SCOTTISH STATUTORY INSTRUMENTS

2025 No. 31

NATIONAL ASSISTANCE SERVICES

The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2025

Made - - - -	*5th February 2025*
Laid before the Scottish Parliament	*7th February 2025*
Coming into force - -	*7th April 2025*

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 and extent

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2025 and come into force on 7 April 2025.

(2) These Regulations extend to Scotland only.

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

2.—(1) The National Assistance (Assessment of Resources) Regulations 1992(**c**) are amended in accordance with this regulation.

(2) In regulation 20 (capital limit)(**d**) for "£35,000" substitute "£35,500".

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

(a) in each place it appears, for "£21,500" substitute "£22,000", and

(b) for "£35,000" substitute "£35,500".

(4) In paragraph 28G of schedule 3 (disregard of savings credit)(**f**)—

(a) in sub-paragraphs (1) and (2), in each place it appears, for "£8.15" substitute "£8.50", and

(b) in sub-paragraphs (3) and (4), in each place it appears, for "£12.10" substitute "£12.60".

(**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 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. 2024/21.

(**e**) Regulation 28 as it relates to Scotland was relevantly amended by S.I. 1996/602 and S.S.I. 2024/21.

(**f**) Paragraph 28G as it relates to Scotland was inserted by S.S.I. 2003/425 and was relevantly amended by S.S.I. 2004/103 and S.S.I. 2024/21.

(5) After paragraph 35 of schedule 4 (capital to be disregarded)(**a**) insert—

"**36.** Any payment made under the infected blood compensation scheme established by regulations made under section 49 of the Victims and Prisoners Act 2024(**b**).

37. Any payment made by or out of the estate of a deceased person to the extent such payment derives from a payment made under section 56(1) of the Victims and Prisoners Act 2024.

38. Any payment made under an infected blood support scheme as defined in section 56(3) of the Victims and Prisoners Act 2024.

39. Any payment made by or out of the estate of a deceased person to the extent such payment derives from a payment made under an infected blood support scheme as defined in section 56(3) of the Victims and Prisoners Act 2024 to that person's estate.

40. Any payment made under the Infected Blood Interim Compensation Payment Scheme as defined in section 56(6) of the Victims and Prisoners Act 2024.

41.—(1) Any payment made by the Post Office or the Secretary of State for the purpose of providing compensation, support, damages or legal expenses in connection with the failings of the Horizon system, including under any settlement arrived at to prevent or bring legal proceedings to an end.

(2) In this paragraph "Post Office" and "Horizon system" have the same meaning as in section 9 of the Post Office (Horizon System) Offences (Scotland) Act 2024(**c**).

42. Any payment made for the purpose of providing compensation, support, damages or otherwise made in settlement of any such claim or in respect of legal expenses in connection with the fire on 14 June 2017 at Grenfell Tower.

43.—(1) Any payment made under the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme.

(2) In this paragraph "the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme" means the scheme under which payments are made to persons who served under, and were impacted by, the ban on lesbian, gay, bisexual and transgender personnel in the armed forces of the Crown from 1967 to 2000.

44. Any payment made under the Vaccine Damage Payments Act 1979(**d**).

45.—(1) Any payment made to the partner of a person, to the extent such payment derives from a payment made to that person under the Vaccine Damages Payments Act 1979.

(2) In this paragraph "partner", in relation to a person, means—

(a) the husband or wife or civil partner of that person, or

(b) if the person is living together with another person as if they were a married couple or civil partners, that other person.".

(**a**) Paragraph 35 as it relates to Scotland was inserted by S.S.I. 2023/19.
(**b**) 2024 c. 21.
(**c**) 2024 c. 6.
(**d**) 1979 c. 17.

Revocation

3. The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2024(**a**) are revoked.

MAREE TODD
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
5th February 2025

(**a**) S.S.I. 2024/21.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Assistance (Assessment of Resources) Regulations 1992 ("the 1992 Regulations"). The 1992 Regulations concern the assessment of a person's ability 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(2) amends the 1992 Regulations so that the capital limit set out in regulation 20 is increased from £35,000 to £35,500.

Regulation 2(3) amends the 1992 Regulations so that the capital limits set out in regulation 28(1) are increased from £21,500 and £35,000 to £22,000 and £35,500 respectively.

Regulation 2(4) amends the 1992 Regulations so that the amounts of savings credit to be disregarded from income in accordance with paragraph 28G of schedule 3 are increased from £8.15 and £12.10 to £8.50 and £12.60 respectively.

Schedule 4 of the 1992 Regulations sets out categories of capital which must be disregarded in the financial assessment of a person's resources.

Regulation 2(5) amends schedule 4 to provide for ten new categories of payments that will be disregarded as capital in the financial assessment of a person's resources. These are: payments made under an infected blood payment scheme, and, in certain circumstances, payments made by or out of the estates of certain recipients of those schemes; payments made to victims of the failings of the Post Office computer system, Horizon; payments made to victims of the Grenfell Tower fire; payments made to LGBT veterans who were impacted by the ban on LGBT personnel in the armed forces of the Crown from 1967 to 2000; and payments made to people left severely disabled as a result of certain vaccinations and to their partners.

Regulation 3 revokes the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2024.

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.

Equality Impact Assessments have been carried out for each of the new payments disregarded.

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