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STATUTORY INSTRUMENTS

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**1993 No. 964**

**The National Assistance (Assessment of Resources) (Amendment) Regulations 1993**

**Amendments in relation to payments by third parties**

5.—(1) After paragraph (3) of regulation 16 of the principal Regulations (capital treated as income) there shall be inserted the following paragraph—

“(4) Any payment of capital made or due to be made to a local authority by a third party pursuant to an agreement between the local authority and the third party in connection with the liability of the resident to pay the local authority for his accommodation shall be treated as part of the income of the resident, unless it is a voluntary payment made for the purpose of discharging any arrears of payments required by the local authority from the resident for his accommodation.”

(2) At the beginning of paragraph (4) of regulation 17 of the principal Regulations (notional income) there shall be inserted the words “Subject to paragraph (5).”.

(3) After paragraph (4) of regulation 17 of the principal Regulations there shall be inserted the following paragraph—

“(5) A resident shall not be treated as possessing any voluntary payment of income made by a third party to a local authority for the purpose of discharging any arrears of the payments required by the local authority from the resident for his accommodation.”

(4) After paragraph (7) of regulation 22 of the principal Regulations (income treated as capital) there shall be inserted the following paragraph—

“(8) Any voluntary payment of income made by a third party to a resident for the purpose of helping the resident to discharge any arrears of the payments required by the local authority from the resident for his accommodation shall be treated as capital of the resident.”

(5) In regulation 25 of the principal Regulations (notional capital), paragraph (4) is omitted.

(6) In paragraph (5) of regulation 25, for the words “any of paragraphs (1), (2) or (4)” there shall be substituted the words “paragraph (1) or (2)”.

(7) In paragraph 8(3)(b) of Schedule 1 to the principal Regulations (transitional provisions), for the words “in regulation 25(4)” there shall be substituted the words “in regulation 16(4)”.