
STATUTORY INSTRUMENTS

1992 No. 2977

**The National Assistance (Assessment
of Resources) Regulations 1992**

PART IV

LIABLE RELATIVES

Interpretation

29. In this Part, unless the context otherwise requires—

“payment” has the meaning prescribed in regulation 54 of the Income Support Regulations⁽¹⁾ (interpretation), but as though sub-paragraph (h) of the definition in that regulation were omitted and as though the reference in it to a “liable relative” were to a liable relative as defined in regulation 2(1) of these Regulations;

“periodical payment” means—

- (a) a payment which is made or due to be made to a resident at regular intervals in pursuance of a court order or agreement for maintenance;
- (b) in a case where a liable relative has established a pattern of making payments to a resident at regular intervals, any such payment;
- (c) any payment representing a commutation of payments to which sub-paragraph (a) or (b) of this definition applies whether made in arrears or advance,

but does not include a payment due to be made before the resident was provided with his accommodation.

Treatment of liable relative payments

30. Except where regulation 34(1) applies, a payment made to a resident by a liable relative shall be—

- (a) treated as income; and
- (b) taken into account in accordance with the following provisions of this Part.

Period over which periodical payments are to be taken into account

31. The period over which a periodical payment is to be taken into account shall be calculated in accordance with the method prescribed in paragraph (1) but not paragraph (2) of regulation 56 of the Income Support Regulations (period over which periodical payments are to be taken into account).

⁽¹⁾ Amended by regulation 23 of S.I.1988/663.

Period over which payments other than periodical payments are to be taken into account

32.—(1) Subject to the other provisions of this regulation and of regulation 34, the number of weeks over which a payment other than a periodical payment shall be taken into account shall be equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing that payment by the difference between—

- (a) the standard rate for the resident’s accommodation; and
- (b) the lower rate for that accommodation which he would have been liable to pay if he had not received that payment.

(2) Subject to paragraph (4), where—

- (a) a liable relative makes a periodical payment and any other payment concurrently; and
- (b) the weekly amount of the periodical payment, as calculated in accordance with regulation 33, is less than the divisor referred to in paragraph (1),

the number of weeks over which the payment other than the periodical payment shall be taken into account shall be equal to the apposite number of weeks calculated by the method prescribed in paragraph (3).

(3) The apposite number of weeks referred to in paragraph (2) shall be the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing the amount of the other payment by the difference between—

- (a) the standard rate for the resident’s accommodation; and
- (b) the lower rate for that accommodation which he would be liable to pay if he had not received the other payment (but had received the periodical payment).

(4) Subject to regulation 34, where—

- (a) a resident receives a payment other than a periodical payment; and
- (b) immediately before the date on which that payment is made he is in receipt of income support,

the number of weeks over which the payment other than a periodical payment (“the non-periodical payment”) shall be taken into account (whether or not the resident is in receipt of any periodical payments) shall be equal to the apposite number of weeks calculated by the method prescribed in paragraph (5).

(5) The apposite number of weeks referred to in paragraph (4) shall be equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing the amount of the non-periodical payment by—

- (a) unless sub-paragraph (b) applies, the weekly amount of income support which would have been paid to him, had the non-periodical payment not been made; or
- (b) in circumstances where the non-periodical payment has disqualified the resident from receiving income support, the weekly amount referred to in sub-paragraph (a) added to the weekly amount of any part of the non-periodical payment which would have fallen to be disregarded in the calculation of his income support (as is appropriate to his case).

Calculation of the weekly amount of a liable relative payment

33.—(1) Subject to paragraph (2), the weekly amount of a payment made by a liable relative shall be calculated by the method prescribed in regulation 58 of the Income Support Regulations (calculation of the weekly amount of a liable relative payment).

(2) For the purposes of paragraph (1), the reference in regulation 58(5) of the Income Support Regulations to regulation 57 of the Income Support Regulations (period over which payments

other than periodical payments are to be taken into account) shall be construed as a reference to regulation 32 of these Regulations.

Liabe relative payments to be treated as capital

34.—(1) Subject to paragraph (2), where—

- (a) a liable relative makes a periodical payment and any other payment concurrently; and
- (b) the weekly amount of the periodical payment as calculated in accordance with regulation 33 is equal to or greater than the amount of the divisor calculated by the method prescribed in regulation 32(1),

the other payment shall be treated as capital.

(2) If, in any case, the liable relative ceases to make periodical payments, the other payment to which paragraph (1) applies shall be taken into account as a payment other than a periodical payment, in accordance with regulation 32(1) or (4) (as is appropriate to his case).