SCOTTISH STATUTORY INSTRUMENTS

2004 No. 389

NATIONAL ASSISTANCE SERVICES

The National Assistance (Assessment of Resources) Amendment (No. 2) (Scotland) Regulations 2004

Made - - - -	*8th September 2004*
Laid before the Scottish Parliament - - - -	*10th September 2004*
Coming into force - -	*4th October 2004*

The Scottish Ministers, in exercise of the powers conferred by section 22(5) of the National Assistance Act 1948(**1**) (including that provision as applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968(**2**)), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) Amendment (No. 2) (Scotland) Regulations 2004 and shall come into force on 4th October 2004.

(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 Schedule 3 to the principal Regulations

2. In Schedule 3 to the principal Regulations (sums to be disregarded in the calculation of income other than earnings) after paragraph 28I(**4**) insert–

(**1**) 1948 c. 29. Section 22(5) was amended by the Ministry of Social Security Act 1966 (c. 20), section 39(1) and Schedule 6, paragraph 6, the Supplementary Benefits Act 1976 (c. 71), section 35(2) and Schedule 7, paragraph 3(b), the Social Security Act 1980 (c. 30), section 20 and Schedule 4, paragraph 2, and the Social Security Act 1986 (c. 50), section 86 and Schedule 10, paragraph 32. 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).

(**2**) 1968 c. 49. Section 87(3) was amended by the Social Security Act 1980 (c. 30), Schedule 4, paragraph 5; the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 20, the Social Security Act 1986 (c. 50), Schedule 10, paragraph 41 and the National Health Service and Community Care Act 1990 (c. 19), section 66 and Schedule 9, paragraph 10(13). By virtue of section 87(3), accommodation provided under that Act or under section 7 of the Mental Health (Scotland) Act 1984 (c. 36) is regarded as accommodation provided under Part III of the National Assistance Act 1948.

(**3**) S.I. 1992/2977 ("the principal Regulations").

(**4**) Paragraph 28I was inserted into the principal Regulations by S.S.I. 2003/577.