
STATUTORY INSTRUMENTS

1993 No. 2230

NATIONAL ASSISTANCE SERVICES

The National Assistance (Assessment of Resources) (Amendment No.2) Regulations 1993

<i>Made</i>	- - - -	<i>9th September 1993</i>
<i>Laid before Parliament</i>		<i>10th September 1993</i>
<i>Coming into force</i>	- -	<i>4th October 1993</i>

In exercise of the powers conferred on me by section 22(5) of the National Assistance Act 1948(1), and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) (Amendment No.2) Regulations 1993 and shall come into force on 4th October 1993.

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

Amendment of regulation 2 of the principal Regulations

2. In paragraph (1) of regulation 2 of the principal Regulations (interpretation)—

(a) before the definition of “child support maintenance”(3) there shall be inserted:

““child benefit” means child benefit under the Contributions and Benefits Act(4);”;

(b) after the definition of “dwelling” there shall be inserted:

““Eileen Trust” has the same meaning as in the Income Support Regulations(5);”.

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- (1) 1948 c. 29; section 22(5) was amended by section 39(1) of and paragraph 6 of Schedule 6 to the Ministry of Social Security Act 1966 (c. 20), by section 35(2) of and paragraph 3(b) of Schedule 7 to the Supplementary Benefits Act 1976 (c. 71), by section 20 of and paragraph 2 of Schedule 4 to the Social Security Act 1980 (c. 30), by section 86 of and paragraph 32 of Schedule 10 to the Social Security Act 1986 (c. 50), and by section 66(2) of and Schedule 10 to the National Health Service and Community Care Act 1990 (c. 19). As respects Scotland, section 22(5) of the 1948 Act is applied by section 87(3) of the Social Work (Scotland) Act 1968 (c. 49), as amended by paragraph 10(13) of Schedule 9 to the 1990 Act, in respect of accommodation provided under either the 1968 Act or section 7 of the Mental Health (Scotland) Act 1984 (c. 36).
- (2) S.I. 1992/2977; as amended by S.I. 1993/964.
- (3) Inserted by regulation 2 of S.I. 1993/964.
- (4) See section 141 of the Social Security Contributions and Benefits Act 1992 (c. 4).
- (5) See regulation 2(1) of the Income Support (General) Regulations 1987 (S.I. 1987/1967). The relevant amending instrument is S.I. 1993/1249.

Amendment of regulation 12 of the principal Regulations

3. In paragraph (1) of regulation 12 of the principal Regulations (weekly amount of net profit of self-employed earners)—

- (a) in sub-paragraph (a) for the words “52 weeks” there shall be substituted the words “one year”; and
- (b) in sub-paragraph (b) the words “of weeks” shall be omitted.

Amendment of regulation 22 of the principal Regulations

4.—(1) In paragraph (4) of regulation 22 of the principal Regulations (income treated as capital), for the words “paragraph 1, 2, 5, 10 or 16 of” there shall be substituted the words “paragraph 1, 2, 5, 10, 16 or 18 of”.

(2) In paragraph (7) of regulation 22 of the principal Regulations(6) (income treated as capital), after the words “the Fund,” there shall be inserted the words “the Eileen Trust,”.

Amendment of Schedule 2 to the principal Regulations

5. In sub-paragraph (2) of paragraph 3 of Schedule 2 to the principal Regulations(7) (residents who qualify for the higher disregard in the calculation of earnings)—

- (a) in paragraph (a), after the word “receives” there shall be inserted the words “an invalid care allowance or receives”; and
- (b) in head (i) of paragraph (b), the words “an invalid care allowance” shall be omitted.

Amendment of Schedule 3 to the principal Regulations

6.—(1) In paragraph 11 of Schedule 3 to the principal Regulations (amount of a certain war and other similar pensions to be disregarded), after the words “of this Schedule” there shall be added the words “and as if the reference in paragraph 16(a) of Schedule 9 to the Income Support Regulations(8) to paragraphs 8 or 9 of Schedule 9 to the Income Support Regulations were a reference to paragraphs 5 or 6 of this Schedule”.

(2) In sub-paragraph (2) of paragraph 14 of Schedule 3 to the principal Regulations (income derived from disregarded capital), for the words “paragraph 2 or 16” there shall be substituted the words “paragraph 2, 16 or 18”.

(3) In paragraph 27 of Schedule 3 to the principal Regulations (housing costs of a temporary resident to be disregarded), the words “, which are” shall be omitted.

(4) In Part I of Schedule 3 to the principal Regulations, after paragraph 28 there shall be inserted the following paragraph—

“**28A.** Any child benefit, except in circumstances where a resident is accompanied by the child in respect of whom the child benefit is payable and accommodation is provided for that child under Part III of the Act(9).”.

(6) Amended by regulation 6 of S.I. 1993/964.

(7) Amended by regulation 8(2) and (3) of S.I. 1993/964.

(8) The Income Support (General) Regulations 1987. The relevant amending instrument is S.I. 1993/2119.

(9) As respects England and Wales, see section 21(1)(aa) of the National Assistance Act 1948, inserted by section 42(1)(b) of the National Health Service and Community Care Act 1990; as respects Scotland, see section 22(7) of the 1948 Act, as applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968.

Revocation

7. Paragraph (3) of regulation 8 of the National Assistance (Assessment of Resources) (Amendment) Regulations⁽¹⁰⁾ is hereby revoked.

Department of Health
9th September 1993

Virginia Bottomley
One of Her Majesty's Principal Secretaries of
State

⁽¹⁰⁾ S.I. [1993/964](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further amendments to the National Assistance (Assessment of Resources) Regulations 1992 (“the principal Regulations”) which relate to the assessment by local authorities of the resources of residents in accommodation arranged under Part III of the National Assistance Act 1948, the Social Work (Scotland) Act 1968 or section 7 of the Mental Health (Scotland) Act 1984.

Regulation 2 introduces two new definitions into the interpretation provision in the principal Regulations.

Regulation 3 makes minor amendments in relation to the periods by reference to which a resident’s average weekly income from employment as a self-employed earner are to be determined.

Regulation 4 makes amendments to regulation 22 of the principal Regulations. Income derived from certain premises occupied by a third party is no longer to be treated as capital (regulation 4(1)), and irregular payments made or due to be made by a new charitable trust known as the Eileen Trust are also not to be treated as capital (regulation 4(2)).

Regulation 5 amends paragraph 3 of Schedule 2 to the principal Regulations so that all residents who receive invalid care allowance qualify for the higher disregard in any calculation of their earnings. There is a consequential revocation (regulation 7).

Regulation 6 makes various amendments to Schedule 3 of the principal Regulations which deals with disregards of income. The amendments relate to the amount of certain war and other similar pensions to be disregarded (regulation 6(1)); income derived from certain premises occupied by a third party (regulation 6(2)); housing costs of a temporary resident (regulation 6(3)); and child benefit paid to a resident (regulation 6(4)).