
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the first regulations made under section 22(5) of the National Assistance Act 1948. They make similar provision for the assessment by local authorities of the resources of residents in accommodation arranged under Part III of the 1948 Act, the Social Work (Scotland) Act 1968 or section 7 of the Mental Health (Scotland) Act 1984, to the provision made under the Income Support (General) Regulations 1987 for the assessment of the resources of a claimant for income support—and many provisions of the 1987 Regulations are applied directly.

The assessment rules contained in Part III of Schedule 1 to the Supplementary Benefits Act 1976 (as it had effect immediately before the amendments made by Schedule 2 to the Social Security Act 1980) which were transitionally preserved for the purposes of the National Assistance Act 1948, will cease to have effect, subject to the transitional protection offered for existing residents in Schedule 1 to these Regulations.

Part I of these Regulations contains general provisions relating to assessments of a resident's ability to pay. These include a provision relating to the special treatment of less dependent residents (regulation 5).

Part II contains the provisions for the calculation of a resident's income. There is a general provision for how all income should be calculated on a weekly basis (regulation 9), and specific provisions for the calculation of the income of both employed and self-employed earners, and for the calculation of income other than earnings (regulations 10 to 19).

Part III contains the provisions for the calculation of a resident's capital, including setting a capital limit above which a resident is not entitled to be assessed as unable to pay for accommodation (regulation 20), which is aligned directly with the income support scheme. This Part also includes provisions relating to the calculation of notional capital (regulations 25 and 26), and the weekly tariff income from capital (regulation 28).

Part IV contains the special provisions in relation to the calculation of periodical and other payments made by liable relatives, and Part V makes special provision in relation to calculating the resources of students.