
STATUTORY INSTRUMENTS

1992 No. 563

NATIONAL ASSISTANCE SERVICES

**The National Assistance (Charges for
Accommodation) Regulations 1992**

<i>Made</i>	- - - -	<i>9th March 1992</i>
<i>Laid before Parliament</i>		<i>12th March 1992</i>
<i>Coming into force</i>	- -	<i>6th April 1992</i>

The Secretary of State for Health, in exercise of powers conferred by sections 22(3) and (4), 35(1) and 64(1) of the National Assistance Act 1948⁽¹⁾ and now vested in him⁽²⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Assistance (Charges for Accommodation) Regulations 1992 and shall come into force on 6th April 1992.

(2) In these Regulations—

“the Act” means the National Assistance Act 1948;

“Personal Injuries Scheme”, “Service Pensions Instrument” and “1914—18 War Injuries Scheme” have the same meanings as in the Social Security (Overlapping Benefits) Regulations 1979⁽³⁾.

Minimum charges

2. The liability of a person under section 22(3) of the Act (minimum liability in respect of accommodation) to pay for accommodation provided or proposed to be provided for him in premises managed by a local authority shall in no case be reduced below the sum of £43.30 per week.

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- (1) 1948 c. 29; section 22(3) was amended by paragraph 3(a) of Schedule 7 to the Supplementary Benefits Act 1976 (c. 71) and by paragraph 32(1) of Schedule 10 to the Social Security Act 1986 (c. 50); see also amendments made to section 21 of the National Assistance Act 1948 by paragraph 11 of Schedule 13 to the Children Act 1989 (c. 41). Sections 35(1) and 64(1) of the 1948 Act are cited for the definitions of “the Minister” and “prescribed” respectively.
- (2) See the Secretary of State for Social Services Order 1968 (S.I. 1968/1699), article 2, which transferred all functions of the Minister of Health to the Secretary of State. See also the Transfer of Functions (Health and Social Security) Order 1988 (S.I. 1988/1843).
- (3) S.I. 1979/597; the relevant amending instrument is S.I. 1980/1927.

Sum needed for personal requirements

3. The sum which under section 22(4) of the Act a local authority shall assume that a person will need for his personal requirements shall be £10.85 per week, except that in the case of a person to whom there is payable—

- (a) attendance allowance under the provisions of Section 35 of the Social Security Act 1975(4);
- (b) constant attendance allowance under any Personal Injuries Scheme; Service Pensions Instrument or any 1914—18 War Injuries Scheme, or
- (c) disability living allowance by virtue of entitlement to the care component under Section 37ZB of the Social Security Act 1975(5),

that sum shall be increased by the amount of the allowance for each week the allowance is payable.

Revocation

4. The National Assistance (Charges for Accommodation) Regulations 1989(6) and the National Assistance (Charges for Accommodation) Amendment Regulations 1991(7) are hereby revoked. Extent

5. These Regulations do not apply to Scotland.

Signed by authority of the Secretary of State for Health

Virginia Bottomley
Minister of State,
Department of Health

9th March 1992

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- (4) 1975 c. 14; in section 35, subsections (1), (2), (2B)(a)(i), (2B)(b), (4), (4A), and (6)(b) were amended, subsection (3) was substituted, and subsections (4)(b) and (5) were repealed, by section 2(1) of and Schedules 2 and 4 to the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21); subsection (1)(b) was substituted by section 1(1) of the Social Security Act 1988 (c. 7); subsections (2), (4) and (4A) were amended by paragraph 5 of Schedule 8 to the Social Security Act 1989 (c. 24); subsections (2)(b), and (4)(a) were amended, and subsections (2A) and (5A) were inserted, by section 2 of the Social Security Act 1979 (c. 18); subsections (2B) and (2C) were inserted, and subsection (4) was amended, by section 1 of the Social Security Act 1990 (c. 27); subsection (4A) was inserted by paragraph 8 of Schedule 1 to the Social Security Act 1980 (c. 30); and subsection (6)(a) was amended by paragraph 63 of Schedule 15 to the National Health Service Act 1977 (c. 49). See The Disability Living Allowance and Disability Working Allowance Act 1991 (Commencement No. 2) Order 1991 (S.I. 1991/2617).
 - (5) 1975 c. 14. Section 37ZB was inserted by section 1(2) of the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21).
 - (6) S.I. 1989/307; amended by S.I. 1991/437.
 - (7) S.I. 1991/437.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supersede, with effect from 6th April 1992 the National Assistance (Charges for Accommodation) Regulations 1989 and the National Assistance (Charges for Accommodation) Amendment Regulations 1991. The minimum weekly amount which a person is required to pay for accommodation provided under Part III of the National Assistance Act 1948 in premises managed by a local authority is increased from £41.60 to £43.30 (Regulation 2). The weekly sum which a local authority is, in the absence of special circumstances, to assume will be needed for personal requirements is increased from £10.40 to £10.85 (in addition to the amount of attendance allowance, constant attendance allowance or the care component of disability living allowance paid where this is payable) (Regulation 3).