
STATUTORY INSTRUMENTS

1995 No. 3054

NATIONAL ASSISTANCE SERVICES

The National Assistance (Assessment of Resources) (Amendment No. 2) Regulations 1995

Made - - - - 28th November 1995
Laid before Parliament 28th November 1995
Coming into force - - 20th December 1995

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 and commencement

1. These Regulations may be cited as the National Assistance (Assessment of Resources) (Amendment No. 2) Regulations 1995 and shall come into force on 20th December 1995.

Amendment of Schedule 4 to the National Assistance (Assessment of Resources) Regulations 1992.

2. For paragraph 4 of Schedule 4 to the National Assistance (Assessment of Resources) Regulations 1992(3) (capital to be disregarded) there shall be substituted:

“4. Any future interest in property which would be disregarded under paragraph 5 of Schedule 10 to the Income Support Regulations (future interests in property other than in certain land or premises)(4).”.

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- (1) 1948 c. 29; section 22(5) of the National Assistance Act 1948 (“the 1948 Act”) was amended by section 39(1) of and paragraph 6(2) of Schedule 6 to the Ministry of Social Security Act 1966 c. 20, by section 3(2) of and paragraph 3(b) of Schedule 7 to the Supplementary Benefits Act 1976 (c. 71), by section 20(1) of and paragraph 2(1) of Schedule 4 to the Social Security Act 1980 (c. 30), and by section 86(1) of and paragraph 32(2) 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 Instruments are S.I. 1993/964 and 1994/825.
- (4) Paragraph 5 of Schedule 10 to the Income Support (General) Regulations 1987 (S.I. 1987/1967) is amended by S.I. 1995/2303, regulation 6(10).

Status: This is the original version (as it was originally made).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

28th November 1995

Stephen Dorrell
One of Her Majesty's Principal Secretaries of
State
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend 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. Schedule 4 to those Regulations sets out sums to be disregarded in calculating such a person’s capital, and some of those sums are specified by reference to the Income Support (General) Regulations 1987 (S.I. 1987/1967) (“the 1987 Regulations”).

Regulation 2 replaces a provision in Schedule 4 to the principal Regulations to reflect a change in the 1987 Regulations. It provides a disregard in respect of any interest in property which a resident will or may possess in the future but does not possess at the time his ability to pay for his accommodation is assessed. It does not apply to such interests where the property in question is land or premises in respect of which the resident has granted a subsisting lease or tenancy or a subsisting sub-lease or sub-tenancy.

These Regulations do not impose a charge on business.