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WELSH STATUTORY INSTRUMENTS

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**2005 No. 662**

**The National Assistance (Assessment of Resources)  
(Amendment) (Wales) Regulations 2005**

**Citation, commencement, interpretation and application**

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2005 and come into force on 11 April 2005.

(2) In these Regulations, “the Principal Regulations” (“*y Prif Reoliadau*”) means the National Assistance (Assessment of Resources) Regulations 1992(1).

(3) These Regulations apply to Wales only.

**Amendment of the Principal Regulations — Capital Limits**

2.—(1) The Principal Regulations are amended in accordance with the following paragraphs of this regulation.

(2) Regulation 20 (Capital limit) is revoked in relation to Wales.

(3) After regulation 20 (Capital limit) insert the following regulation—

**“Capital limit — Wales**

**20A.**—(1) This regulation applies in relation to Wales.

(2) No resident shall be assessed as unable to pay for his accommodation at the standard rate if his capital, calculated in accordance with regulation 21, exceeds £21,000.”.

(4) Regulation 28 (Calculation of tariff income from capital) is revoked in relation to Wales.

(5) After regulation 28 (Calculation of tariff income from capital), insert the following regulation—

**“Calculation of tariff income from capital — Wales**

**28A.**—(1) This regulation applies in relation to Wales.

(2) Where a resident’s capital calculated in accordance with this part exceeds £14,750 it shall be treated as equivalent to a weekly income of £1 for each £250 in excess of £14,750 up to the limit of £21,000 (the Capital limit).

(3) Where any part of the excess is not a complete £250 that part shall nevertheless be treated as equivalent to a weekly income of £1.

(4) For the purposes of paragraph (2) capital includes any income treated as capital under regulations 22 and 34 (income treated as capital and liable relative payments) respectively.

(5) For the purposes of paragraph (2), where a resident makes additional payments as provided for in regulation 4(2)(b) of the National Assistance (Residential Accommodation) (Additional Payments Relevant Contributions and Assessment of Resources) (Amendment)

(Wales) Regulations 2003(2) (additional payments from capital not exceeding the lower capital limit), the resident is to be treated as possessing capital equivalent to the amount of any additional payments.”.

**Amendment to Schedule 3 of the Principal Regulations — Sums disregarded in the calculation of income other than earnings**

- 3.—(1) In paragraph 28H of Schedule 3 to the Principal Regulations—
- (a) replace the figure “£4.75” with the figure “£4.85” at each place where it appears;
  - (b) in sub-paragraphs (3) and (4), replace the figure “£6.95” with the figure “£7.20” at each place where it appears.
- (2) After paragraph 28J of Schedule 3 to the Principal Regulations, insert the following paragraph—
- “**28K.** Any payment made pursuant to section 14F of the Children Act 1989(3) (Special Guardianship Support Services) to a resident who is special guardian or a prospective special guardian.”.

**Amendments to Schedule 4 of the Principal Regulations — Sums disregarded in the calculation of capital**

4. After paragraph 26 of Schedule 4 of the Principal Regulations, insert the following paragraph—
- “**27.** Any payment made pursuant to section 14F of the Children Act 1989 (Special Guardianship Support Services) to a resident who is special guardian or a prospective special guardian.”.

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

8 March 2005

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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(2) S.I. 2003/931.

(3) 1989 c. 41. Section 14F of the Children Act 1989 is inserted by section 115 of the Adoption and Children Act 2002 c. 38.

(4) 1998 c. 38