scotland) Act 1978 (c. 28). Regulation 5(4) provides for an increase to the amount set out in paragraph 28G of Schedule 3 to the principal Regulations which should be disregarded from the calculation of income other than earnings in the financial assessment when a resident receives savings credit.

Regulation 6 revokes the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2005 (S.S.I. 2005/82) which provided the previous capital limits set out in regulations 20 and 28(1) of the principal Regulations, and which provided the previous amounts disregarded from income as respects savings credit in paragraph 28G of Schedule 3 to the principal Regulations.