
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, amend the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2009 (“the Personal Requirements Regulations”) and the National Assistance (Assessment of Resources) Regulations 1992 (“the Principal Regulations”). They come into force on 6 April 2010 for the purposes of regulation 6 and on 12 April 2010 for all other purposes.

Regulation 2 amends the sum needed for personal requirements so that the weekly sum that local authorities in Wales are to assume, in the absence of special requirements that residents in accommodation arranged under Part 3 of the National Assistance Act 1948 will need for their personal requirements is increased to £22.50 per week.

Regulations 3 and 4 revoke parts of the Personal Requirements Regulations and of the Principal Regulations. The effect of revocation of regulation 28A of the Principal Regulations is that the current system of calculating tariff income by having a lower and upper capital limit is abolished, so that there is now only one capital limit which remains at £22,000.

Regulation 5 provides for an increase to £5.75 (£8.60 if the resident has a partner) in the amount of any savings credit to be disregarded in accordance with paragraph 28H of Schedule 3 to the Principal Regulations

Regulation 6 makes two further amendments to the Principal Regulations.

Paragraph (3) is a consequential amendment made as a result of amendments (“the amendments”) to the Income Support (General) Regulation 1987 which come into force on 6 April 2010. The earnings disregard for claimants in receipt of a disability premium is linked to retirement age and, prior to the amendments coming into force, ceased when the claimant reached the age of 60. As a result of the amendments, the age at which a disability premium is paid has changed so that entitlement will be aligned with the qualifying age for state pension credit. Regulation 6(3) makes the changes necessary to align the provisions.

Paragraph (5) amends the Principal Regulations so that the capital disregard for the value of premises occupied by a partner or a family member of a resident applies in relation to all partners (and not just those who are aged 60 or over or are incapacitated) and only in relation to other family members and relatives who are aged 60 or over or are incapacitated.