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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 70**

**NATIONAL ASSISTANCE SERVICES**

**The National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2022**

*Made* - - - - 23rd February 2022  
*Laid before the Scottish Parliament* - - - - 24th February 2022  
*Coming into force* - - 11th April 2022

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 22(4) of the National Assistance Act 1948<sup>(1)</sup>, as applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968<sup>(2)</sup> 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 2022 and come into force on 11 April 2022.

(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 is to assume that a person will need for their personal requirements per week is £31.00.

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(1) 1948 c. 29 (11 & 12 Geo. 6) (“the 1948 Act”). Section 64(1) of the 1948 Act 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.

### **Revocations**

**3.** The National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2021<sup>(3)</sup> are revoked.

**4.** Regulation 3 of the National Assistance (Assessment of Resources and Sums for Personal Requirements) Amendment (Scotland) Regulations 2021<sup>(4)</sup> is revoked.

St Andrew's House,  
Edinburgh  
23rd February 2022

*HUMZA YOUSAF*  
A member of the Scottish Government

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<sup>(3)</sup> S.S.I. 2021/76, amended by S.S.I. 2021/115.  
<sup>(4)</sup> S.S.I. 2021/115.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe the amount which a local authority shall assume that a person will need for their personal requirements per week, in assessing the person's liability to pay for accommodation provided under the Social Work (Scotland) Act 1968 ("the 1968 Act") or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

Section 22(4) of the National Assistance Act 1948 as applied by section 87(3) and (4) of 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 the person will need for their personal requirements such sum per week as may be prescribed by regulations.

These Regulations prescribe the sum which will be £31.00 per week from 11 April 2021.

These Regulations revoke the National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2021 and regulation 3 of the National Assistance (Assessment of Resources and Sums for Personal Requirements) Amendment (Scotland) Regulations 2021 which previously prescribed £29.30 as the sum persons were assumed to need for personal requirements per week with effect from 12 April 2021.

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.