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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply in relation to Wales, amend the National Assistance (Sums for Personal Requirements) (Assessment of Resources and Miscellaneous Amendments) (Wales) Regulations 2012 (“the 2012 Regulations”) by revoking regulation 2 of those Regulations and amend the National Assistance (Assessment of Resources) Regulations 1992 (“the Principal Regulations”). They come into force on 8 April 2013.

The Principal Regulations concern the assessment of the ability of a person to pay for accommodation arranged by local authorities under Part 3 of the National Assistance Act 1948.

Section 22(4) of the National Assistance Act 1948 (“the Act”) requires local authorities, in assessing a person’s ability to pay for accommodation under Part 3 of the Act, to assume, in the absence of special requirements, that a person requires a prescribed sum for their personal requirements per week. Regulation 2 prescribes £24.50 as the sum needed for personal requirements under section 22(4).

Regulation 3 revokes regulation 2 of the 2012 Regulations which previously prescribed the sum for personal requirements under section 22(4).

Regulation 4 amends the Principal Regulations to disregard the earnings of employed and self employed earners when calculating the amount a person is liable to pay for accommodation arranged under Part 3. This is achieved by inserting a new regulation 9A to disregard the earnings of employed and self employed earners and to define the meaning of “earnings” in each case and by omitting regulations 10 — 14 inclusive and omitting Schedule 2. There are also consequential amendments made to regulations 6, 15 and 18 of the Principal Regulations.

Regulation 4(7) amends the Principal Regulations so that the capital limit set out in regulation 20A becomes £23,750. The capital limit in regulation 20A is the maximum amount of capital a person may have before that person becomes liable to pay for, or contribute towards the cost of any accommodation arranged under Part 3 of the Act.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained at Social Services Policy and Strategies Division, the Department for Health, Social Services and Children, Welsh Government, Cathays Park, Cardiff CF10 3NQ.