

This Statutory Instrument has been amended by S.I. 1994/2386 and is being issued free of charge to all known recipients of S.I. 1994/825.

STATUTORY INSTRUMENTS

1994 No. 825

NATIONAL ASSISTANCE SERVICES

The National Assistance (Assessment of Resources) (Amendment) Regulations 1994

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|-------------------------------|---------|------------------------|
| <i>Made</i> | - - - - | <i>21st March 1994</i> |
| <i>Laid before Parliament</i> | | <i>21st March 1994</i> |
| <i>Coming into force</i> | - - | <i>11th April 1994</i> |

In exercise of the powers conferred by section 22(5) of the National Assistance Act 1948⁽¹⁾ (including that provision as applied by section 87(3) of the Social Work (Scotland) Act 1968⁽²⁾) 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) Regulations 1994 and shall come into force on 11th April 1994.

(2) In these Regulations “the principal Regulations” means the National Assistance (Assessment of Resources) Regulations 1992⁽³⁾.

Amendment of Schedule 1 to the principal Regulations

2. In Part III of Schedule 1 to the principal Regulations (transitional provisions) after sub-paragraph (7) of paragraph 8 there shall be added the following sub-paragraph—

“(8) Where a resident’s capital is increased so that when calculated in accordance with Part III of these Regulations it amounts to more than the amount prescribed (“the prescribed amount”) for the purposes of section 134(1) of the Contributions and Benefits

(1) 1948 c. 29; section 22(5) of the National Assistance Act 1948 (“the 1948 Act”) 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, and by section 86 of and paragraph 32 of Schedule 10 to the Social Security Act 1986 (c. 50).

(2) 1968 (c. 49); section 87 was amended by paragraph 10(13) of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19).

(3) S.I. 1992/2977 as amended by S.I. 1993/964.

Act(4) (exclusions from benefit) and where before that increase his capital calculated under that Part amounted to less than the prescribed amount the provisions of this Part of this Schedule shall not apply to him from the date of the increase in capital.”.

Amendment of Schedule 3 to the principal Regulations

3. At the end of Part I of Schedule 3 to the principal Regulations (sums to be disregarded in the calculation of income other than earnings) there shall be added the following paragraph—

“28A. Any payment which would be disregarded under paragraph 53 of Schedule 9 to the Income Support Regulations(5).”.

Amendment of Schedule 4 to the Principal Regulations

4. For paragraph 1 of Schedule 4 to the principal Regulations (capital to be disregarded) there shall be substituted the following paragraph—

“1. The value of one dwelling (and not more than one dwelling) of a temporary resident from which he is absent in circumstances where—

- (a) he is taking reasonable steps to dispose of the dwelling in order that he may acquire another dwelling which he intends to occupy as his home; or
- (b) he intends to return to occupy that dwelling as his home and the dwelling to which he intends to return is still available to him.”

Department of Health
21st March 1994

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

(4) See regulation 45 of the Income Support Regulations, as amended by regulation 5(2) of S.I. 1990/671. The amount prescribed is currently £8,000.

(5) S.I. 1987/1967 and the relevant amending instrument is S.I. 1994/527.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further amendments to the [National Assistance \(Assessment of Resources\) Regulations 1992 \(S. I. 1992/2977\)](#) (“the principal Regulations”).

The principal Regulations are amended to allow a local authority to charge a resident in accommodation provided 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 (“a resident”), who has been assessed as liable to pay a reduced amount in respect of his accommodation an amount representing the full cost of his accommodation if the resident receives capital which takes his capital over the capital limit set out in regulation 20 (regulation 2); a disregard is provided in the calculation of income other than earnings of a resident where an increase of a specified benefit is payable in respect of a dependant (regulation 3); and a disregard is provided in the calculation of capital for the former home of which a temporary resident intends to dispose so that he may acquire an alternative dwelling which he intends to occupy as his home (regulation 4).