

2009 No. 597

NATIONAL ASSISTANCE SERVICES, ENGLAND

**The National Assistance (Sums for Personal Requirements and
Assessment of Resources) Amendment (England) Regulations
2009**

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| <i>Made</i> - - - - | <i>9th March 2009</i> |
| <i>Laid before Parliament</i> | <i>16th March 2009</i> |
| <i>Coming into force</i> - - | <i>6th April 2009</i> |

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by section 22(4) of the National Assistance Act 1948(a) and now vested in him(b) and by section 22(5) of that Act(c).

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 2009 and shall come into force on 6th April 2009.

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

(3) These Regulations apply in relation to England.

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

2. In regulation 2 of the National Assistance (Sums for Personal Requirements) (England) Regulations 2003(e) (sum needed for personal requirements), for “£21.15” substitute “£21.90”.

Amendment of regulation 20 of the Assessment Regulations

3. In regulation 20 of the Assessment Regulations (capital limit), for “£22,250” substitute “£23,000”.

(a) 1948 c.29.

(b) 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.

(c) Section 22(5) was amended by paragraph 2(1) of Schedule 4 to the Social Security Act 1980 (c.30) and by paragraph 32 of Schedule 10 to the Social Security Act 1986 (c.50).

(d) S.I. 1992/2977; relevant amending instruments are S.I. 1996/602, 2003/2343 and 2008/593.

(e) S.I. 2003/628, amended by S.I. 2008/593.

Amendment of regulation 28 of the Assessment Regulations

4. In regulation 28(1) of the Assessment Regulations (calculation of tariff income from capital)—

- (a) for “£13,500”, in both places where it occurs, substitute “£14,000”; and
- (b) for “£22,250” substitute “£23,000”.

Amendment of Schedule 3 to the Assessment Regulations

5. In Part 1 of Schedule 3 to the Assessment Regulations (sums to be disregarded in the calculation of income other than earnings), in paragraph 28H(a)—

- (a) in sub-paragraphs (1) and (2), for “£5.45”, in each place where it occurs, substitute “£5.65”; and
- (b) in sub-paragraphs (3) and (4), for “£8.15”, in each place where it occurs, substitute “£8.45”.

Signed by authority of the Secretary of State for Health.

9th March 2009

Phil Hope
Minister of State,
Department of Health

(a) Paragraph 28H was inserted by S.I. 2003/2343 and amended by S.I. 2007/725.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to England, 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 £21.90.

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 increases to £23,000.

Regulation 4 amends the Assessment Regulations so that the capital limits set out in regulation 28(1) increase to £14,000 and £23,000.

Regulation 5 provides for an increase to £5.65 (£8.45 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.

A full impact assessment has not been produced for this instrument as no impact on business, charities or voluntary bodies is foreseen.

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