SCOTTISH STATUTORY INSTRUMENTS

2021 No. 77

NATIONAL ASSISTANCE SERVICES

The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2021

Made - - - -	*16th February 2021*
Laid before the Scottish Parliament	*18th February 2021*
Coming into force - -	*6th April 2021*

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 2021 and come into force on 6 April 2021.

(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 "£28,500" substitute "£28,750".

Amendment of regulation 28 of the principal Regulations

3. In regulation 28(1) of the principal Regulations (calculation of income from capital)(**e**) for "£28,500" substitute "£28,750".

(**a**) 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).

(**b**) 1968 c.49 ("the 1968 Act"). Section 87(3) of the 1968 Act was relevantly 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 as it relates to Scotland was relevantly amended by S.I. 1996/602 and S.S.I. 2020/54.

(**e**) Regulation 28 as it relates to Scotland was relevantly amended by S.I. 1996/602 and S.S.I. 2020/54.

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), in each place it appears, for "£6.75" substitute "£6.90", and

(b) in sub-paragraphs (3) and (4), in each place it appears, for "£10.05" substitute "£10.25".

Revocation

5. Regulations 2, 3(b) and 4 of the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2020(**b**) are revoked.

JEANE FREEMAN
A member of the Scottish Government

St Andrew's House,
Edinburgh
16th February 2021

(**a**) Paragraph 28G as it relates to Scotland was inserted by S.S.I. 2003/425 and was relevantly amended by S.S.I. 2020/54.
(**b**) S.S.I. 2020/54.

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 £28,500 to £28,750.

Regulation 3 amends the principal Regulations so that the capital limit set out in regulation 28(1) is increased from £28,500 to £28,750.

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 £6.75 and £10.05 to £6.90 and £10.25 respectively.

Regulation 5 revokes regulation 2, 3(b) and 4 of the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2020.

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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