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STATUTORY INSTRUMENTS

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**1998 No. 497**

**NATIONAL ASSISTANCE SERVICES**

**The National Assistance (Assessment of Resources) (Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>3rd March 1998</i>
<i>Laid before Parliament</i>		<i>6th March 1998</i>
<i>Coming into force</i>	- -	<i>6th April 1998</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 1998 and shall come into force on 6th April 1998.

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

**Amendment of regulation 25 of the principal Regulations**

2. In regulation 25 of the principal Regulations (notional capital)—

(a) after paragraph (1)(b), there shall be added the following—

“or

(c) any sum to which paragraph 44(a) or 45(a) of Schedule 10 to the Income Support Regulations (disregard of compensation for personal injuries which is administered by the Court)(4) refers.”;

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- (1) 1948 c. 29; section 22(5) of the National Assistance Act 1948 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 (c. 30), 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; relevant amending instrument is S.I. 1993/964.
- (4) Paragraphs 44 and 45 were added by S.I. 1994/2139, regulation 33 and were amended by S.I. 1997/2197, regulation 7.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- (b) in paragraph (3)(a), for the words “regulation 51(2)”<sup>(5)</sup> there shall be substituted the words “regulation 51(2)(c)”.

**Amendment of Schedule 4 to the principal Regulations**

**3.** At the end of Schedule 4 to the principal Regulations (capital to be disregarded) there shall be added the following paragraph—

“**19.** Any amount which would be disregarded under paragraph 44(a) or 45(a) of Schedule 10 to the Income Support Regulations (compensation for personal injuries which is administered by the Court).”.

*Frank Dobson*  
One of Her Majesty’s Principal Secretaries of  
State,  
Department of Health

3rd March 1998

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(5) Relevant amending instruments are S.I. [1995/2303](#), regulation 6 and S.I. [1997/2197](#), regulation 5.

## **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.

The principal Regulations are amended so that, for the purpose of calculating a resident’s capital, certain funds in Court arising from compensation for personal injuries are excepted from being treated as capital or notional capital.