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STATUTORY INSTRUMENTS

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**2003 No. 628**

**NATIONAL ASSISTANCE SERVICES, ENGLAND**

The National Assistance (Sums for Personal Requirements) (England) Regulations 2003

<i>Made</i>	- - - -	<i>10th March 2003</i>
<i>Laid before Parliament</i>		<i>11th March 2003</i>
<i>Coming into force</i>	- -	<i>7th April 2003</i>

The Secretary of State for Health, in exercise of powers conferred by section 22(4) of the National Assistance Act 1948(1) and now vested in him(2) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the National Assistance (Sums for Personal Requirements) (England) Regulations 2003 and shall come into force on 7th April 2003.

(2) These Regulations apply to England only(3).

**Sum needed for personal requirements**

2. The sum which under section 22(4) of the National Assistance Act 1948 a local authority shall assume that a person will need for his personal requirements shall be £17.50 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.

(2) See 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.

(3) Although section 22(4) of the National Assistance Act 1948 (“the 1948 Act”) extends to both Wales and Scotland, the Secretary of State no longer has powers to prescribe sums for personal requirements under the said section in respect of either country. As respects Wales, see article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), which transfers all the functions of the Secretary of State under the 1948 Act, so far as they are exercisable in relation to Wales, to the National Assembly for Wales. As respects Scotland, the powers of the Secretary of State to prescribe sums for personal requirements under section 22(4) of the 1948 Act in respect of persons for whom accommodation is provided under Part 3 of the 1948 Act are applied, by section 87(3) and (4) of the Social Work (Scotland) Act 1968 (c. 49) (“the 1968 Act”) (as amended by paragraph 10(13) of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19)), to persons for whom accommodation is provided under either the 1968 Act or section 7 of the Mental Health (Scotland) Act 1984 (c. 36); see however section 53 of the Scotland Act 1998 (c. 46) (“the 1998 Act”), which provides that functions of a Minister of the Crown under an Act passed before the 1998 Act, in so far as they are exercisable within devolved competence, shall be exercisable by the Scottish Ministers instead of by the Minister of the Crown. The powers to prescribe sums for personal requirements under section 22(4) of the 1948 Act are within devolved competence for the purposes of section 53 of the 1998 Act.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **Revocation**

**3.** The National Assistance (Sums for Personal Requirements) (England) Regulations 2002(4) are hereby revoked.

Signed by authority of the Secretary of State for Health

10th March 2003

*Jacqui Smith*  
Minister of State,  
Department of Health

## **EXPLANATORY NOTE**

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

These Regulations set out the weekly sum which local authorities in England are to assume, in the absence of special circumstances, that residents in accommodation arranged under Part 3 of the National Assistance Act 1948 will need for their personal requirements.

From 7th April 2003 all residents will be assumed to need £17.50 per week for their personal requirements.

These Regulations also revoke the National Assistance (Sums for Personal Requirements) (England) Regulations 2002 (which provided for the sum residents were assumed to need from 8th April 2002).