
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 381

NATIONAL ASSISTANCE SERVICES

**The National Assistance (Assessment of Resources)
Amendment (No. 2) (Scotland) Regulations 2009**

Made - - - - *3rd November 2009*
Laid before the Scottish
Parliament - - - - *4th November 2009*
Coming into force - - *26th November 2009*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 22(5) of the National Assistance Act 1948(1), as applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968(2), and all other powers enabling them to do so.

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- (1) [1948 c.29](#). Section 22(5) was relevantly amended by the Social Security Act [1980 \(c.30\)](#), Schedule 4, paragraph 2(1). The functions of the Secretary of State so far as exercisable in Scotland were transferred to the Scottish Ministers by section 53 of the Scotland Act [1998 \(c.46\)](#).
- (2) [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); the National Health Service and Community Care Act [1990 \(c.19\)](#) (“the 1990 Act”), Schedule 9, paragraph 10(13) and the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#) (“the 2003 Act”), section 28(1). Section 87(4) of the 1968 Act was amended by the 1990 Act, Schedule 9, paragraph 10(13) and by the 2003 Act, section 28(1). By virtue of section 87(3) of the 1968 Act, accommodation provided under that Act or under section 25 of the 2003 Act is regarded as accommodation provided under Part III of the National Assistance Act 1948.