

2001 No. 105

NATIONAL ASSISTANCE SERVICES

The National Assistance (Assessment of Resources) Amendment (No. 2) (Scotland) Regulations 2001

Made 16th March 2001

Laid before the Scottish Parliament 16th March 2001

Coming into force

for the purpose of regulation 5(2) 11th April 2001

for all other purposes 9th April 2001

The Scottish Ministers, in exercise of the powers conferred by section 22(5) of the National Assistance Act 1948(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) Amendment (No. 2) (Scotland) Regulations 2001 and shall come into force on 11th April 2001 for the purpose of regulation 5(2) and on 9th April 2001 for all other purposes.

(2) In these Regulations “the principal Regulations” means the National Assistance (Assessment of Resources) Regulations 1992(b).

(3) These Regulations extend to Scotland only.

Amendment to regulation 2 of the principal Regulations

2. In regulation 2(1) (interpretation) of the principal Regulations insert, after the definition of “partner”, the following definition:—

““permanent resident” means a resident who is not a temporary resident.”.

Amendment of regulation 20 of the principal Regulations

3. In regulation 20 (capital limit) of the principal Regulations for the amount of “£16,000” substitute the amount of “£18,500”.

(a) 1948 c.29; section 22(5) was amended by the Ministry of Social Security Act 1966 (c.20), section 39(1) and Schedule 6, paragraph 6; the Supplementary Benefits Act 1976 (c.71), section 35(2) and Schedule 7, paragraph 3(b); the Social Security Act 1980 (c.30), section 20 and Schedule 4, paragraph 2; the Social Security Act 1986 (c.50) section 86 and Schedule 10, paragraph 32 and is applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968 (c.49) (the “1968 Act”) to persons for whom accommodation is provided under the 1968 Act or section 7 of the Mental Health (Scotland) Act 1984 (c.36). Section 87(3) of the 1968 Act is amended by the Social Security Act 1980 (c.30), Schedule 4, paragraph 5, the Health and Social Services and Social Security Adjudications Act 1983 (c.41) section 20, the Social Security Act 1986 (c.50), Schedule 10, paragraph 41 and the National Health Service and Community Care Act 1990 (c.19), section 66 and Schedule 9, paragraph 10(13). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1992/2977; as relevantly amended by S.I. 1993/964 and 2230, 1994/825, 1995/858 and 3054, 1996/602, 1997/485, 1998/497 and 1730 and as regards Scotland only by S.S.I. 2001/6.

Amendment of regulation 28(1) of the principal Regulations

4. In regulation 28(1) (calculation of tariff income from capital) of the principal Regulations—

- (a) for the amount of “£10,000”, both times it appears, substitute the amount of “£11,500”;
- (b) for the amount of “£16,000” substitute the amount of “£18,500”.

Amendment of Schedule 4 to the principal Regulations

5. In Schedule 4 to the principal Regulations, after paragraph 20, insert the following paragraphs:—

“**21.**—(1) In the case of a resident who first becomes a permanent resident on or after 9th April 2001 the value of any dwelling which he would otherwise normally occupy as his only or main residence; but only in respect of the first period of permanent residence beginning on or after 9th April 2001 and for a period of 12 weeks beginning with the day on which that first period of residence begins.

(2) In the case of a resident who has had capital disregarded under sub-paragraph (1) in respect of a period of permanent residence (the first period of residence) who, having ceased to be such a resident, subsequently becomes a permanent resident again and does so within 52 weeks of the end of the first period of residence the value of any dwelling which he would otherwise normally occupy as his only or main residence; but only for such period (if any) when added to the period disregarded in respect of the first period of residence which does not exceed 12 weeks in total.

(3) In the case of a resident who has had capital disregarded under sub-paragraph (1) in respect of a period of permanent residence (the first period of residence) who, having ceased to be such a resident, subsequently becomes a permanent resident again and does so more than 52 weeks after the end of the first period of residence the value of any dwelling which he would otherwise normally occupy as his only or main residence; but only for a period of 12 weeks beginning with the day on which the second period of residence begins.

22. Any payment which would be disregarded under paragraph 64 of Schedule 10 to the Income Support Regulations (payments under a trust established out of funds provided by the Secretary of State in respect of persons suffering from variant Creutzfeldt-Jakob Disease).”.

St Andrew's House,
Edinburgh
16th March 2001

MALCOLM CHISHOLM
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, amend the National Assistance (Assessment of Resources) Regulations 1992 (“the principal Regulations”) by inserting a definition for the term “permanent resident” (regulation 2); by increasing the capital limit set out in regulation 20 of the principal Regulations to £18,500 (regulation 3); by increasing the capital limits set out in regulation 28(1) of the principal regulation to £11,500 and £18,500 respectively (regulation 4) and by adding 2 new categories of capital to be disregarded under Schedule 4 of the principal Regulations (regulation 5).

2001 No. 105

NATIONAL ASSISTANCE SERVICES

The National Assistance (Assessment of Resources)
Amendment (No. 2) (Scotland) Regulations 2001

£1.75

© Crown Copyright 2001

Published and printed in the UK by The Stationery Office Limited under the authority and
superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and
Queen's Printer of Acts of Parliament
250 04/01 19593

ISBN 0-11-059647-1



9 780110 596471