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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 72**

**NATIONAL ASSISTANCE SERVICES**

**The National Assistance (Assessment of Resources)  
Amendment (Scotland) Regulations 2009**

*Made* - - - - 24th February 2009  
*Laid before the Scottish  
Parliament* - - - - 25th February 2009  
*Coming into force* - - 6th April 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.

**Citation, commencement, interpretation and extent**

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2009 and come into force on 6th April 2009.

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

(3) These Regulations extend to Scotland only.

**Amendment to regulation 20 of the principal regulations**

2. In regulation 20 of the principal Regulations (capital limit)(4) for “£21,500” substitute “£22,500”.

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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.
- (3) S.I.1992/2977; relevantly amended by S.I. 1996/602 and 1997/485, and by S.S.I. 2001/105 and 138, 2003/425, 2004/103, 2005/82, 2006/113, 2007/102 and 2008/13.
- (4) Regulation 20 was amended by S.I. 1996/602 and S.S.I. 2001/105 and 138, 2004/103, 2005/82, 2006/113, 2007/102 and 2008/13.

### **Amendment to regulation 28 of the principal regulations**

3. In regulation 28(1) of the principal Regulations (calculation of tariff income from capital)(5)–
- (a) for “£13,000” (both times it appears) substitute “£13,750”; and
  - (b) for “£21,500” substitute “£22,500”.

### **Amendment to Schedule 3 of the principal regulations**

4. In paragraph 28G of Part I of Schedule 3 to the principal Regulations (disregard of savings credit)(6)–
- (a) in sub-paragraphs (1) and (2) for “£5.45” (each time it appears) substitute “£5.65”; and
  - (b) in sub-paragraphs (3) and (4) for “£8.15” (each time it appears) substitute “£8.45”.

### **Revocation**

5. The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2008(7) are revoked.

St Andrew’s House,  
Edinburgh  
24th February 2009

*S ROBISON*  
Authorised to sign by the Scottish Ministers

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(5) Regulation 28 was amended by S.I. 1996/602 and S.S.I. 2001/105 and 138, 2004/103, 2005/82, 2006/113, 2007/102 and 2008/13.

(6) Paragraph 28G of Schedule 3 was inserted by S.S.I. 2003/425 and amended by S.S.I. 2004/103, 2005/82, 2006/113, 2007/102 and 2008/13. The previous amounts were set by S.S.I. 2008/13.

(7) S.S.I. 2008/13.

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## 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 liability to pay for accommodation provided under the Social Work (Scotland) Act 1968 (“the 1968 Act”). By virtue of section 87(3) of the 1968 Act, accommodation provided under the 1968 Act or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003 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 £21,500 to £22,500.

Regulation 3 amends the principal Regulations so that the capital limits set out in regulation 28(1) are increased from £13,000 and £21,500 to £13,750 and £22,500 respectively.

Regulation 4 provides for an increase to the amount set out in paragraph 28G of Schedule 3 to the principal Regulations which should be disregarded from the calculation of income other than earnings, in the financial assessment when a resident receives savings credit. The amount to be disregarded is increased from £5.45 for single persons and £8.15 for couples, per week, to £5.65 and £8.45 respectively.

Regulation 5 revokes the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2008 which provided the previous capital limits set out in regulations 20 and 28(1) of the principal Regulations and the previous amounts disregarded from income as respects savings credit in paragraph 28G of Schedule 3 to the principal Regulations.