
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Assistance (Assessment of Resources) Regulations 1992 ([SI 1992/2977](#)) (“the principal Regulations”). The principal Regulations concern the assessment of the ability of a person 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 is to be regarded as accommodation provided under Part III of the National Assistance Act 1948.

Regulation 2 amends schedule 4 of the principal Regulations to provide that an *ex gratia* discretionary payment made to a resident in terms of the Advance Payment Scheme for historical child abuse in care cases shall be disregarded as capital in the financial assessment of the resident’s resources.