

2005 No.82

NATIONAL ASSISTANCE SERVICES

**The National Assistance (Assessment of Resources) Amendment
(Scotland) Regulations 2005**

Made - - - - - *24th February 2005*

Laid before the Scottish Parliament *25th February 2005*

Coming into force - - - *11th April 2005*

The Scottish Ministers in exercise of the powers conferred on them by section 22(5) of the National Assistance Act 1948(a) (including that provision as applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968(b)), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2005 and shall come into force on 11th April 2005.

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

(3) These Regulations extend to Scotland only.

Amendment of regulation 20 of the principal Regulations

2. In regulation 20 (capital limit) of the principal Regulations, for the amount “£19,000” substitute “£19,500”(d).

(a) 1948 c.29. Section 22(5) was amended by the Ministry of Social Security Act 1966 (c.20) Schedule 6, paragraph 6(2); the Supplementary Benefits Act 1976 (c.71) Schedule 7, paragraph 3(b); the Social Security Act 1980 (c.30) Schedule 4, paragraph 2(1) and by the Social Security Act 1986 (c.50) Schedule 10, paragraph 32(2). The functions of the Secretary of State so far as they are exercisable in Scotland were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) 1968 c.49 (“the 1968 Act”). Section 87(3) of the 1968 Act was amended by the Social Security Act 1980 (c.30) Schedule 4, paragraph 5(1); the Health and Social Services and Social Security Adjudications Act 1983 (c.41) section 20(2); the Social Security Act 1986 (c.50) Schedule 10, paragraph 41(2) and by the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”) Schedule 9, paragraph 10(13). Section 87(4) of the 1968 Act was amended by the 1990 Act Schedule 9, paragraph 10(13). By virtue of section 87(3) of the 1968 Act, accommodation provided under that Act or under section 7 of the Mental Health (Scotland) Act 1984 (c.36) is regarded as accommodation provided under Part III of the National Assistance Act 1948.

(c) S.I. 1992/2977 (“the principal Regulations”).

(d) Regulation 20 of the principal Regulations was amended by S.I. 1996/602, S.S.I. 2001/138 and 2004/103. The previous amount was set by S.S.I. 2004/103.

Amendment of regulation 28(1) of the principal Regulations

- 3.** In regulation 28(1) (calculation of tariff income from capital) of the principal Regulations—
- (a) for the amount “£11,750” (both times it appears) substitute the amount “£12,000”(a); and
 - (b) for the amount “£19,000” substitute the amount “£19,500”(b).

Amendment of Schedule 3 to the principal Regulations

- 4.** In paragraph 28G of Schedule 3 to the principal Regulations(c) (sums to be disregarded in the calculation of income other than earnings)—
- (a) in sub-paragraphs (1) and (2), for the amount “£4.65” (each time it appears) substitute the amount “£4.85”; and
 - (b) in sub-paragraphs (3) and (4), for the amount “£6.95” (each time it appears) substitute the amount “£7.20”.

Revocation

- 5.** Regulations 2, 3 and 4(a) and (b) of the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2004(d) are hereby revoked.

RHONA BRANKIN

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
24th February 2005

(a) Regulation 28 of the principal Regulations was amended by S.I. 1996/602, S.S.I. 2001/138 and 2004/103. The previous amount was set by S.S.I. 2004/103.

(b) The previous amount was set by S.S.I. 2004/103.

(c) Paragraph 28G to Schedule 3 to the principal Regulations was inserted by S.S.I. 2003/425 and amended by S.S.I. 2004/103. The previous amounts were set by S.S.I. 004/103.

(d) S.S.I. 2004/103.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Assistance (Assessment of Resources) Regulations 1992 (S.I. 1992/2977) (“the principal Regulations”). The principal Regulations concern the assessment of a person’s liability to pay for accommodation provided under the Social Work (Scotland) Act 1968 (c.49) (“the 1968 Act”). By virtue of section 87(3) of the 1968 Act, accommodation provided under the 1968 Act or section 7 of the Mental Health (Scotland) Act 1984 (c.36) shall be regarded as accommodation provided under Part III of the National Assistance Act 1948.

Regulation 2 amends the principal Regulations so that the capital limit set out in regulation 20 is increased from £19,000 to £19,500. Regulation 3 amends the principal Regulations so that the capital limits set out in regulation 28(1) are increased from £11,750 and £19,000 to £12,000 and £19,500.

Regulation 4 provides for an increase to the amount which should be disregarded from the calculation of income other than earnings from the financial assessment where a resident receives savings credit.

Regulation 5 revokes regulations 2 and 3 of the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2004 (S.S.I. 2004/103) (“the 2004 Regulations”) which provided the previous capital limits set out in regulations 20 and 28(1) of the principal Regulations. It also revokes regulation 4(a) and (b) of the 2004 Regulations which provided the previous amounts disregarded from income as respects savings credit in paragraph 28G of Schedule 3 to the principal Regulations.

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