

## 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 the ability of a person (“a resident”) 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.

These Regulations amend the principal Regulations so that the definition of “resident” includes a person who it is proposed to provide with accommodation under Part III of the National Assistance Act 1948, the Social Work (Scotland) Act 1968 or the Mental Health (Scotland) Act 1984. They make consequential amendments and enable a local authority to calculate a person’s capital when determining, in accordance with the Community Care (Residential Accommodation) Act 1998, whether care and attention are otherwise available to the person.