
WELSH STATUTORY INSTRUMENTS

2012 No. 842 (W.115)

NATIONAL ASSISTANCE SERVICES, WALES

The National Assistance (Sums for Personal Requirements) (Assessment of Resources and Miscellaneous Amendments) (Wales) Regulations 2012

<i>Made</i>	- - - -	<i>14 March 2012</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>16 March 2012</i>
<i>Coming into force</i>	- -	<i>9 April 2012</i>

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by section 22(4) and (5) of the National Assistance Act 1948(1), and now vested in them(2) hereby make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the National Assistance (Sums for Personal Requirements) (Assessment of Resources and Miscellaneous Amendments) (Wales) Regulations 2012.

(2) These Regulations come into force on 9 April 2012.

(3) These Regulations apply in relation to Wales.

Sums needed for personal requirements

2. The sum which a local authority is to assume a person to need for his or her personal requirements under section 22(4) of the National Assistance Act 1948 is £24.00 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 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 section 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](#)) and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act [2006 \(c. 32\)](#).

Revocation

3. Regulation 2 of the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2011⁽³⁾ is hereby revoked.

Amendment of regulation 20A of the National Assistance (Assessment of Resources) Regulations 1992

4. In the National Assistance (Assessment of Resources) Regulations 1992⁽⁴⁾, in paragraph (2) of regulation 20A (Capital limit — Wales), replace the figure of “£22,500” with the figure “£23,250”.

Amendment of the National Assistance (Residential Accommodation) (Additional Payments, Relevant Contributions and Assessment of Resources) (Wales) Regulations 2003

5.—(1) The National Assistance (Residential Accommodation) (Additional Payments, Relevant Contributions and Assessment of Resources) (Wales) Regulations 2003⁽⁵⁾ are amended as follows.

(2) In regulation 2—

(a) after the definition of “the Assessment Regulations” insert—

““capital limit” (*“terfyn cyfalaf”*) means the capital amount specified in regulation 20A(2) of the Assessment Regulations;”;

(b) omit the definition of “lower capital limit”.

(3) In regulation 4(2)(b) and (c), omit “lower” in both places it appears.

(4) Regulation 5(2) is hereby revoked⁽⁶⁾.

Gwenda Thomas
Deputy Minister for Children and Social
Services under authority of the Minister for
Health and Social Services, one of the Welsh
Ministers

14 March 2012

(3) S.I. [2011/708](#) (W.110).

(4) S.I. [1992/2977](#) as amended by a series of subsequent instruments.

(5) S.I. [2003/931](#) (W.121).

(6) Regulation 5(2) inserted paragraph (4) into regulation 28 of the National Assistance (Assessment of Resources) Regulations 1992. Regulation 28 was subsequently revoked by regulation 2(4) of the National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2005 (S.I. [2005/662](#) (W.52)).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, prescribe the sum which a local authority assumes a person to need for their personal requirements under section 22(4) of the National Assistance Act 1948 (“the Act”). The Regulations also amend the National Assistance (Assessment of Resources) Regulations 1992 (“the Assessment Regulations”) and the National Assistance (Residential Accommodation) (Additional Payments, Relevant Contributions and Assessment of Resources) (Wales) Regulations 2003 (“the 2003 Regulations”). They come into force on 9 April 2012.

Section 22(4) of the National Assistance Act 1948 (“the Act”) requires local authorities, in assessing a person’s ability to pay for accommodation under Part 3 of the Act, to assume, in the absence of special requirements, that a person requires a prescribed sum for their personal requirements per week. Regulation 2 prescribes £24.00 as the sum needed for personal requirements under section 22(4).

Regulation 3 revokes regulation 2 of the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2011 which previously prescribed the sum for personal requirements under section 22(4).

Regulation 4 amends the Assessment Regulations so that the capital limit set out in regulation 20A becomes £23,250.

Regulation 5 makes some technical amendments to the 2003 Regulations. There were previously two capital limits, a lower and upper limit, which were used in the assessment of an individual’s ability to pay for accommodation under Part 3 of the Act. The two capital limits were replaced with one single capital limit in Wales by virtue of the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2010. Regulation 5 removes references to the lower limit which remain in the 2003 Regulations.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained at Adult Social Services Policy Division, Department of Health, Social Services and Children, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.