SCOTTISH STATUTORY INSTRUMENTS

2026 No. 42

NATIONAL ASSISTANCE SERVICES

The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2026

Made - - - -	*29th January 2026*
Laid before the Scottish Parliament	*2nd February 2026*
Coming into force - -	*6th April 2026*

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 2026 and come into force on 6 April 2026.

(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 "£35,500" substitute "£36,750".

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

(a) in each place it appears, for "£22,000" substitute "£22,750", and

(b) for "£35,500" substitute "£36,750".

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

(**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. 2025/31.

(**e**) Regulation 28 as it relates to Scotland was relevantly amended by S.I. 1996/602 and S.S.I. 2025/31.

(**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. 2025/31.

(a) in sub-paragraphs (1) and (2), in each place it appears, for "£8.50" substitute "£8.95", and

(b) in sub-paragraphs (3) and (4), in each place it appears, for "£12.60" substitute "£13.25".

Revocation

3. Regulations 2(2) to 2(4) and 3 of the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2025(**a**) are revoked.

TOM ARTHUR
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
29th January 2026

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 £35,500 to £36,750.

Regulation 2(3) amends the 1992 Regulations so that the capital limits set out in regulation 28(1) are increased from £22,000 and £35,500 to £22,750 and £36,750 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 £8.50 and £12.60 to £8.95 and £13.25 respectively.

Regulation 3 revokes regulation 2(2) to 2(4) and regulation 3 of the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2025.

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(**a**) S.S.I. 2025/31.

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