
WELSH STATUTORY INSTRUMENTS

2009 No. 632 (W.58)

NATIONAL ASSISTANCE SERVICES, WALES

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

<i>Made</i>	- - - -	<i>11 March 2009</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>12 March 2009</i>
<i>Coming into force</i>	- -	<i>6 April 2009</i>

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by sections 22(4) and (5) of the National Assistance Act 1948(1) and now vested in them (2) hereby make the following regulations.

Title, commencement, interpretation and application

1.—(1) The title of these Regulations is The National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2009.

(2) These Regulations come into force on 6 April 2009.

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

(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(4) is £22.00 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) and transferred to the Welsh Ministers by paragraph 30 of Schedule 11 of the Government of Wales Act 2006.
- (3) S.I. 1992/2977 as amended by a series of subsequent instruments.
- (4) 1948 c. 29.

Revocation

3. Regulations 2, 3, 4, 5 of the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2008⁽⁵⁾ are hereby revoked.

Amendment of regulation 28A of the Principal Regulations

4. In paragraph (2) of regulation 28A of the Principal Regulations (Calculation of tariff income from capital — Wales) replace the figure “£19,000” with the figure “£20,750” in both places where it appears.

Amendment of Schedule 3 to the Principal Regulations

5. In paragraph 28H—

- (a) in sub-paragraphs (1) and (2) replace the figure “£5.45” with the figure “£5.65” at each place where it appears; and
- (b) in sub-paragraphs (3) and (4) replace the figure of “£8.15” with the figure “£8.45” in each place where it appears.

Amendment of Schedule 4 to the Principal Regulations

6. In Schedule 4 to the National Assistance (Assessment of Resources) Regulations 1992 (capital to be disregarded)—

- (a) in paragraph 2(2) for “whom the resident is liable to maintain by virtue of section 42(1) of the National Assistance Act 1948 (liability to maintain wife or husband and children).” substitute “of the resident”; and
- (b) after sub-paragraph (2) insert—
 - “(3) In this paragraph a reference to a child shall be construed in accordance with section 1 of the Family Law Reform Act 1987⁽⁶⁾.”.

11 March 2009

Gwenda Thomas
Under authority of the Minister for Health and
Social Services, one of the Welsh Ministers.

⁽⁵⁾ S.I. 2008/743.

⁽⁶⁾ 1987 (c. 42). Section 1 was amended by paragraph 24 of Schedule 6 to the Human Fertilisation and Embryology Act 2008 (c. 22) and by paragraph 51 of Schedule 3 to the Adoption and Children Act 2002 (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 6 April 2009 all such residents will be assumed to need £22.00 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 lower capital limit and an increase in the amount of savings credit to be disregarded.