STATUTORY INSTRUMENTS

1981 No. 1227 (S. 127)

NATIONAL ASSISTANCE SERVICES

The National Assistance (Charges for Accommodation) (Scotland) Regulations 1981

Made - - -	*18th August* 1981
Laid before Parliament	*7th September* 1981
Coming into Operation	*23rd November* 1981

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 1981, and shall come into operation on 23rd November 1981.

Interpretation

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

"the Act" means the National Assistance Act 1948;

"Personal Injuries Scheme", "Service Pensions Instrument" and "1914-18 War Injuries Scheme" have the same meanings as in the Social Security (Overlapping Benefits) Regulations 1979(**c**).

Revocation of existing regulations

3. The National Assistance (Charges for Accommodation) (Scotland) Regulations 1980(**d**) are hereby revoked.

Prescription of minimum charges

4. For the purposes of section 22(3) of the Act (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 £23·70 per week.

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 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 11 years of age, the sum of £7·90 per week;

(*b*) in respect of a child aged 11 years or over but less than 16 years, the sum of £11.90 per week.

(**a**) 1948 c. 29. (**b**) 1968 c. 49.
(**c**) S.I. 1979/597, as amended by S.I. 1980/1927. (**d**) S.I. 1980/1301.

Prescription of sum needed for personal requirements

6. For the purposes of section 22(4) of the Act 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 £5·90 per week:

Provided that if that person is someone to whom there is payable attendance allowance under the provisions of section 35 of the Social Security Act 1975(**a**) 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.

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
18th August 1981.

EXPLANATORY NOTE

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

These Regulations replace the National Assistance (Charges for Accommodation) (Scotland) Regulations 1980. They prescribe an increased 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) and increased minimum weekly amounts required to be paid for that accommodation in respect of a child accompanying such a person according to whether the child is under the age of 11 or between the ages of 11 and 16. The Regulations also increase the weekly sum which, in assessing a person's liability to pay for such accommodation, a local authority is, in the absence of special circumstances, to assume will be needed for personal requirements.

(**a**) 1975 c. 14.

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