

2010 No.799 (W.79)

**NATIONAL ASSISTANCE
SERVICES, WALES**

The National Assistance
(Assessment of Resources and
Sums for Personal Requirements)
(Amendment) (Wales) Regulations
2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, amend the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2009 (“the Personal Requirements Regulations”) and the National Assistance (Assessment of Resources) Regulations 1992 (“the Principal Regulations”). They come into force on 6 April 2010 for the purposes of regulation 6 and on 12 April 2010 for all other purposes.

Regulation 2 amends the sum needed for personal requirements so that the weekly sum that local authorities in Wales are to assume, in the absence of special requirements that residents in accommodation arranged under Part 3 of the National Assistance Act 1948 will need for their personal requirements is increased to £22.50 per week.

Regulations 3 and 4 revoke parts of the Personal Requirements Regulations and of the Principal Regulations. The effect of revocation of regulation 28A of the Principal Regulations is that the current system of calculating tariff income by having a lower and upper capital limit is abolished, so that there is now only one capital limit which remains at £22,000.

Regulation 5 provides for an increase to £5.75 (£8.60 if the resident has a partner) in the amount of any savings credit to be disregarded in accordance with

paragraph 28H of Schedule 3 to the Principal Regulations

Regulation 6 makes two further amendments to the Principal Regulations.

Paragraph (3) is a consequential amendment made as a result of amendments (“the amendments”) to the Income Support (General) Regulation 1987 which come into force on 6 April 2010. The earnings disregard for claimants in receipt of a disability premium is linked to retirement age and, prior to the amendments coming into force, ceased when the claimant reached the age of 60. As a result of the amendments, the age at which a disability premium is paid has changed so that entitlement will be aligned with the qualifying age for state pension credit. Regulation 6(3) makes the changes necessary to align the provisions.

Paragraph (5) amends the Principal Regulations so that the capital disregard for the value of premises occupied by a partner or a family member of a resident applies in relation to all partners (and not just those who are aged 60 or over or are incapacitated) and only in relation to other family members and relatives who are aged 60 or over or are incapacitated.

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The National Assistance
(Assessment of Resources and
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(Amendment) (Wales) Regulations
2010

Made 15 March 2010

Laid before the National Assembly for Wales
16 March 2010

Coming into force

For the purpose of regulation 6 6 April 2010

For all other purposes 12 April 2010

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by sections 22(4) and (5) of the National Assistance Act 1948⁽¹⁾ and now vested in them ⁽²⁾ hereby make the following regulations.

Title, commencement, interpretation and application

1.—(1) The title of these Regulations is The National Assistance (Assessment of Resources and

(1) 1948 c.29. See sections 35(1) and 64(1) of the National Assistance Act 1948 for the definitions of “the minister” and “prescribed” respectively and article 2 of the Secretary of State for Social Services Order 1968 (S.I. 1968/1699) which transferred all functions of the Minister of Health to the Secretary of State.

(2) The functions of the Secretary of State under sections 22(4) and (5) of the National Assistance Act 1948 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and transferred to the Welsh Ministers by paragraph 30 of Schedule 11 of the Government of Wales Act 2006.

Sums for Personal Requirements) (Amendment) (Wales) Regulations 2010.

- (2) These Regulations come into force on
- (a) 6 April 2010 for the purposes of regulation 6; and
 - (b) 12 April 2010 for all other purposes.

(3) In these Regulations, “the Principal Regulations” (“*y Prif Reoliadau*”) means the National Assistance (Assessment of Resources) Regulations 1992⁽¹⁾.

(4) These Regulations apply in relation to Wales.

Sums needed for personal requirements

2. The sum which a local authority assumes a person to need for his or her personal requirements under section 22(4) of the National Assistance Act 1948 is £22.50 per week.

Revocation

3. Regulations 2, 3, 4, 5 of the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2009⁽²⁾ are hereby revoked.

4. Regulation 28A of the Principal Regulations is hereby revoked.

Increase in amount of savings credit to be disregarded

5. – (1) The Principal Regulations are amended in accordance with the following paragraph.

In Schedule 3, paragraph 28H—

- (a) in sub-paragraphs (1) and (2) replace the figure “£5.65” with the figure “£5.75” at each place where it appears; and
- (b) in sub-paragraphs (3) and (4) replace the figure of “£8.45” with the figure “£8.60” in each place where it appears.

Other Amendments to the Principal Regulations

6.- (1) The Principal Regulations are further amended in accordance with the following paragraphs.

⁽¹⁾ S.I. 1992/2977 as amended by a series of subsequent instruments.
⁽²⁾ S.I. 2009/632 (W. 58)

(2) In regulation 2(1) (interpretation) after “prospective resident” insert-

““qualifying age”” has the same meaning as in section 1(6) of the State Pension Credit Act 2002(1);

“relative” has the same meaning as in the Income Support Regulations;”(2).

(3) In Schedule 2 (sums to be disregarded in the calculation of earnings), in sub-paragraph (2) of paragraph 3-

(a) in paragraph (b), for “the age of 60” substitute “the qualifying age” ; and

(b) in paragraph (c) for “the age of 60” in each place where it occurs, substitute “the qualifying age”.

(4) In Schedule 3 (sums to be disregarded in the calculation of income rather than earnings), in sub-paragraph (6) of Paragraph 28H, omit paragraph (b).

(5) In Schedule 4 (capital to be disregarded), in paragraph 2(3) for sub-paragraphs (1) and (2) substitute-

“(1) The value of any premises-

(a) which would be disregarded under paragraph 2 or 4(b) of Schedule 10 to the Income Support Regulations (premises acquired for occupation and premises occupied by a former partner); or

(b) occupied in whole or in part as their home by the resident’s-

(i) partner,

(ii) other family member or relative who is aged over 60 or over or is incapacitated, or

(iii) child”.

Gwenda Thomas

Deputy Minister for Social Services under the authority of the Minister for Health and Social Services, one of the Welsh Ministers

15 March 2010

(1) 2002 c.16

(2) A definition of “relative” in the same terms was inserted for Scotland only by S.S.I. 2009/381, regulation 2(1).

(3) Paragraph 2 was substituted by S.I. 1993/964 and amended by S.I. 2009/462.