
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 41

NATIONAL ASSISTANCE SERVICES

The National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2018

Made - - - - 6th February 2018
Laid before the Scottish Parliament - - - - 8th February 2018
Coming into force - - 9th April 2018

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 22(4) 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 and extent

1.—(1) These Regulations may be cited as the National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2018 and come into force on 9th April 2018.

(2) These Regulations extend to Scotland only.

Sum needed for personal requirements

2. For the purpose of section 22(4) of the National Assistance Act 1948, as applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968 (the amount which a local authority shall assume that a person will need for their personal requirements per week), the amount prescribed is £27.00.

(1) 1948 c.29 (11 and 12 Geo.6). Section 64(1) of the National Assistance Act 1948 contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made. Section 87(4) of the Social Work (Scotland) Act 1968 (c.49) substitutes the term “Secretary of State” for the term “Minister”. 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).

(2) 1968 c.49 (“the 1968 Act”). Section 87(3) of the 1968 Act was amended by section 28(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) (“the 2003 Act”) and by section 62(2) of the Adult Support and Protection (Scotland) Act 2007 (asp 10). Section 87(4) of the 1968 Act was amended by section 28(1) of the 2003 Act. 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.

Revocation

3. The National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2017(3) are revoked.

St Andrew's House,
Edinburgh
6th February 2018

SHONA ROBISON
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 22(4) of the National Assistance Act 1948 as applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968 (“the 1968 Act”) requires a local authority to assume in assessing a person’s liability to pay for accommodation provided under the 1968 Act or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003 that they will need for their personal requirements such sum per week as may be prescribed by regulations.

These Regulations prescribe the sum which will be £27.00 per week from 9th April 2018.

These Regulations revoke the National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2017 which previously prescribed £26.40 as the sum persons were assumed to need for personal requirements per week with effect from 1st June 2017.

No Business and Regulatory Impact Assessment has been prepared in respect of these Regulations on the basis that there is no foreseeable impact on business, charities or voluntary bodies.