
WELSH STATUTORY INSTRUMENTS

2006 No. 1051 (W.107)

NATIONAL ASSISTANCE SERVICES, WALES

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

Made - - - - 4 April 2006
Coming into force - - 10 April 2006

The National Assembly for Wales, in exercise of the powers conferred upon the Secretary of State by sections 22 (4) and (5) of the National Assistance Act 1948(1) and now vested in the National Assembly for Wales(2) hereby makes the following Regulations.

Citation, commencement, interpretation and application

1.—(1) The name of these Regulations is The National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2006.

(2) These regulations come into force on 10 April 2006.

(3) In these Regulations, “the Principal Regulations” (“*y Prif Reoliadau*”) means the National Assistance (Assessment of Resources) Regulations 1992(3).

(4) These Regulations apply in relation to Wales.

Sums needed for personal requirements

2. The sum which a local authority assumes a person to need for his or her personal requirements under section 22(4) of the National Assistance Act 1948(4) is £20.00 per week.

(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 and 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.
(2) The functions of the Secretary of State under sections 22 (4) and (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 a series of subsequent instruments.
(4) 1948 c. 29.

Revocation

3. The National Assistance (Sums for Personal Requirements) (Wales) Regulations 2005⁽⁵⁾ are hereby revoked.

Amendment of regulation 2 of the Principal Regulations

4. In paragraph (1) of regulation 2 of the Principal Regulations (interpretation), in the definition of “liable relative”, for “or former spouse”, substitute, “former spouse, civil partner or former civil partner”.

Amendment of regulation 20A of the Principal Regulations

5. In paragraph (2) of regulation 20A of the Principal Regulations replace the figure “£21,000” with the figure “£21,500”.

Amendment of regulation 28A of the Principal Regulations

6. In paragraph (2) of regulation 28A of the Principal Regulations (calculation of tariff income from capital - Wales) —

- (a) replace the figure “£14,750” with the figure “£16,000” in both places where it appears; and
- (b) replace the figure “£21,000” with the figure “£21,500”.

Amendment of Schedule 3 to the Principal Regulations

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

- (a) In paragraph 10A⁽⁶⁾—
 - (i) in sub-paragraphs (1)(a) and (3), after “spouse” insert “or civil partner”, and
 - (ii) in sub-paragraph (1)(b), after “spouse’s maintenance” insert “or his civil partner for that civil partner’s maintenance”;
- (b) in paragraph 17⁽⁷⁾—
 - (i) for sub-paragraph(1)(a) substitute—
 - “(a) pursuant to regulations made under section 2(6)(b) or 3 of the Adoption and Children Act 2002⁽⁸⁾
 - (ii) for sub-paragraph (2) substitute—
 - “(2) Any payment other than a payment to which sub-paragraph (1)(a) applies, made to the resident pursuant to regulations made under section 2(6)(b) or 3 of the Adoption and Children Act 2002.”;
- (c) in paragraph 28H
 - (i) in sub-paragraphs (1) and (2) replace the figure “£4.85” with the figure “£5.05” at each place where it appears; and
 - (ii) in sub-paragraphs (3) and (4) replace the figure of “£7.20” with the figure “£7.50” at each place where it appears.

⁽⁵⁾ S.I. 2005/ 663 (W.53).

⁽⁶⁾ Inserted by S.I. 1996/602 and amended by S.I. 1997/485.

⁽⁷⁾ Amended by S.I. 2003/2530.

⁽⁸⁾ 2002 c. 38.

Amendment of Schedule 4 to the Principal Regulations

8. In Schedule 4 to the Principal Regulations (capital to be disregarded) for paragraph 24 substitute—

“**24.** Any payment made to the resident pursuant to regulations made under section 2(6)(b) or 3 of the Adoption and Children Act 2002.”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998**(9)**.

4 April 2006

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

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set the weekly sum which local authorities are to assume, in the absence of special circumstances, that residents who are in accommodation arranged under Part 3 of the National Assistance Act 1948, will need for their personal requirements. From the 10th April 2006 all such residents will be assumed to need £20.00 per week.

Secondly, these regulations make further amendments to the National Assistance (Assessment of Resources) Regulations 1992 (“the Principal Regulations”).

The Principal Regulations determine the way that local authorities assess the ability of a person to pay for accommodation arranged for him or her under Part 3 of the National Assistance Act 1948.

The amendments provide for civil partners to be treated in the same way as spouses and for adoption support payments under the Adoption and Children Act 2002, to be disregarded both as capital and income.

There are also annual increases to the capital limits and the disregard for those in receipt of pension credit.