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WELSH STATUTORY INSTRUMENTS

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**2007 No. 1041 (W.101)**

**NATIONAL ASSISTANCE SERVICES, WALES**

**The National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendments) (Wales) Regulations 2007**

*Made* - - - - 27 March 2007  
*Coming into force* - - 9 April 2007

The National Assembly for Wales, in exercise of the powers conferred upon the Secretary of State by sections 22(4) and (5) of the National Assistance Act 1948<sup>(1)</sup> and now vested in the National Assembly for Wales <sup>(2)</sup> hereby makes the following regulations.

**Citation, commencement, interpretation and application**

1.—(1) The name of these Regulations is The National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2007.

(2) These Regulations come into force on 9 April 2007.

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

(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<sup>(4)</sup> is £20.88 per week.

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(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).  
(3) S.I. 1992/2977 as amended by a series of subsequent instruments.  
(4) 1948 c. 29.

## **Revocation**

3. Regulations 2 and 3 of the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2006<sup>(5)</sup> are hereby revoked.

## **Amendment of Regulation 20A of the Principal Regulations**

4. In paragraph (2) of regulation 20A of the Principal Regulations (Capital limit — Wales) replace the figure “£21,500” with the figure “£22,000”.

## **Amendment of regulation 28A of the Principal Regulations**

5. In paragraph (2) of regulation 28A of the Principal Regulations (Calculation of tariff income from capital — Wales) —

- (a) replace the figure “£16,000” with the figure “£17,250” in both places where it appears; and
- (b) replace the figure “£21,500” with the figure “£22,000”.

## **Amendment of Schedule 3 to the Principal Regulations**

6.—(1) For paragraph 28A of Schedule 3 to the Principal Regulations substitute the following —

“**28A.**—(1) Any child benefit, except in circumstances where a resident is accompanied by the child or qualifying young person in respect of whom the child benefit is payable and accommodation is provided for that child or qualifying young person under Part 3 of the Act.

(2) In this paragraph, “child” and “qualifying young person” have the same meaning as in section 142 of the Contributions and Benefits Act.”.

(2) In paragraph 28H—

- (a) in sub-paragraphs (1) and (2) replace the figure “£5.05” with the figure “£5.25” at each place where it appears; and
- (b) in sub-paragraphs (3) and (4) replace the figure of “£7.50” with the figure “£7.85” in each place where it appears.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(6)</sup>.

27 March 2007

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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(5) S.I. 2006/1051

(6) 1998 c. 38.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations set the weekly sum which local authorities are to assume, in the absence of special circumstances, that residents who are in accommodation arranged under Part 3 of the National Assistance Act 1948 (“the Act”), will need for their personal requirements. From 9 April 2007 all such residents will be assumed to need £20.88 per week.

Secondly, these Regulations make further amendments to the National Assistance (Assessment of Resources) Regulations 1992 (“the Principal Regulations”).

The Principal Regulations determine the way that local authorities assess the ability of a person to pay for accommodation arranged for him or her under the Act.

The amendments provide for an increase in the capital limits, an increase in the amount of savings credit to be disregarded and for an amendment to the exemption which applies in relation to child benefit.