

2016 No. 80

NATIONAL ASSISTANCE SERVICES

**The National Assistance (Assessment of Resources) Amendment
(Scotland) (No. 2) Regulations 2016**

Made - - - - - *2nd February 2016*

Laid before the Scottish Parliament *4th February 2016*

Coming into force in accordance with regulation 1

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 and extent

- 1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) Amendment (Scotland) (No. 2) Regulations 2016.
- (2) Subject to paragraph (3), these Regulations come into force on 3rd April 2016.
- (3) Regulations 2 and 3(2) come into force on 11th April 2016.
- (4) These Regulations extend to Scotland only.

Amendment of Schedule 3 to the National Assistance (Assessment of Resources) Regulations 1992

2. In paragraph 28G of Part 1 of Schedule 3 to the National Assistance (Assessment of Resources) Regulations 1992(c) (disregard of savings credit)—
- (a) in sub-paragraphs (1) and (2), for “£6.00” (in each place it appears) substitute “£6.15”;
and
- (b) in sub-paragraphs (3) and (4), for “£9.00” (in each place it appears) substitute “£9.25”.

(a) 1948 c.29 (11 and 12 Geo.6) (“the 1948 Act”). 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).

(b) 1968 c.49 (“the 1968 Act”). Section 87(3) of the 1968 Act was amended by section 28(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) (“the 2003 Act”) and by section 62(2) of the Adult Support and Protection (Scotland) Act 2007 (asp 10). Section 87(4) of the 1968 Act was amended by section 28(1) of the 2003 Act. 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 1948 Act and sections 22(2) to (8) and 26(2) to (4) of the 1948 Act are applied accordingly.

(c) S.I. 1992/2977; paragraph 28G as it relates to Scotland was inserted by S.S.I. 2003/425 and amended most recently by S.S.I. 2015/64.

Revocation

3.—(1) The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2016^(a) are revoked.

(2) Regulation 4 of the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2015^(b) is revoked.

St Andrew's House,
Edinburgh
2nd February 2016

SHONA ROBISON
A member of the Scottish Government

(a) S.S.I. 2016/25.
(b) S.S.I. 2015/64.

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 is to be regarded as accommodation provided under Part III of the National Assistance Act 1948.

Regulation 2 amends the principal Regulations so that the amounts of savings credit to be disregarded from income in accordance with paragraph 28G of Schedule 3 are increased from £6.00 and £9.00 to £6.15 and £9.25 respectively from 11th April 2016.

Regulation 3(1) revokes the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2016 (S.S.I. 2016/25).

Regulation 3(2) revokes regulation 4 of the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2015 which provided the equivalent sums for the year beginning 6th April 2015.

No Business and Regulatory Impact Assessment has been prepared in respect of these Regulations on the basis that there is no foreseeable impact on business, charities or voluntary bodies.

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