2001 No. 6

NATIONAL ASSISTANCE SERVICES

The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2001

Made	*11th January 2001*
Laid before the Scottish Parliament	*11th January 2001*
Coming into force	*1st February 2001*

The Scottish Ministers, in exercise of the powers conferred by section 22(5) of the National Assistance Act 1948(**a**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2001 and shall come into force on 1st February 2001.

(2) These Regulations extend to Scotland only.

Amendment to the National Assistance (Assessment of Resources) Regulations 1992

2. At the end of Schedule 4 (capital to be disregarded) to the National Assistance (Assessment of Resources) Regulations 1992(**b**) there is added the following paragraph:–

"**20.** Any amount which would be disregarded under paragraph 61 of Schedule 10 to the Income Support Regulations (ex gratia payment made by the Secretary of State in consequence of a person's imprisonment or internment by the Japanese during the Second World War)(**c**)".

MALCOLM CHISHOLM
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
11th January 2001

(a) 1948 c.29; section 22(5) was amended by the Ministry of Social Security Act 1966 (c.20), section 39(1) and Schedule 6, paragraph 6; the Supplementary Benefits Act 1976 (c.71), section 35(2) and Schedule 7, paragraph 3(b); the Social Security Act 1980 (c.30), section 20 and Schedule 4, paragraph 2 and is applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968 (c.49) (as amended by paragraph 10(13) of Schedule 9 to the National Health Service and Community Care Act 1990 (c.19) to persons for whom accommodation is provided under either the 1968 Act or section 7 of the Mental Health (Scotland) Act 1984 (c.36)). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1992/2977; as relevantly amended by S.I. 1993/964, 1994/825, 1995/3054, 1998/497 and 1998/1730.

(c) Paragraph 61 was added by S.I. 2001/22.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further amendments as regards Scotland to the National Assistance (Assessment of Resources) Regulations 1992 ("the principal Regulations"). The principal Regulations concern the assessment of the ability of a person ("a resident") to pay for accommodation arranged by local authorities under the Social Work (Scotland) Act 1968 and section 7 of the Mental Health (Scotland) Act 1984.

The principal Regulations are amended so that, for the purpose of calculating a resident's capital, any ex-gratia payment of £10,000 made on or after 1st February 2001 by the Secretary of State in consequence of a person's imprisonment or internment by the Japanese during the Second World War shall be disregarded as capital.

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