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## EXPLANATORY NOTE

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

These Regulations make amendments to the National Assistance (Assessment of Resources) Regulations 1992 (“the 1992 Regulations”), and the Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011 and the Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011 together referred to as (“the Social Care Charges Regulations”).

The 1992 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.

Regulation 3 amends the 1992 Regulations to disregard any armed forces independence payment in its entirety and a guaranteed income payment in its entirety, rather than only partially, from the calculation of income other than earnings for the purposes of assessing a person’s ability to pay for that accommodation. An armed forces independence payment is a payment made under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011. A guaranteed income payment is a monthly loss of earnings capacity compensation payment made where the predominant cause of injury or illness is as a result of service in the Armed Forces.

Regulation 3 also amends the 1992 Regulations to disregard the first £10 of a survivor’s guaranteed income payment made under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011. A survivor’s guaranteed income payment is a payment made until death to a surviving spouse, civil partner or surviving adult dependent.

The Social Care Charges Regulations concern the assessment of the ability of a person to pay for non-residential social care services arranged by a local authority under the Social Care Charges (Wales) Measure 2010.

Regulations 4 and 5 amend regulations 14 and 16 respectively of the Social Care Charges Regulations to disregard any guaranteed income payment and armed forces independence payment, in their entirety, from the calculation of a person’s ability to pay for non-residential social care services.

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 from Social Services Policy and Strategies Division, the Department for Health, Social Services and Children, Welsh Government, Cathays Park, Cardiff CF10 3NQ.