

2014 No. 38

NATIONAL ASSISTANCE SERVICES

**The National Assistance (Assessment of Resources) Amendment
(Scotland) Regulations 2014**

Made - - - - *11th February 2014*

Laid before the Scottish Parliament *13th February 2014*

Coming into force - - *7th April 2014*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 22(5) of the National Assistance Act 1948(a), as applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968(b), 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 2014 and come into force on 7th April 2014.

(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 of the principal Regulations (capital limit)(d) for “£25,250” substitute “£26,000.”.

(a) 1948 c.29 (11 and 12 Geo. 6) (“the 1948 Act”). 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 within devolved competence were transferred to the Scottish Ministers by 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); the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), Schedule 9, paragraph 10(13); the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) (“the 2003 Act”), section 28(1) and the Adult Support and Protection (Scotland) Act 2007 (asp 10), section 62(2). 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 1948 Act and sections 22(2) to (8) and 26(2) to (4) of the 1948 Act are applied accordingly.

(c) S.I. 1992/2977.

(d) Regulation 20 was relevantly amended by S.I. 1996/602 and S.S.I. 2001/105, S.S.I. 2001/138, S.S.I. 2004/103, S.S.I. 2005/82, S.S.I. 2006/113, S.S.I. 2007/102, S.S.I. 2008/13, S.S.I. 2009/72, S.S.I. 2010/73, S.S.I. 2011/124, S.S.I. 2012/68 and S.S.I. 2013/41.

Amendment of regulation 28 of the principal Regulations

3. In regulation 28(1) of the principal Regulations (calculation of tariff income from capital)(a)—

- (a) for “£15,500” (in each place it appears) substitute “£16,000”; and
- (b) for “£25,250” substitute “£26,000”.

Amendment of Schedule 3 to the principal Regulations

4. In paragraph 28G of Part I of Schedule 3 to the principal Regulations (disregard of savings credit)(b)—

- (a) in sub-paragraphs (1) and (2), for “£5.90” (in each place it appears) substitute “£5.95”; and
- (b) in sub-paragraphs (3) and (4), for “£8.85” (in each place it appears) substitute “£8.95”.

Revocations

5. The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2013(c) are revoked.

ALEX NEIL

A member of the Scottish Government

St Andrew’s House,
Edinburgh
11th February 2014

(a) Regulation 28 was relevantly amended by S.I. 1996/602 and S.S.I. 2001/105, S.S.I. 2001/138, S.S.I. 2004/103, S.S.I. 2005/82, S.S.I. 2006/113, S.S.I. 2007/102, S.S.I. 2008/13, S.S.I. 2009/72, S.S.I. 2010/73, S.S.I. 2011/124, S.S.I. 2012/68 and S.S.I. 2013/41.

(b) Paragraph 28G was inserted by S.S.I. 2003/425 and amended by S.S.I. 2004/103, S.S.I. 2005/82, S.S.I. 2006/113, S.S.I. 2007/102, S.S.I. 2008/13, S.S.I. 2009/72, S.S.I. 2010/73, S.S.I. 2011/124 and S.S.I. 2013/41.

(c) S.S.I. 2013/41.

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 £25,250 to £26,000.

Regulation 3 amends the principal Regulations so that the capital limits set out in regulation 28(1) are increased from £15,500 and £25,250 to £16,000 and £26,000 respectively.

Regulation 4 amends the principal Regulations so that the capital limits set out in regulation 28G(1) and (2) are increased from £5.90 and £8.85 to £5.95 and £8.95 respectively.

Regulation 5 revokes the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2013 which provided the equivalent capital limits for the year beginning 8th April 2013.

No Business and Regulatory Impact Assessment has been prepared in respect of these Regulations.

© Crown copyright 2014

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen’s Printer for Scotland.

£4.00

S2014021232 02/2014 19585

<http://www.legislation.gov.uk/id/ssi/2014/38>

ISBN 978-0-11-102262-7



9 780111 022627