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WELSH STATUTORY INSTRUMENTS

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**2001 No. 1409 (W. 95)**

**NATIONAL ASSISTANCE SERVICES, WALES**

**The National Assistance (Assessment of Resources)  
(Amendment No. 2) (Wales) Regulations 2001**

<i>Made</i>	- - - -	<i>4th April 2001</i>
<i>Coming into force</i>		
<i>for the purpose of</i>		
<i>Regulation 2(6)</i>		<i>12th April 2001</i>
<i>for all other purposes</i>		<i>9th April 2001</i>

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred upon the Secretary of State by section 22(5) of the National Assistance Act 1948<sup>(1)</sup> and now vested in the National Assembly for Wales<sup>(2)</sup>:

**Citation, commencement, interpretation and application**

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) (Amendment No.2) (Wales) Regulations 2001 and shall come into force for the purposes of Regulation 2(6) on 12th April 2001 and for all other purposes on 9th April 2001.

(2) In these Regulations “the principal Regulations” (“y prif Reoliadau”) means the National Assistance (Assessment of Resources) Regulations 1992<sup>(3)</sup>.

(3) These Regulations shall apply to Wales only.

**Amendment of the principal Regulations**

2.—(1) The principal Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation) there shall be inserted after the definition of “partner”, the following definition—

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(1) 1948 c. 29; section 22(5) of the National Assistance Act 1948 was amended by section 39(1) of and paragraph 6 of Schedule 6 to the Ministry of Social Security Act 1966 (c. 20), by section 35(2) of and paragraph 3(b) of Schedule 7 to the Supplementary Benefits Act 1976 (c. 71), by section 20 of and paragraph 2 of Schedule 4 to the Social Security Act 1986 (c. 50).

(2) The functions of the Secretary of State under section 22(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).

(3) S.I. 1992/2977 as amended by S.I. 1993/964, 1993/2230, 1994/825, 1994/2386, 1995/858, 1995/3054, 1996/602, 1997/485, 1998/497, 1998/1730, 2001/276 (W.12), and, in relation to England only S.I. 2001/58.

““permanent resident” means a resident who is not a temporary resident.”.

(3) In regulation 20 (capital limit) for the figure “£16,000” there shall be substituted the figure “£18,500”.

(4) In regulation 28(1) (calculation of tariff income from capital) for the figure “£10,000”, where it appears, there shall be substituted the figure “£11,500” and for the figure “£16,000” there shall be substituted the figure of “£18,500”.

(5) In Schedule 4 to the principal Regulations, after paragraph 1, there shall be inserted the following paragraph—

**“1A.—**(1) In the case of a resident who becomes a permanent resident on or after 9 April 2001 (“a qualifying resident”) in respect of the first period of permanent residence the value of any dwelling which he would otherwise normally occupy as his only or main residence (“his home”) for a period of 12 weeks beginning with the day on which the first period of residence begins.

(2) In the case of a qualifying resident

(a) who ceases to be a permanent resident, and

(b) who subsequently becomes a permanent resident again at any time within the period of 52 weeks from the end of the first period of permanent residence,

the value of his home for such period (if any) which when added to the period disregarded under subparagraph (1) in respect of his first period of permanent residence does not exceed 12 weeks in total.

(3) In the case of a qualifying resident

(a) who ceases to be a permanent resident and is not a person to whom subparagraph (2) has applied, and

(b) who subsequently becomes a permanent resident again at any time after a period of more than 52 weeks from the end of the first period of residence,

the value of his home for a period of 12 weeks beginning with the day on which the second period of permanent residence begins.

(4) In this paragraph “the first period of permanent residence” means the period of permanent residence beginning on or after 9th April 2001 and “the second period of permanent residence” means the period of permanent residence beginning at anytime after the period of 52 weeks referred to in subparagraph (3)(b).”

(6) In the said Schedule 4, after paragraph 20, there shall be inserted the following paragraph—

**“21.** Any payment which would be disregarded under paragraph 64 of Schedule 10 to the Income Support Regulations (payments under a trust established out of funds provided by the Secretary of State in respect of persons who suffered or are suffering from variant Creutzfeld-Jacob disease).”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

4th April 2001

*Dafydd Elis Thomas*  
The Presiding Officer of the National Assembly

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## EXPLANATORY NOTE

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

These Regulations make further amendments to the National Assistance (Assessment of Resources) Regulations 1992 (“the principal Regulations”).

The principal Regulations concern the assessment of the ability of a person (“the resident”) to pay for accommodation arranged by local authorities under Part III of the National Assistance Act 1948. Part III accommodation is arranged for persons aged 18 or over who by reason of age, illness, disability or any other circumstances, are in need of care and attention which is not otherwise available to them, and for expectant and nursing mothers in similar need.

The principal Regulations provide that no resident shall be assessed as unable to pay for Part III accommodation at the standard rate if that resident’s capital, calculated in accordance with the principal Regulations, exceeds £16,000. These Regulations amend the principal Regulations to increase the capital limit from £16,000 to £18,500. The principal Regulations also provide for the calculation of a resident’s income to take account of capital which is treated as equivalent to income. These Regulations amend the upper and lower limits of such capital between which each complete £250, or any part which is not a complete £250, is treated as equivalent to a weekly income of £1. The Regulations also introduce further categories of capital to be disregarded in the assessment of a resident’s resources. The value of any dwelling that would otherwise be occupied by the resident as his or her only or main residence is to be disregarded for a period of 12 weeks in the circumstances specified in the Regulations. In addition the Regulations provide for a disregard of payments made under a trust established out of funds provided by the Secretary of State for Health in respect of persons who suffered or are suffering from variant Creutzfeldt-Jakob disease.