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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 124**

**NATIONAL ASSISTANCE SERVICES**

**The National Assistance (Assessment of Resources)  
Amendment (Scotland) Regulations 2011**

*Made* - - - - 18th February 2011  
*Laid before the Scottish  
Parliament* - - - - 22nd February 2011  
*Coming into force* - - 11th April 2011

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 22(5) of the National Assistance Act 1948(1), as applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968(2), 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 2011 and come into force on 11th April 2011.

(2) In these Regulations “the principal Regulations” means the National Assistance (Assessment of Resources) Regulations 1992(3).

(3) These Regulations extend to Scotland only.

**Amendment of regulation 20 of the principal Regulations**

2. In regulation 20 of the principal Regulations (capital limit)(4) for “£22,750” substitute “£23,500”.

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- (1) 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 exercisable within devolved competence were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46).
- (2) 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 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.
- (3) S.I. 1992/2977.
- (4) Regulation 20 was relevantly amended by S.I. 1996/602 and S.S.I. 2001/105 and 138, 2004/103, 2005/82, 2006/113, 2007/102, 2008/13, 2009/72 and 2010/73.

### **Amendment of regulation 28 of the principal Regulations**

3. In regulation 28(1) of the principal Regulations (calculation of tariff income from capital)(5)—
- (a) for “£14,000” (in each place it appears) substitute “£14,500”; and
  - (b) for “£22,750” substitute “£23,500”.

### **Amendment of Schedule 3 to the principal Regulations**

4. In paragraph 28G of Part I of Schedule 3 to the principal Regulations (disregard of savings credit)(6)—
- (a) in sub-paragraphs (1) and (2) for “£5.75” (in each place it appears) substitute “£5.80”; and
  - (b) in sub-paragraphs (3) and (4) for “£8.60” (in each place it appears) substitute “£8.70”.

### **Revocations**

5. The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2010(7) are revoked.

St Andrew’s House,  
Edinburgh  
18th February 2011

*SHONA ROBISON*  
Authorised to sign by the Scottish Ministers

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(5) Regulation 28 was relevantly amended by S.I. 1996/602 and S.S.I. 2001/105 and 138, 2004/103, 2005/82, 2006/113, 2007/102, 2008/13, 2009/72 and 2010/73.

(6) Paragraph 28G of Schedule 3 was inserted by S.S.I. 2003/425 and amended by S.S.I. 2004/103, 2005/82, 2006/113, 2007/102, 2008/13 and 2009/72. The previous amounts were set by S.S.I. 2010/73.

(7) S.S.I. 2010/73.

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## 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 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 £22,750 to £23,500.

Regulation 3 amends the principal Regulations so that the capital limits set out in regulation 28(1) are increased from £14,000 and £22,750 to £14,500 and £23,500 respectively.

Regulation 4 provides for an increase to the amount set out in paragraph 28G of Schedule 3 to the principal Regulations. This is the amount to be disregarded from the calculation of income other than earnings, in the financial assessment when a resident receives savings credit. The amount to be disregarded is increased from £5.75 for single persons and £8.60 for couples, per week, to £5.80 and £8.70 respectively.

Regulation 5 revokes the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2010 which provided the previous capital limits set out in regulations 20 and 28(1) of the principal Regulations and the previous amounts disregarded from income as regards savings credit in paragraph 28G of Schedule 3 to the principal Regulations.