
STATUTORY INSTRUMENTS

2008 No. 593

NATIONAL ASSISTANCE SERVICES, ENGLAND

The National Assistance (Sums for Personal Requirements and Assessment of Resources) Amendment (England) Regulations 2008

<i>Made</i>	- - - -	<i>5th March 2008</i>
<i>Laid before Parliament</i>		<i>11th March 2008</i>
<i>Coming into force</i>	- -	<i>7th April 2008</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 22(4) of the National Assistance Act 1948(1) and now vested in him(2) and by section 22(5) of that Act(3):

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the National Assistance (Sums for Personal Requirements and Assessment of Resources) Amendment (England) Regulations 2008 and shall come into force on 7th April 2008.

(2) In these Regulations, the “Assessment Regulations” means the National Assistance (Assessment of Resources) Regulations 1992(4).

(3) These Regulations apply in relation to England only.

Amendment of regulation 2 of the National Assistance (Sums for Personal Requirements) (England) Regulations 2003

2. In regulation 2 (sum needed for personal requirements) of the National Assistance (Sums for Personal Requirements) (England) Regulations 2003(5), for “£20.45” substitute “£21.15”.

(1) 1948 c.29.
(2) See 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.
(3) Section 22(5) was amended by section 20 of, and paragraph 2(1) of Schedule 4 to, the Social Security Act 1980 (c.30) and section 86 of, and paragraph 32 of Schedule 10 to, the Social Security Act 1986 (c. 50).
(4) S.I. 1992/2977; relevant amending instruments are S.I. 1996/602, 1998/497, 2002/2531, 2003/2343 and 2007/725.
(5) S.I. 2003/628, amended by S.I. 2007/725.

Amendment of regulation 20 of the Assessment Regulations

3. In regulation 20 (capital limit) of the Assessment Regulations, for “£21,500” substitute “£22,250”.

Amendment of regulation 28 of the Assessment Regulations

4. In regulation 28(1) (calculation of tariff income from capital) of the Assessment Regulations—
- (a) for “£13,000”, in both places where it occurs, substitute “£13,500”; and
 - (b) for “£21,500” substitute “£22,250”.

Amendment of Schedule 3 to the Assessment Regulations

5.—(1) In Part 1 of Schedule 3 to the Assessment Regulations (sums to be disregarded in the calculation of income other than earnings)—

- (a) 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,”; and
- (b) in paragraph 28H(6)—
 - (i) in sub-paragraphs (1) and (2), for “£5.25”, in each place where it occurs, substitute “£5.45”, and
 - (ii) in sub-paragraphs (3) and (4), for “£7.85”, in each place where it occurs, substitute “£8.15”.

(2) In Part 2 of Schedule 3 to the Assessment 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”.

Amendment of Schedule 4 to the Assessment Regulations

6. In Schedule 4 to the Assessment 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(7), 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.”.

(6) Paragraph 28H was inserted by [S.I. 2003/2343](#) and amended by [S.I. 2007/725](#).

(7) Paragraph 19 was inserted by [S.I. 1998/497](#), regulation 3.

Signed by authority of the Secretary of State for Health.

5th March 2008

Ivan Lewis
Parliamentary Under Secretary of State,
Department of Health

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to England only, amend the National Assistance (Sums for Personal Requirements) (England) Regulations 2003 (“the Personal Requirements Regulations”) and the National Assistance (Assessment of Resources) Regulations 1992 (“the Assessment Regulations”).

Regulation 2 amends the Personal Requirements Regulations so that the weekly sum which local authorities in England are to assume, in the absence of special requirements, that residents in accommodation arranged under Part 3 of the National Assistance Act 1948 (“the 1948 Act”) will need for their personal requirements is £21.15.

Regulations 3 to 6 amend the Assessment Regulations, which concern the assessment of the liability of a person to pay for residential accommodation that is provided, or proposed to be provided, to him by a local authority under Part 3 of the 1948 Act.

Regulation 3 amends the Assessment Regulations so that the capital limit set out in regulation 20 becomes £22,250.

Regulation 4 amends the Assessment Regulations so that the capital limits set out in regulation 28(1) become £13,500 and £22,250.

Regulation 5(1)(b) provides for an increase to £5.45 (£8.15 if a resident has a partner) in the amount of any savings credit to be disregarded in accordance with paragraph 28H of Schedule 3 to the Assessment Regulations.

Regulations 5(1)(a) and (2) amend paragraphs 10, 30 and 31 of Schedule 3 to the Assessment Regulations in order to reflect amendments made to the Income Support (General) Regulations 1987 (S.I. 1987/1967) (“the Income Support Regulations”) by the Social Security (Miscellaneous Amendments) (No.4) Regulations 2006 (S.I. 2006/2378) (“the Social Security Regulations”), to provide that, as under the Income Support Regulations, certain charitable and voluntary payments of income are to be disregarded in full in the calculation of income other than earnings.

Regulation 6 amends Schedule 4 to the Assessment Regulations to reflect other amendments made to the Income Support Regulations by the Social Security Regulations. Regulation 6(a) creates, as under the Income Support Regulations, a disregard for any payment made in consequence of any personal injury to a claimant or his or her partner 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 awards of certain damages to be disregarded where those awards are held subject to the order or direction of the court.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.