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STATUTORY INSTRUMENTS

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**2007 No. 725**

**NATIONAL ASSISTANCE SERVICES, ENGLAND**

The National Assistance (Sums for Personal Requirements and Assessment of Resources) Amendment (England) Regulations 2007

<i>Made</i>	- - - -	<i>7th March 2007</i>
<i>Laid before Parliament</i>		<i>13th March 2007</i>
<i>Coming into force</i>	- -	<i>9th April 2007</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(1) and now vested in her(2) 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 2007 and shall come into force on 9th April 2007.

(2) In these Regulations, “the Assessment Regulations” means the National Assistance (Assessment of Resources) Regulations 1992(3).

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

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(1) 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 section 28(1)(c) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp. 13) (“the 2003 Act”), to persons for whom accommodation is provided under either the 1968 Act or section 25 of the 2003 Act; 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(5) of the 1948 Act are within devolved competence for the purposes of section 53 of the 1998 Act.

(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) S.I. 1992/2977; relevant amending instruments are S.I. 1993/2230, 1996/602, 2003/627 and 2343, 2004/760, 2005/708 and 2006/674.

**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(4), for “£19.60” substitute “£20.45”.

**Amendment of regulation 20 of the Assessment Regulations**

3. In regulation 20 (capital limit) of the Assessment Regulations, for “£21,000 prescribed for the purposes of section 134(1) of the Contributions and Benefits Act (exclusions from benefit)”, substitute “£21,500”.

**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 “£12,750”, in both places where it occurs, substitute “£13,000”; and
  - (b) for “£21,000” substitute “£21,500”.

**Amendment of Schedule 3 to the Assessment Regulations**

5. In paragraph 28H of Schedule 3 to the Assessment Regulations (sums to be disregarded in the calculation of income other than earnings)—
- (a) in sub-paragraphs (1) and (2), for “£5.05”, in each place where it occurs, substitute “£5.25”; and
  - (b) in sub-paragraphs (3) and (4), for “£7.50”, in each place where it occurs, substitute “£7.85”.

Signed by authority of the Secretary of State for Health

7th March 2007

*Mr Ivan Lewis*  
Parliamentary Under Secretary of State  
Department of Health

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## 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 £20.45.

Regulations 3, 4 and 5 amend the Assessment Regulations which concern the assessment of the liability 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 £21,500.

Regulation 4 amends the Assessment Regulations so that the capital limits set out in regulation 28(1) become £13,000 and £21,500.

Regulation 5 provides for an increase to £5.25 (£7.85 if a resident has a partner) in the amount of any savings credit to be disregarded in accordance with paragraph 28H of Schedule 3 to the Assessment Regulations.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.