2007 No. 103

NATIONAL ASSISTANCE SERVICES

The National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2007

Made - - - -		*21st February 2007*
Laid before the Scottish Parliament		*22nd February 2007*
Coming into force - -		*9th April 2007*

The Scottish Ministers, 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 of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2007 and shall come into force on 9th April 2007.

(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 his or her personal requirements per week), the amount prescribed is £20.45(**c**).

(**a**) 1948 c.29; section 64(1) of the National Assistance Act 1948 defines the term "prescribed"; section 87(4) of the Social Work (Scotland) Act 1968 (c.49) ("the 1968 Act") substitutes the term "Secretary of State" for the term "Minister". The functions of the Secretary of State so far as they are exercisable in Scotland were transferred to the Scottish Ministers by virtue of 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) and by the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) ("the 2003 Act"), section 28(1). 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 (c.29).

(**c**) The previous sum was £19.60, provided for by the National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2006 (S.S.I. 2006/114), which are revoked by these Regulations.

Revocation

3. The National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2006(**a**) are revoked.

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
21st February 2007

(**a**) S.S.I. 2006/114.

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 he or she will need for his or her personal requirements such sum per week as may be prescribed by regulations.

These Regulations prescribe that from 9th April 2007 that sum will be £20.45 per week.

These Regulations revoke the National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2006 (S.S.I. 2006/114) which previously provided as £19.60 the sum persons were assumed to need from 10th April 2006.

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