
STATUTORY INSTRUMENTS

1992 No. 2977

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

PART IV

LIABLE RELATIVES

Period over which payments other than periodical payments are to be taken into account

32.—(1) Subject to the other provisions of this regulation and of regulation 34, the number of weeks over which a payment other than a periodical payment shall be taken into account shall be equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing that payment by the difference between—

- (a) the standard rate for the resident's accommodation; and
- (b) the lower rate for that accommodation which he would have been liable to pay if he had not received that payment.

(2) Subject to paragraph (4), where—

- (a) a liable relative makes a periodical payment and any other payment concurrently; and
- (b) the weekly amount of the periodical payment, as calculated in accordance with regulation 33, is less than the divisor referred to in paragraph (1),

the number of weeks over which the payment other than the periodical payment shall be taken into account shall be equal to the apposite number of weeks calculated by the method prescribed in paragraph (3).

(3) The apposite number of weeks referred to in paragraph (2) shall be the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing the amount of the other payment by the difference between—

- (a) the standard rate for the resident's accommodation; and
- (b) the lower rate for that accommodation which he would be liable to pay if he had not received the other payment (but had received the periodical payment).

(4) Subject to regulation 34, where—

- (a) a resident receives a payment other than a periodical payment; and
- (b) immediately before the date on which that payment is made he is in receipt of income support,

the number of weeks over which the payment other than a periodical payment ("the non-periodical payment") shall be taken into account (whether or not the resident is in receipt of any periodical payments) shall be equal to the apposite number of weeks calculated by the method prescribed in paragraph (5).

(5) The apposite number of weeks referred to in paragraph (4) shall be equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing the amount of the non-periodical payment by—

- (a) unless sub-paragraph (b) applies, the weekly amount of income support which would have been paid to him, had the non-periodical payment not been made; or
- (b) in circumstances where the non-periodical payment has disqualified the resident from receiving income support, the weekly amount referred to in sub-paragraph (a) added to the weekly amount of any part of the non-periodical payment which would have fallen to be disregarded in the calculation of his income support (as is appropriate to his case).