

2008 No. 13

NATIONAL ASSISTANCE SERVICES

**The National Assistance (Assessment of Resources) Amendment
(Scotland) Regulations 2008**

Made - - - - - *21st January 2008*

Laid before the Scottish Parliament *23rd January 2008*

Coming into force - - - *7th April 2008*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 22(5) 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, interpretation and extent

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2008 and come into force on 7th April 2008.

(2) In these Regulations, “the principal Regulations” means the National Assistance (Assessment of Resources) Regulations 1992(c).

(3) These Regulations extend to Scotland only.

Amendment to regulation 20 of the principal Regulations

2. In regulation 20 of the principal Regulations (capital limit) for “£20,750” substitute “£21,500”(d).

Amendment to regulation 28 of the principal Regulations

3. In regulation 28(1) of the principal Regulations (calculation of tariff income from capital)(e)—

(a) for “£12,500” (both times it appears) substitute “£13,000”; and

(a) 1948 c.29. Section 22(5) was relevantly amended by the Social Security Act 1980 (c.30), Schedule 4, paragraph 2(1). 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 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) S.I. 1992/2977 (“the principal Regulations”); relevantly amended by S.I. 1996/602 and 1997/485, and by S.S.I. 2001/105 and 138, 2003/425, 2004/103, 2005/82, 2006/113 and 2007/102.

(d) Regulation 20 of the principal Regulations was amended by S.I. 1996/602 and S.S.I. 2001/105 and 138, 2004/103, 2005/82, 2006/113 and 2007/102.

(e) Regulation 28 of the principal Regulations was amended by S.I. 1996/602 and S.S.I. 2001/105 and 138, 2004/103, 2005/82, 2006/113 and 2007/102.

(b) for “£20,750” substitute “£21,500”.

Amendment to Schedule 3 to the principal Regulations

4. In paragraph 28G of Part I of Schedule 3 to the principal Regulations (disregard of savings credit)(a)–

- (a) in sub-paragraphs (1) and (2) for “£5.25” (each time it appears) substitute “£5.45”; and
- (b) in sub-paragraphs (3) and (4) for “£7.85” (each time it appears) substitute “£8.15”.

Revocation

5. Regulations 2, 3 and 4(3) of the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2007(b) are revoked.

St Andrew’s House,
Edinburgh
21st January 2008

S ROBISON
Authorised to sign by the Scottish Ministers

(a) Paragraph 28G of Schedule 3 to the principal Regulations was inserted by S.S.I. 2003/425 and amended by S.S.I. 2004/103, 2005/82, 2006/113 and 2007/102. The previous amounts were set by S.S.I. 2007/102.
(b) S.S.I. 2007/102.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Assistance (Assessment of Resources) Regulations 1992 (“the principal Regulations”). The principal Regulations concern the assessment of a person’s liability to pay for accommodation provided under the Social Work (Scotland) Act 1968 (“the 1968 Act”). By virtue of section 87(3) of the 1968 Act, accommodation provided under the 1968 Act or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) shall be regarded as accommodation provided under Part III of the National Assistance Act 1948.

Regulation 2 amends the principal Regulations so that the capital limit set out in regulation 20 is increased from £20,750 to £21,500.

Regulation 3 amends the principal Regulations so that the capital limits set out in regulation 28(1) are increased from £12,500 and £20,750 to £13,000 and £21,500 respectively.

Regulation 4 provides for an increase to the amount set out in paragraph 28G of Schedule 3 to the principal Regulations which should be disregarded from the calculation of income other than earnings, in the financial assessment when a resident receives savings credit. The amount to be so disregarded is increased from £5.25 for single persons and £7.85 for couples, per week, to £5.45 and £8.15 respectively.

Regulation 5 revokes regulations 2 and 3 of the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2007 (“the 2007 Regulations”) which provided the previous capital limits set out in regulations 20 and 28(1) of the principal Regulations. It also revokes regulation 4(3) of the 2007 Regulations which provided the previous amounts disregarded from income as respects savings credit in paragraph 28G of Schedule 3 to the principal Regulations.

2008 No. 13

NATIONAL ASSISTANCE SERVICES

The National Assistance (Assessment of Resources) Amendment
(Scotland) Regulations 2008

£3.00

© Crown Copyright 2008

Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland