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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”). The principal Regulations concern the assessment of a person’s ability to pay for accommodation arranged by local authorities 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.

The principal Regulations are amended so that—

- (a) the capital limit above which a resident is not entitled to be assessed as unable to pay for accommodation is increased from £8,000 to £16,000 (regulation 2(3));
- (b) weekly tariff income is to be calculated on a resident’s capital between £10,000 and £16,000 instead of on the previous lower and upper limits of £3,000 and £8,000 (regulation 2(4)); and
- (c) one half of a resident’s occupational pension is to be disregarded as income other than earnings, where the resident makes an equivalent amount available to his spouse for the spouse’s maintenance (regulation 2(1) and (5)).

These amendments have the effect of keeping the principal Regulations aligned with similar provisions of the Income Support (General) Regulations 1987 as amended.