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STATUTORY INSTRUMENTS

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**1992 No. 700 (S.70)**

**NATIONAL ASSISTANCE SERVICES**

**The National Assistance (Charges for Accommodation) (Scotland) Regulations 1992**

<i>Made</i>	- - - -	<i>10th March 1992</i>
<i>Laid before Parliament</i>		<i>13th March 1992</i>
<i>Coming into force</i>	- -	<i>6th April 1992</i>

The Secretary of State, in exercise of the powers conferred on him by sections 22(3) and (4) and 64(1) of the National Assistance Act 1948(1), 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 1992 and shall come into force on 6th April 1992.

(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 “1914-1918 War Injuries Scheme” have the same meanings as in the Social Security (Overlapping Benefits) Regulations 1979(2);

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(3) for the purposes of accommodation provided under that Act or under section 7 of the Mental Health (Scotland) Act 1984(4).

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(1) 1948 c. 29; section 22(3) and (4) is applied by section 26(3) of that Act; section 22(3) was amended by the Supplementary Benefits Act 1976 (c. 71), Schedule 7, paragraph 3(a) and by the Social Security Act 1986 (c. 50), Schedule 10, paragraph 32(1); 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); section 64(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) S.I. 1979/597; the relevant amending instrument is S.I. 1980/1927.

(3) 1968 c. 49; section 87(3) was amended by the Social Security Act 1980 (c. 30), Schedule 4, paragraph 5(1), by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 20(2), by the Social Security Act 1986 (c. 50), Schedule 10, paragraph 41(2) and by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 10(13)(c).

(4) 1984 c. 36.

## Revocation

2. The National Assistance (Charges for Accommodation) (Scotland) Regulations 1991(5) are hereby revoked.

## Minimum charges

3.—(1) Subject to paragraph (2), the liability of a person under section 22(3) of the Act (minimum liability in respect of accommodation) to pay for accommodation provided for him shall in no case be reduced below the sum of £43.30 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 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 £14.55 per week;
- (b) in respect of a child aged 11 years or over but under the age of 16, the sum of £21.40 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 £10.85 per week except that, where that person is someone to whom there is payable—

- (a) attendance allowance under the provisions of section 35 of the Social Security Act 1975(6);
- (b) constant attendance allowance under any Personal Injuries Scheme, Service Pensions Instrument or any 1914-18 War Injuries Scheme; or
- (c) disability living allowance by virtue of entitlement to the care component under section 37ZB of the Social Security Act 1975(7),

that sum shall be increased by the amount of the allowance for each week the allowance is payable.

St. Andrew's House,  
Edinburgh  
10th March 1992

*Michael B. Forsyth*  
Minister of State, Scottish Office

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(5) S.I. 1991/686.

(6) 1975 c. 14; in section 35, subsection (6)(a) was amended by paragraph 63 of Schedule 15 to the National Health Service Act 1977 (c. 49); subsections (2)(b) and (4)(a) were amended, and subsections (2A) and (5A) were inserted, by section 2 of the Social Security Act 1979 (c. 18); subsection (4A) was inserted by paragraph 8 of Schedule 1 to the Social Security Act 1980 (c. 30); subsection (1)(b) was substituted by section 1(1) of the Social Security Act 1988 (c. 7); subsections (2), (4) and (4A) were amended by paragraph 5 of Schedule 8 to the Social Security Act 1989 (c. 24); subsections (2B) and (2C) were inserted, and subsection (4) was amended, by section 1 of the Social Security Act 1990 (c. 27); and subsections (1), (2), (2B)(a)(i), (2B)(b), (4), (4A), and (6)(b) were amended, subsection (3) was substituted, and subsections (4)(b) and (5) were repealed, by section 2(1) of and Schedules 2 and 4 to the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21); see the Disability Living Allowance and Disability Working Allowance Act 1991 (Commencement No. 2) Order 1991 (S.I. 1991/2617).

(7) 1975 c. 14; section 37ZB was inserted by section 1(2) of the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations replace, with effect from 6th April 1992, the National Assistance (Charges for Accommodation) (Scotland) Regulations 1991.

They increase from £41.60 to £43.30 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) (regulation 3(1)). This applies both to accommodation in premises managed by a local authority and (by virtue of section 26(3) of the 1948 Act) to accommodation provided by other persons under arrangements made by the local authority. They also increase the minimum weekly amount payable for that accommodation in respect of a child accompanying such a person, from £13.35 to £14.55 where the child is under the age of 11, and from £19.75 to £21.40 in respect of a child aged 11 years or over but under the age of 16 (regulation 3(2)).

The Regulations also increase from £10.40 to £10.85 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 (in addition to the amount of attendance allowance, constant attendance allowance or the care component of disability living allowance paid, where this is payable) (regulation 4).

Accommodation provided under section 7 of the Mental Health (Scotland) Act 1984 has, since 1st April 1991, also been treated for purposes of charges as accommodation provided under Part III of the National Assistance Act 1948. (Section 87(3) of the Social Work (Scotland) Act 1968 as amended by paragraph 10(13)(c) of Schedule 9 to the National Health Service and Community Care Act 1990 provides for this.) The provisions of these Regulations therefore apply to that accommodation also.