
STATUTORY INSTRUMENTS

2000 No. 704

The Asylum Support Regulations 2000

Meaning of “destitute” for certain other purposes

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23.—(1) In this regulation “the relevant enactments” means—

- (a) section 21(1A) of the National Assistance Act 1948⁽¹⁾;
- (b) section 45(4A) of the Health Services and Public Health Act 1968⁽²⁾;
- (c) paragraph 2(2A) of Schedule 8 to the National Health Service Act 1977⁽³⁾;
- (d) sections 12(2A), 13A(4) and 13B(3) of the Social Work (Scotland) Act 1968⁽⁴⁾;
- (e) sections 7(3) and 8(4) of the Mental Health (Scotland) Act 1984⁽⁵⁾; and
- (f) Articles 7(3) and 15(6) of the Health and Personal Social Services (Northern Ireland) Order 1972⁽⁶⁾.

(2) The following provisions of this regulation apply where it falls to an authority, or the Department, to determine for the purposes of any of the relevant enactments whether a person is destitute.

(3) Paragraphs (3) to (6) of regulation 6 apply as they apply in the case mentioned in paragraph (1) of that regulation, but as if references to the principal were references to the person whose destitution or otherwise is being determined and references to the Secretary of State were references to the authority or (as the case may be) Department.

(4) The matters mentioned in paragraph (3) of regulation 8 (read with paragraphs (4) to (6) of that regulation) are prescribed for the purposes of subsection (5)(a) of section 95 of the Act, as applied for the purposes of any of the relevant enactments, as matters to which regard must be had in determining for the purposes of any of the relevant enactments whether a person’s accommodation is adequate.

(5) The matter mentioned in paragraph (2) of regulation 9 is prescribed for the purposes of subsection (7)(b) of section 95 of the Act, as applied for the purposes of any of the relevant enactments, as a matter to which regard may not be had in determining for the purposes of any of the relevant enactments whether a person’s essential living needs (other than accommodation) are met.

(6) Paragraphs (3) to (6) of regulation 9 shall apply as if the reference in paragraph (3) to Part VI of the Act included a reference to the relevant enactments.

(7) The references in regulations 8(5) and 9(2) to the Secretary of State shall be construed, for the purposes of this regulation, as references to the authority or (as the case may be) Department.

(1) 1948 c. 29. Section 21(1A) was inserted by section 116 of the Immigration and Asylum Act 1999.

(2) 1968 c. 46. Section 45(4A) was inserted by section 117 of the Immigration and Asylum Act 1999.

(3) 1977 c. 49. Paragraph 2(2A) of Schedule 8 was inserted by section 117 of the Immigration and Asylum Act 1999.

(4) 1968 c. 49. Sections 12(2A), 13A(4) and 13B(3) were inserted by section 120 of the Immigration and Asylum Act 1999.

(5) 1984 c. 36. Sections 7(3) and 8(4) were inserted by section 120 of the Immigration and Asylum Act 1999.

(6) S.I.1972/1265 (N.I. 14). Articles 7(3) and 15(6) were inserted by section 121 of the Immigration and Asylum Act 1999.