

2006 No. 674

NATIONAL ASSISTANCE SERVICES, ENGLAND

The National Assistance (Sums for Personal Requirements and Assessment of Resources) (Amendment) (England) Regulations 2006

<i>Made</i> - - - -	<i>9th March 2006</i>
<i>Laid before Parliament</i>	<i>15th March 2006</i>
<i>Coming into force</i> - -	<i>10th April 2006</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 22(4) of the National Assistance Act 1948(a) and now vested in her(b) and by section 22(5) of that Act:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the National Assistance (Sums for Personal Requirements and Assessment of Resources) (Amendment) (England) Regulations 2006 and shall come into force on 10th April 2006.

(2) In these Regulations, “the Assessment Regulations” means the National Assistance (Assessment of Resources) Regulations 1992(c).

(3) These Regulations apply in relation to England only.

Amendment of regulation 2 of the National Assistance (Sums for Personal Requirements) (England) Regulations 2003

2. In regulation 2 (sum needed for personal requirements) of the National Assistance (Sums for Personal Requirements) (England) Regulations 2003(d), for “£18.80” substitute “£19.60”.

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- (a) 1948 c.29; section 22(5) was amended by section 20 of, and paragraph 2(1) of Schedule 4 to, the Social Security Act 1980 (c.30) and section 86 of, and paragraph 32 of Schedule 10 to, the Social Security Act 1986 (c.50). The functions of the Secretary of State under section 22, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) (“the 1999 Order”), article 2; see the entry for the 1948 Act in Schedule 1 to the 1999 Order. As respects Scotland, the powers of the Secretary of State to make regulations under section 22 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 make regulations under section 22 of the 1948 Act are within devolved competence for the purposes of section 53 of the 1998 Act.
- (b) 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.
- (c) S.I. 1992/2977; relevant amending instruments are S.I. 1993/2230, 1996/602, 2003/627 and 2343, 2004/760 and 2005/708.
- (d) S.I. 2003/628, amended by S.I. 2005/708.

Amendment of regulation 20 of the Assessment Regulations

3. In regulation 20 (capital limit) of the Assessment Regulations, for “£20,500” substitute “£21,000”.

Amendment of regulation 28 of the Assessment Regulations

4. In regulation 28(1) (calculation of tariff income from capital) of the Assessment Regulations—

- (a) for “£12,500”, in both places where it occurs, substitute “£12,750”; and
- (b) for “£20,500” substitute “£21,000”.

Amendment of Schedule 3 to the Assessment Regulations

5. In Schedule 3 to the Assessment Regulations (sums to be disregarded in the calculation of income other than earnings)—

- (a) for paragraph 28A substitute—

“(1) Any child benefit, except in circumstances where a resident is accompanied by the child or qualifying young person in respect of whom the child benefit is payable and accommodation is provided for that child or qualifying young person under Part 3 of the Act.

(2) In this paragraph, “child” and “qualifying young person” have the same meaning as in section 142 of the Contributions and Benefits Act.”; and

- (b) in paragraph 28H—

- (i) in sub-paragraphs (1) and (2), for “£4.85”, in each place where it occurs, substitute “£5.05”; and
- (ii) in sub-paragraphs (3) and (4), for “£7.20”, in each place where it occurs, substitute “£7.50”.

Signed by authority of the Secretary of State

9th March 2006

Liam Byrne
Parliamentary Under Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to England only, amend the National Assistance (Sums for Personal Requirements) (England) Regulations 2003 (“the Personal Requirements Regulations”) and the National Assistance (Assessment of Resources) Regulations 1992 (“the Assessment Regulations”).

Regulation 2 amends the Personal Requirements Regulations so that the weekly sum which local authorities in England are to assume, in the absence of special requirements, that residents in accommodation arranged under Part 3 of the National Assistance Act 1948 (“the 1948 Act”) will need for their personal requirements is £19.60.

Regulations 3 to 5 amend the Assessment Regulations which concern the assessment of the ability of a person to pay for residential accommodation that is provided, or proposed to be provided, to him by a local authority under Part 3 of the 1948 Act.

Regulation 3 amends the Assessment Regulations so that the capital limit set out in regulation 20 becomes £21,000.

Regulation 4 amends the Assessment Regulations so that the capital limits set out in regulation 28(1) become £12,750 and £21,000.

Regulation 5 amends paragraph 28A of Schedule 3 to the Assessment Regulations which provides for child benefit to be disregarded in the calculation of income, except in certain specified circumstances. The amendment adds references to “qualifying young person” in order to reflect the amendment to the Social Security Contributions and Benefits Act 1992 which provides that child benefit is now payable in respect of both children and certain young persons.

Regulation 5 also provides for an increase to £5.05 (£7.50 if a resident has a partner) in the amount of any savings credit to be disregarded where a resident has qualifying income not exceeding the standard minimum guarantee, and for an increase to £5.05 (£7.50 if a resident has a partner) in the amount to be disregarded if a resident has qualifying income that exceeds the standard minimum guarantee.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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