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STATUTORY INSTRUMENTS

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**1996 No. 602**

**The National Assistance (Assessment of Resources) (Amendment) Regulations 1996**

**Amendment of the principal Regulations**

**2.**—(1) The principal Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation) after the definition of “mobility supplement” there shall be inserted the following definition—

““occupational pension” means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;”.

(3) In regulation 20 (capital limit) for the words from “exceeds the amount” to the end there shall be substituted the words “exceeds £16,000.”.

(4) For regulation 28 (calculation of tariff income from capital) there shall be substituted the following regulation—

**“28.**—(1) Where a resident’s capital calculated in accordance with this Part exceeds £10,000 it shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £10,000 but not exceeding £16,000.

(2) Notwithstanding paragraph (1), where any part of the excess is not a complete £250 that part shall be treated as equivalent to a weekly income of £1.

(3) For the purposes of paragraph (1), capital includes any income treated as capital under regulations 22 and 34 (income treated as capital and liable relative payments) respectively.”.

(5) In Schedule 3 (sums to be disregarded in the calculation of income other than earnings)(1) after paragraph 10 there shall be inserted the following paragraph—

**“10A.**—(1) Subject to sub-paragraphs (2) and (3), where a resident —

(a) is not residing with his spouse, and

(b) at least 50 per cent. of any occupational pension of his is being paid to, or in respect of, his spouse for that spouse’s maintenance,

an amount equal to 50 per cent. of the pension or pensions concerned.

(2) Where a resident is entitled to more than one occupational pension, those pensions shall be aggregated for the purposes of sub-paragraph (1).

(3) This paragraph shall not have effect in respect of that part of any occupational pension to which the resident’s spouse is legally entitled, whether under a court order or not.”.

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(1) Relevant amending instruments are [S.I. 1993/2230](#), [1994/825](#), [1994/2386](#) and [1995/858](#).