
STATUTORY INSTRUMENTS

1994 No. 826

NATIONAL ASSISTANCE SERVICES

**The National Assistance (Sums for
Personal Requirements) Regulations 1994**

<i>Made</i>	- - - -	<i>21st March 1994</i>
<i>Laid before Parliament</i>		<i>21st March 1994</i>
<i>Coming into force</i>	- -	<i>11th April 1994</i>

In exercise of the powers conferred by sections 22(4), 35(1) and 64(1) of the National Assistance Act 1948⁽¹⁾ (including those provisions as applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968⁽²⁾) and as respects England and Wales now vested in me⁽³⁾, the powers conferred on me by section 22(4A) of the National Assistance Act 1948⁽⁴⁾ and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Assistance (Sums for Personal Requirements) Regulations 1994 and shall come into force on 11th April 1994.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the National Assistance Act 1948;

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992⁽⁵⁾;

“1914-18 War Injuries Scheme” has the same meaning as in the Social Security (Overlapping Benefits) Regulations 1979⁽⁶⁾;

“Personal Injuries Scheme” and “Service Pensions Instrument” have the same meanings as in the Social Security (Overlapping Benefits) Regulations 1979⁽⁷⁾.

(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.
(2) 1968 c. 49; section 87 was amended by paragraph 10(13) of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19).
(3) 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. See also the Transfer of Functions (Health and Social Security) Order 1988 (S.I. 1988/1843).
(4) Section 22(4A) was inserted into the 1948 Act by section 44(5) of the National Health Service and Community Care Act 1990.
(5) 1992 c. 4.
(6) S.I. 1979/597.
(7) S.I. 1979/597 as amended by regulation 2(b) of S.I. 1980/1927.

Sums needed for personal requirements

2.—(1) Subject to paragraph (2), 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 £13.10 per week.

(2) Paragraph (1) shall not apply to a person who, immediately before 11th April 1994, is a person to whom Part III of Schedule 1 to the National Assistance (Assessment of Resources) Regulations 1992⁽⁸⁾ applies and whom a local authority determines is at that time liable to pay for his accommodation a protected amount within the meaning of that Schedule.

(3) The sum which under section 22(4) of the Act a local authority shall assume that a person to whom paragraph (2) applies will need for his personal requirements shall be £13.10 per week, except that in the case of any such person to whom there is payable—

- (a) an attendance allowance by virtue of any entitlement thereto under section 64 of the Contributions and Benefits Act;
- (b) a constant attendance allowance under any Personal Injuries Scheme, Service Pensions Instrument or any 1914-18 War Injuries Scheme; or
- (c) the care component of a disability living allowance by virtue of any entitlement thereto under section 72 of the Contributions and Benefits Act,

that sum shall be increased by the amount per week which is payable in respect of that allowance or component, unless that amount is disregarded in an assessment of that person's income by virtue of regulation 15(2) of, and paragraph 6 of Schedule 3 to, the National Assistance (Assessment of Resources) Regulations 1992⁽⁸⁾.

Revocation

3. The National Assistance (Sums for Personal Requirements) Regulations 1993⁽⁹⁾ are hereby revoked.

Department of Health
21st March 1994

Virginia Bottomley
One of Her Majesty's Principal Secretaries of
State

⁽⁸⁾ S.I. [1992/2977](#) as amended by S.I. [1993/964](#).

⁽⁸⁾ S.I. [1992/2977](#) as amended by S.I. [1993/964](#).

⁽⁹⁾ S.I. [1993/462](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the weekly sums which local authorities are, in the absence of special circumstances, to assume that residents in accommodation arranged under Part III of the National Assistance Act 1948, the Social Work (Scotland) Act 1968 or section 7 of the Mental Health (Scotland) Act 1984 will need for their personal requirements.

From 11th April 1994, all residents will be assumed to need £13.10 per week for their personal requirements, and for residents required to pay a protected amount calculated in accordance with Part III of Schedule 1 to the National Assistance (Assessment of Resources) Regulations 1992 for the period immediately before 11th April there is added to the allowance of £13.10 any attendance allowance, constant attendance allowance or care component of any disability living allowance, unless that amount is otherwise disregarded (regulation 2).

These Regulations supersede the National Assistance (Sums for Personal Requirements) Regulations 1993 (which provided for the sum residents were assumed to need from 1st April 1993) which are revoked.