

2021 No. 115

NATIONAL ASSISTANCE SERVICES

**The National Assistance (Assessment of Resources and Sums
for Personal Requirements) Amendment (Scotland) Regulations
2021**

Made - - - - at 12.45 p.m. on 3rd March 2021

Laid before the Scottish Parliament at 4.30 p.m. on 3rd March 2021

Coming into force - - - - 5th April 2021

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 22(4) and (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 and Sums for Personal Requirements) Amendment (Scotland) Regulations 2021 and come into force on 5 April 2021.

(2) These Regulations extend to Scotland only.

Amendment of the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2021

2.—(1) The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2021(c) are amended as follows.

(2) In regulation 1(1) (citation, commencement, interpretation and extent), for “6 April 2021” substitute “12 April 2021”.

Amendment of the National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2021

3.—(1) The National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2021(d), are amended as follows.

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- (a) 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).
- (b) 1968 c.49 (“the 1968 Act”). Section 87(3) of the 1968 Act was relevantly 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.
- (c) S.S.I. 2021/77.
- (d) S.S.I. 2021/76.

(2) In regulation 1(1) (citation, commencement and extent), for “6 April 2021” substitute “12 April 2021”.

CLARE HAUGHEY

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
At 12.45 p.m. on 3rd March 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2021 (“the Assessment Regulations”) and the National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2021 (“the Personal Requirements Regulations”) which concern various monetary limits and amounts associated with the assessment of a person’s liability to pay for accommodation provided under the Social Work (Scotland) Act 1968.

Regulation 2 substitutes the coming into force date of 6 April 2021 in the Assessment Regulations for 12 April 2021.

Regulation 3 substitutes the coming into force date of 6 April 2021 in the Personal Requirements Regulations for 12 April 2021.

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.

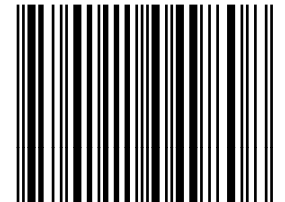
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