STATUTORY INSTRUMENTS

1987 No. 364 (S. 27)

NATIONAL ASSISTANCE SERVICES

The National Assistance (Charges for Accommodation) (Scotland) Regulations 1987

Made - - - -	*3rd March 198*
Laid before Parliament	*16th March 1987*
Coming into force	*6th April 1987*

The Secretary of State, in exercise of the powers conferred on him by section 22(3) and (4) of the National Assistance Act 1948(**a**), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Assistance (Charges for Accommodation) (Scotland) Regulations 1987 and shall come into force on 6th April 1987.

(2) These Regulations shall extend to Scotland only.

(3) In these Regulations–

"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(**b**);

a reference to a section of the Act is a reference to the section as applied by section 87(3) of the Social Work (Scotland) Act 1968(**c**) for the purposes of accommodation provided under that Act.

Revocation

2. The National Assistance (Charges for Accommodation) (Scotland) Regulations 1986(**d**) are hereby revoked.

Minimum charges

3.—(1) The liability of a person under section 22(3) of the Act (rate of liability to pay for accommodation provided under Part III of the Act) to pay for accommodation provided for him in premises managed by a local authority, or by an organisation with which arrangements have been made under section 26(1) of the Act, shall in no case be reduced below the sum of £31.60 per week.

(2) Where accommodation is provided for a child accompanied by a person over the age of 16, the liability of that person under section 22(3) and (7) of the Act to pay for the

(**a**) 1948 c.29; section 22(3) and (4) is applied by section 26(3) of that Act; section 22(3) and (4) and section 26(3) are applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968 (c.49).
(**b**) S.I. 1979/597; relevant amending instrument is S.I. 1980/1927.
(**c**) 1968 c.49; section 87(3) was amended by the Social Security Act 1980 (c.30), Schedule 4, paragraph 5(1), and by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 20(2).
(**d**) S.I. 1986/1050.

accommodation of that child shall in no case be reduced below whichever of the following sums is appropriate, that is to say–

(a) in respect of a child under the age of 11, the sum of £10.40 per week;

(b) in respect of a child aged 11 years or over but under the age of 16, the sum of £15.60 per week.

Sum needed for personal requirements

4. The sum which a local authority shall under section 22(4) of the Act assume that a person needs for his personal requirements shall be £7.90 per week except that, where 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 said sum of £7.90 shall in respect of each week there is payable attendance allowance or constant attendance allowance be increased by the amount of such allowance.

New St. Andrew's House, Edinburgh
3rd March 1987

Glenarthur
Minister of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the National Assistance (Charges for Accommodation) (Scotland) Regulations 1986.

They increase from £30.95 to £31.60 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). They also increase the minimum weekly amount payable for that accommodation in respect of a child accompanying such a person, from £10.20 to £10.40 where the child is under the age of 11, and from £15.30 to £15.60 where he is between the ages of 11 and 16.

The Regulations also increase from £7.75 to £7.90 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; in section 35, subsections (2)(b), (3) and (4)(a) were amended, and subsections (2A) and (5A) inserted, by the Social Security Act 1979 (c.18), section 2; subsection (4A) was inserted by the Social Security Act 1980 (c.30), Schedule 1, paragraph 8; and subsection (6)(a) was amended by the National Health Service Act 1977 (c.49), Schedule 15, paragraph 63.

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