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## 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)).