SCOTTISH STATUTORY INSTRUMENTS

2012 No. 67

NATIONAL ASSISTANCE SERVICES

The National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2012

Made - - - -	*28th February 2012*
Laid before the Scottish Parliament	*1st March 2012*
Coming into force - -	*9th April 2012*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 22(4) 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 (Sums for Personal Requirements) (Scotland) Regulations 2012 and come into force on 9th April 2012.

(2) These Regulations extend to Scotland only.

Sum needed for personal requirements

2. For the purposes of section 22(4) of the National Assistance Act 1948, as applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968 (the amount which a local authority shall assume that a person will need for their personal requirements per week), the amount prescribed is £23.50.

(**a**) 1948 c.29 (11 and 12 Geo. 6). Section 64(1) of the National Assistance Act 1948 contains a definition of "prescribed" relevant to the exercise of the statutory powers under which these Regulations are made. Section 87(4) of the Social Work (Scotland) Act 1968 (c.49) substitutes the term "Secretary of State" for the term "Minister". 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 the Social Security Act 1980 (c.30), Schedule 4, paragraph 5(1); the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 20(2); the Social Security Act 1986 (c.50), Schedule 10, paragraph 41(2); the National Health Service and Community Care Act 1990 (c.19) ("the 1990 Act"), Schedule 9, paragraph 10(13); the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) ("the 2003 Act"), section 28(1) and by the Adult Support and Protection (Scotland) Act 2007 (asp 10), section 62(2). Section 87(4) of the 1968 Act was amended by the 1990 Act, Schedule 9, paragraph 10(13) and by the 2003 Act, section 28(1). 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 National Assistance Act 1948.

Revocation

3. The National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2011(**a**) are revoked.

NICOLA STURGEON
A member of the Scottish Executive

St Andrew's House,
Edinburgh
28th February 2012

(**a**) S.S.I. 2011/123.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 22(4) of the National Assistance Act 1948 as applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968 ("the 1968 Act") requires a local authority to assume in assessing a person's liability to pay for accommodation provided under the 1968 Act or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003 that they will need for their personal requirements such sum per week as may be prescribed by regulations.

These Regulations prescribe the sum which will be £23.50 per week.

These Regulations revoke the National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2011 which prescribed £22.60 as the sum persons were assumed to need for personal requirements per week for the year commencing 11th April 2011.

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