

2011 No.708 (W.110)

**NATIONAL ASSISTANCE
SERVICES, WALES**

The National Assistance
(Assessment of Resources and
Sums for Personal Requirements)
(Amendment) (Wales) Regulations
2011

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 2010 (“the Personal Requirements Regulations”) and the National Assistance (Assessment of Resources) Regulations 1992 (“the Principal Regulations”). They come into force on 11 April 2011.

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 £23.00 per week.

Regulation 3 revokes part of the Personal Requirements Regulations.

Regulation 4 amends the Principal Regulations so that the capital limit set out in regulation 20A becomes £22,500 and makes clear that a resident may not be required to pay for, or contribute to the cost of, accommodation from capital where it falls below this amount.

Regulation 5 amends paragraphs 10, 30 and 31 of Schedule 3 to the Principal Regulations to provide that certain charitable and voluntary payments of income are to be disregarded in full in the calculation of income other than earnings. These amendments reflect amendments made to the Income Support (General)

Regulations 1987 (S.I. 1987/1967) (“the Income Support Regulations”). Regulation 6 amends Schedule 4 to the Principal Regulations to reflect amendments made to the Income Support Regulations dealing with funds to be disregarded when calculating a resident’s capital. Regulation 6(a) creates a disregard for any payment made in consequence of any personal injury to a resident for a period of up to 52 weeks from the day of receipt of the first payment except where that payment is specifically intended to cover the cost of care. Regulation 6(b) enables certain awards of damages to be disregarded where those awards are held subject to the order or direction of the court.

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(Assessment of Resources and
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2011**

Made *9 March 2011*

Laid before the National Assembly for Wales
10 March 2011

Coming into force *11 April 2011*

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by section 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 Sums for Personal Requirements) (Amendment) (Wales) Regulations 2011.

(2) These Regulations come into force on 11 April 2011.

(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 (c.32).

(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 £23.00 per week.

Revocation

3. Regulation 2 of the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2010⁽²⁾ is hereby revoked.

Amendment of regulation 20A of the Principal Regulations

4.—(1) In the Principal Regulations, in paragraph (2) of regulation 20A (Capital limit – Wales), replace the figure of “£22,000” with the figure “£22,500”.

(2) After paragraph (2) of regulation 20A insert the following paragraph —

“(3) No resident is liable to pay for accommodation, or contribute to the cost of accommodation, from capital where the resident’s capital, calculated in accordance with regulation 21, does not exceed the amount specified in paragraph (2).”.

Amendment of Schedule 3 to the Principal Regulations

5.—(1) In Part 1 of Schedule 3 to the Principal Regulations (sums to be disregarded in the calculation of income other than earnings), in paragraph 10(1), for “paragraphs 29 and 31, the amount specified in paragraph 15(1) of Schedule 9 to the Income Support Regulations (relevant payments) of”, substitute “paragraph 29”.

(2) In Part 2 of Schedule 3 to the Principal Regulations (special provisions relating to charitable or voluntary payments and certain pensions)—

(a) omit paragraph 30; and

(b) in paragraph 31, for “paragraphs 10(1) and 11” substitute “paragraph 11”.

(1) S.I. 1992/2977 as amended by a series of subsequent instruments.

(2) S.I. 2010/799 (W.79).

Amendment of Schedule 4 to the Principal Regulations

6. In Schedule 4 to the Principal Regulations (capital to be disregarded) —

(a) after paragraph 10 insert —

“(10A) Any amount which would be disregarded under paragraph 12A of Schedule 10 to the Income Support Regulations (personal injury payments) with the exception of any payment or any part of any payment that has been specifically identified by a court to deal with the cost of providing care.”; and

(b) for paragraph 19(1) substitute —

“Any amount which —

(a) falls within paragraph 44(2)(a), and would be disregarded under paragraph 44(1)(a) or (b), of Schedule 10 to the Income Support Regulations; or

(b) would be disregarded under paragraph 45(a) of that Schedule.”.

Gwenda Thomas

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

9 March 2011

(1) Paragraph 19 was inserted by S.I. 1998/497, regulation 3.