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WELSH STATUTORY INSTRUMENTS

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**2015 No. 720 (W. 58)**

**SOCIAL CARE, WALES**

**The National Assistance (Sums for Personal Requirements) and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2015**

<i>Made</i>	- - - -	<i>13 March 2015</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>16 March 2015</i>
<i>Coming into force</i>	- -	<i>6 April 2015</i>

The Welsh Ministers, in exercise of the powers conferred by section 22(4) of the National Assistance Act 1948(1), and sections 2(2), 7(2), 12(2) and 17(2) of the Social Care Charges (Wales) Measure 2010(2), make the following Regulations:

**Title, commencement and application**

1.—(1) The title of these Regulations is The National Assistance (Sums for Personal Requirements) and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2015.

(2) These Regulations come into force on 6 April 2015.

(3) These Regulations apply in relation to Wales.

**PART 1**

**Sums for Personal Requirements**

**Sums needed for personal requirements**

2. The sum which a local authority is to assume a person needs for his or her personal requirements under section 22(4) of the National Assistance Act 1948 is £25.50 per week.

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(1) 1948 c. 29. The functions of the Secretary of State under section 22(4) of the National Assistance Act were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and transferred to the Welsh Ministers by paragraph 30 of Schedule 11 of the Government of Wales Act 2006 (c. 32).

(2) 2010 nawm 2.

## **Revocation**

3. Regulation 2 of the National Assistance (Sums for Personal Requirements) (Assessment of Resources) and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2014<sup>(3)</sup> is revoked.

## **PART 2**

### **Amendments to the Social Care Charges Regulations**

#### **Amendment of the Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011**

4.—(1) The Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011<sup>(4)</sup> are amended as follows.

(2) In regulation 5 (maximum reasonable charge for a service)—

(a) in paragraph (2) replace the figure of “£55.00” with the figure “£60.00”, and

(b) in paragraph (3) replace the figure of “£55.00” with the figure “£60.00”.

(3) Paragraph (2) of regulation 5 of the National Assistance (Sums for Personal Requirements) (Assessment of Resources) and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2014 is revoked.

#### **Amendment of the Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011**

5.—(1) The Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011<sup>(5)</sup> are amended as follows.

(2) In regulation 5 (maximum reasonable amount of a reimbursement or contribution payable)—

(a) in paragraph (1) replace the figure of “£55.00” with the figure “£60.00”, and

(b) in paragraph (2) replace the figure of “£55.00” with the figure “£60.00”.

(3) Paragraph (2) of regulation 6 of the National Assistance (Sums for Personal Requirements) (Assessment of Resources) and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2014 is revoked.

13 March 2015

*Mark Drakeford*  
Minister for Health and Social Services, one of  
the Welsh Ministers

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(3) S.I. 2014/666 (W. 73).

(4) S.I. 2011/962 (W. 136).

(5) S.I. 2011/963 (W. 137).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply in relation to Wales, make amendments to the Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011 (“the Determination of Charges Regulations”) and the Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011 (“the Direct Payment Regulations”). These Regulations also revoke regulations 2, 5(2) and 6(2) of the National Assistance (Sums for Personal Requirements) (Assessment of Resources) and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2014 (“the 2014 Regulations”).

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 £25.50 as the sum needed for personal requirements under section 22(4).

Regulation 3 revokes regulation 2 of the 2014 Regulations which previously prescribed the sum for personal requirements under section 22(4).

Regulation 5 of the Determination of Charges Regulations and regulation 5 of the Direct Payment Regulations respectively prescribe the maximum reasonable charge for a service and the maximum reasonable amount of a reimbursement or contribution payable for that service. Regulations 4(2) and 5(2) of these Regulations amend the Determination of Charges Regulations and the Direct Payment Regulations so that the maximum amount set out in both Regulations becomes £60.00.

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 benefit of complying with these Regulations. A copy can be obtained from the Delivering Policy for Children and Adults Division, the Department for Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.