
STATUTORY INSTRUMENTS

1992 No. 2977

**The National Assistance (Assessment
of Resources) Regulations 1992**

PART II

TREATMENT OF INCOME

Notional income

17.—(1) A resident shall be treated as possessing income of which he has deprived himself for the purpose of decreasing the amount that he may be liable to pay for his accommodation.

(2) Subject to paragraph (3), a resident shall be treated as possessing any income which would be treated as income possessed by a claimant of income support under paragraphs (2) to (4) of regulation 42 of the Income Support Regulations⁽¹⁾ (notional income).

(3) For the purposes of paragraph (2), regulation 42(4) of the Income Support Regulations shall apply as if—

- (a) for the words in sub-paragraph (a)(ii) from “the food, ordinary” to the end of head (ii) there were substituted the words “any item which was taken into account when the standard rate was fixed for the accommodation provided”; and
- (b) the words from “except where sub-paragraph (a)(i) applies” to “the Act (trade disputes) applies” were deleted.

(4) A resident shall be treated as possessing any income paid or due to be paid to a local authority by a third party pursuant to an agreement between the local authority and the third party made in connection with the liability of the resident to pay the local authority for his accommodation.

⁽¹⁾ Amended by regulation 19(a) of S.I. 1988/663; regulation 10(a) of, and paragraph 4 of Schedule 1 to, S.I. 1988/1445; paragraph 7 of Schedule 1 to S.I. 1989/534; regulation 3(3)(a) of S.I. 1990/127; regulation 5(3) of S.I. 1991/1175; regulation 8 of S.I. 1991/1559; regulation 4 of S.I. 1992/468; regulation 6(3) of S.I. 1992/1101; and regulation 2 of S.I. 1992/1198.