SCOTTISH STATUTORY INSTRUMENTS

2019 No. 12

NATIONAL ASSISTANCE SERVICES

The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2019

Made - - - -	*22nd January 2019*
Laid before the Scottish Parliament	*24th January 2019*
Coming into force - -	*8th April 2019*

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 2019 and come into force on 8 April 2019.

(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 "£27,250" substitute "£28,000".

Amendment of regulation 28 of the principal Regulations

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

(a) for "£17,000" (in each place it appears) substitute "£17,500", and

(b) for "£27,250" substitute "£28,000".

(**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 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.

(**c**) S.I. 1992/2977.

(**d**) Regulation 20 was relevantly amended by S.I. 1996/602 and most recently by S.S.I. 2018/43.

(**e**) Regulation 28 was relevantly amended by S.I. 1996/602 and the amounts in regulation 28(1) as they relate to Scotland were most recently amended by S.S.I. 2018/43.

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)(**a**)—

(a) in sub-paragraphs (1) and (2), for "£6.30" (in each place it appears) substitute "£6.50", and

(b) in sub-paragraphs (3) and (4), for "£9.45" (in each place it appears) substitute "£9.70".

Revocation

5. The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2018(**b**) are revoked.

JEANE FREEMAN
A member of the Scottish Government

St Andrew's House,
Edinburgh
22nd January 2019

(**a**) Paragraph 28G as it relates to Scotland was inserted by S.S.I. 2003/425 and amended most recently by S.S.I. 2018/43.
(**b**) S.S.I. 2018/43.

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 £27,250 to £28,000.

Regulation 3 amends the principal Regulations so that the capital limits set out in regulation 28(1) are increased from £17,000 and £27,250 to £17,500 and £28,000 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 £6.30 and £9.45 to £6.50 and £9.70 respectively.

Regulation 5 revokes the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2018.

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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