STATUTORY INSTRUMENTS

1978 No. 1190 (S.114)

NATIONAL ASSISTANCE SERVICES

The National Assistance (Charges for Accommodation) (Scotland) Regulations 1978

Made - - - -	*3rd August* 1978
Laid before Parliament	*18th August* 1978
Coming into Operation	*13th November* 1978

In exercise of the powers conferred on me by section 22 of the National Assistance Act 1948**(a)** as read with section 87(3) and (4) of the Social Work (Scotland) Act 1968**(b)**, and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Assistance (Charges for Accommodation) (Scotland) Regulations 1978, and shall come into operation on 13th November 1978.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"the Act of 1948" means the National Assistance Act 1948;

"the Act of 1975" means the Social Security Act 1975**(c)**;

"Personal Injuries Scheme", "Service Pensions Instrument" and "1914–18 War Injuries Scheme" have the same meanings as in the Social Security (Overlapping Benefits) Regulations 1975**(d)**.

(2) Any reference in these regulations to the provisions of an enactment or instrument shall be construed, unless the context otherwise requires, as a reference to that enactment or instrument as amended, varied, extended or applied by or under any other enactment or instrument.

(3) The Interpretation Act 1889**(e)** shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament, and as if these regulations and the regulations hereby revoked were Acts of Parliament.

Revocation of existing regulations

3. The National Assistance (Charges for Accommodation) (Scotland) Regulations 1977**(f)** are hereby revoked.

Prescription of minimum charges

4. For the purposes of section 22(3) of the Act of 1948 (which relates to charges to be made for accommodation provided under Part III of the Act) the liability of a person to pay for accommodation provided in premises managed by a local authority shall in no case be reduced below the sum of £15.60 per week.

(a) 1948 c. 29. **(b)** 1968 c. 49. **(c)** 1975 c. 14. **(d)** S.I. 1975/554.
(e) 1889 c. 63. **(f)** S.I. 1977/1359.

5. Where accommodation is provided for a child accompanied by a person over the age of 16, the liability of that person under section 22(7) of the Act of 1948 to pay for the accommodation of that child shall in no case be reduced below such of the following sums as is appropriate, that is to say—

(*a*) in respect of a child under 5 years of age, the sum of £4.40 per week;

(*b*) in respect of a child aged 5 years or over but less than 11 years, the sum of £5.30 per week;

(*c*) in respect of a child aged 11 years or over but less than 13 years, the sum of £6.55 per week;

(*d*) in respect of a child aged 13 years or over but less than 16 years, the sum of £7.95 per week.

Prescription of sum needed for personal requirements

6. For the purposes of section 22(4) of the Act of 1948 a local authority shall assume that a person to whom subsection (3) of that section applies will need for his personal requirements the sum of £3.90 per week:

Provided that if that person is someone to whom there is payable attendance allowance under the provisions of section 35 of the Act of 1975 or constant attendance allowance under any Personal Injuries Scheme, Service Pensions Instrument or any 1914–18 War Injuries Scheme, the aforementioned sum assumed to be needed for his personal requirements shall be increased by the amount of such attendance allowance or constant attendance allowance.

Bruce Millan,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
3rd August 1978.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations replace the National Assistance (Charges for Accommodation) (Scotland) Regulations 1977. The minimum weekly amount which a person is required to pay for accommodation provided for him under the Social Work (Scotland) Act 1968 (which by virtue of section 87(3) of that Act is to be regarded for purposes of charges as accommodation provided under Part III of the National Assistance Act 1948) is increased from £14.00 to £15.60 per week. In the case of a person accompanied by a child, the weekly amounts payable in respect of the child are increased from £4.10 to £4.40 when the child is under 5 years, from £4.95 to £5.30 when the child is aged 5 years or over but less than 11 years, from £6.10 to £6.55 when the child is 11 years or over but less than 13 years, and from £7.40 to £7.95 when the child is 13 years or over but less than 16 years. The weekly sum for personal requirements which (unless in special circumstances the local authority considers a different sum appropriate) the local authority shall allow in assessing a person's ability to pay for accommodation is increased from £3.50 to £3.90 but if the person is one to whom there is payable attendance allowance under the Social Security Act 1975 or constant attendance allowance under any Personal Injuries Scheme, Service Pensions Instrument or any 1914–18 War Injuries Scheme, the weekly sum for personal requirements shall be increased by that amount.

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