

SCOTTISH STATUTORY INSTRUMENTS

**2020 No. 54**

**NATIONAL ASSISTANCE SERVICES**

**The National Assistance (Assessment of Resources)  
Amendment (Scotland) Regulations 2020**

*Made* - - - - 20th February 2020  
*Laid before the Scottish  
Parliament* - - - - 24th February 2020  
*Coming into force* - - 6th April 2020

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 22(5) of the National Assistance Act 1948 <sup>M1</sup>, as applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968 <sup>M2</sup>, and all other powers enabling them to do so.

**Marginal Citations**

- M1** 1948 c.29 (11 & 12 Geo.6) (“the 1948 Act”). Section 22(5) was relevantly amended by paragraph 2(1) of schedule 4 of the [Social Security Act 1980 \(c.30\)](#). 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 \(c.46\)](#).
- M2** 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.

**Citation, commencement, interpretation and extent**

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2020 and come into force on 6 April 2020.

(2) In these Regulations “the principal Regulations” means the National Assistance (Assessment of Resources) Regulations 1992 <sup>M3</sup>.

(3) These Regulations extend to Scotland only.

*Changes to legislation: There are currently no known outstanding effects for the The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2020. (See end of Document for details)*

**Commencement Information**

**I1** [Reg. 1](#) in force at 6.4.2020, see [reg. 1\(1\)](#)

**Marginal Citations**

**M3** [S.I. 1992/2977](#).

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

<sup>F1</sup>**2.** .....

**Textual Amendments**

**F1** [Reg. 2](#) revoked (12.4.2021) by [The National Assistance \(Assessment of Resources\) Amendment \(Scotland\) Regulations 2021 \(S.S.I. 2021/77\)](#), regs. 1(1), **5** (as amended by [S.S.I. 2021/115](#), [reg. 2\(2\)](#))

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

**3.** In regulation 28(1) of the principal Regulations (calculation of income from capital) <sup>M4</sup>—

<sup>F2</sup>(a) .....

<sup>F3</sup>(b) .....

**Textual Amendments**

**F2** [Reg. 3\(a\)](#) revoked (11.4.2022) by [The National Assistance \(Assessment of Resources\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/71\)](#), regs. 1(1), **5(a)**

**F3** [Reg. 3\(b\)](#) revoked (12.4.2021) by [The National Assistance \(Assessment of Resources\) Amendment \(Scotland\) Regulations 2021 \(S.S.I. 2021/77\)](#), regs. 1(1), **5** (as amended by [S.S.I. 2021/115](#), [reg. 2\(2\)](#))

**Commencement Information**

**I2** [Reg. 3](#) in force at 6.4.2020, see [reg. 1\(1\)](#)

**Marginal Citations**

**M4** [Regulation 28](#) as it relates to Scotland was relevantly amended by [S.I. 1996/602](#) and by [S.S.I. 2019/12](#).

**Amendment of schedule 3 of the principal Regulations**

<sup>F4</sup>**4.** .....

**Textual Amendments**

**F4** [Reg. 4](#) revoked (12.4.2021) by [The National Assistance \(Assessment of Resources\) Amendment \(Scotland\) Regulations 2021 \(S.S.I. 2021/77\)](#), regs. 1(1), **5** (as amended by [S.S.I. 2021/115](#), [reg. 2\(2\)](#))

**Revocation**

**5.** The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2019 <sup>M5</sup> are revoked.

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**Changes to legislation:** There are currently no known outstanding effects for the The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2020. (See end of Document for details)

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**Commencement Information**

**I3** [Reg. 5](#) in force at 6.4.2020, see [reg. 1\(1\)](#)

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**Marginal Citations**

**M5** [S.S.I. 2019/12](#).

St Andrew's House,  
Edinburgh

*JEANE FREEMAN*  
A member of the Scottish Government

**Changes to legislation:** There are currently no known outstanding effects for the The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2020. (See end of Document for details)

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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 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 capital limit set out in regulation 20 is increased from £28,000 to £28,500.

Regulation 3 amends the principal Regulations so that the capital limits set out in regulation 28(1) are increased from £17,500 and £28,000 to £18,000 and £28,500 respectively.

Regulation 4 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 £6.50 and £9.70 to £6.75 and £10.05 respectively.

Regulation 5 revokes the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2019.

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.

**Changes to legislation:**

There are currently no known outstanding effects for the The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2020.