

SCOTTISH STATUTORY INSTRUMENTS

2022 No. 71

NATIONAL ASSISTANCE SERVICES

The National Assistance (Assessment of Resources) Amendment (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(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.

PROSPECTIVE

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2022 and come into force on 11 April 2022.

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

(3) These Regulations extend to Scotland only.

Commencement Information

II Reg. 1 in force at 11.4.2022, see [reg. 1\(1\)](#)

- (1) [1948 c. 29](#) (11 & 12 Geo. 6) (“the 1948 Act”). Section 22(5) was relevantly amended by paragraph 2(1) of schedule 4 of the Social Security Act [1980 \(c. 30\)](#). 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.
- (3) [S.I. 1992/2977](#).

Status: This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2022. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Amendment of regulation 20 of the principal Regulations

2. In regulation 20 of the principal Regulations (capital limit)(4) for “£28,750” substitute “£29,750”.

Commencement Information

I2 Reg. 2 in force at 11.4.2022, see [reg. 1\(1\)](#)

Amendment of regulation 28 of the principal Regulations

3. In regulation 28(1) of the principal Regulations (calculation of income from capital)(5)—
- (a) in each place it appears, for “£18,000” substitute “£18,500”, and
 - (b) for “£28,750” substitute “£29,750”.

Commencement Information

I3 Reg. 3 in force at 11.4.2022, see [reg. 1\(1\)](#)

Amendment of schedule 3 of the principal Regulations

4. In paragraph 28G of Part 1 of schedule 3 of the principal Regulations (disregard of savings credit)(6)—
- (a) in sub-paragraphs (1) and (2), in each place it appears, for “£6.90” substitute “£7.30”, and
 - (b) in sub-paragraphs (3) and (4), in each place it appears, for “£10.25” substitute “£10.85”.

Commencement Information

I4 Reg. 4 in force at 11.4.2022, see [reg. 1\(1\)](#)

Revocations

5. The following Regulations are revoked—
- (a) regulation 3(a) of the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2020(7),
 - (b) the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2021(8), and
 - (c) regulation 2 of the National Assistance (Assessment of Resources and Sums for Personal Requirements) Amendment (Scotland) Regulations 2021(9).

(4) Regulation 20 as it relates to Scotland was relevantly amended by [S.I. 1996/602](#) and [S.S.I. 2021/77](#).

(5) Regulation 28 as it relates to Scotland was relevantly amended by [S.I. 1996/602](#), [S.S.I. 2020/54](#) and [S.S.I. 2021/77](#).

(6) Paragraph 28G as it relates to Scotland was inserted by [S.S.I. 2003/425](#) and was relevantly amended by [S.S.I. 2021/77](#).

(7) [S.S.I. 2020/54](#).

(8) [S.S.I. 2021/77](#).

(9) [S.S.I. 2021/115](#).

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Commencement Information

I5 Reg. 5 in force at 11.4.2022, see [reg. 1\(1\)](#)

St Andrew's House,
Edinburgh
23rd February 2022

HUMZA YOUSAF
A member of the Scottish Government

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PROSPECTIVE

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 is to 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 £28,750 to £29,750.

Regulation 3 amends the principal Regulations so that the capital limits set out in regulation 28(1) are increased from £18,00 and £28,750 to £18,500 and £29,750 respectively.

Regulation 4 amends the principal Regulations so that the amounts of savings credit to be disregarded from income in accordance with paragraph 28G of schedule 3 are increased from £6.90 and £10.25 to £7.30 and £10.85 respectively.

Regulation 5 revokes regulation 3(a) of the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2020, the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2021 and regulation 2 of the National Assistance (Assessment of Resources and Sums for Personal Requirements) Amendment (Scotland) Regulations 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.

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Changes and effects yet to be applied to :

- Regulations revoked by [S.S.I. 2023/19 reg. 6\(c\)](#)
- reg. 1 coming into force by [S.S.I. 2022/71 reg. 1\(1\)](#)
- reg. 2 coming into force by [S.S.I. 2022/71 reg. 1\(1\)](#)
- reg. 3 coming into force by [S.S.I. 2022/71 reg. 1\(1\)](#)
- reg. 4 coming into force by [S.S.I. 2022/71 reg. 1\(1\)](#)
- reg. 5 coming into force by [S.S.I. 2022/71 reg. 1\(1\)](#)