
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Assistance (Assessment of Resources) Regulations 1992 (“the principal Regulations”). The principal Regulations concern the assessment of a resident’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 shall be regarded as accommodation provided under Part III of the National Assistance Act 1948.

Schedule 4 (introduced by regulation 21(2)) to the principal Regulations provides for capital which is to be disregarded in assessing the ability of a resident to pay for accommodation.

Regulation 3 amends the principal Regulations so that the capital disregard for the value of premises occupied by a partner or family member of a resident applies in relation to all partners (and not just those who are aged 60 or over or are incapacitated) and only in relation to other family members and relative who are aged 60 or over or are incapacitated.