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STATUTORY INSTRUMENTS

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**1993 No.462**

**NATIONAL ASSISTANCE SERVICES**

**The National Assistance (Sums for  
Personal Requirements) Regulations 1993**

<i>Made</i>	- - - -	<i>4th March 1993</i>
<i>Laid before Parliament</i>		<i>9th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 1993</i>

In exercise of the powers conferred by sections 22(4), 35(1) and 64(1) of the National Assistance Act 1948(1) and as respects England and Wales now vested in me(2), the powers conferred on me by section 22(4A) of the National Assistance Act 1948(3) and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Assistance (Sums for Personal Requirements) Regulations 1993 and shall come into force on 1st April 1993.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the National Assistance Act 1948;

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992(4);

“1914—18 War Injuries Scheme” has the same meaning as in the Social Security (Overlapping Benefits) Regulations 1979(5);

“temporary resident” has the same meaning as in the National Assistance (Assessment of Resources) Regulations 1992(6);

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- (1) 1948 c. 29; sections 35(1) and 64(1) of the 1948 Act are cited for the definitions of “the Minister” and “prescribed” respectively. As respects Scotland, section 22(4) and (4A) of the 1948 Act is applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968 (c. 49), as amended by paragraph 10(13) of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19), in respect of accommodation provided under either the said 1968 Act or section 7 of the Mental Health (Scotland) Act 1984 (c. 34).
- (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. See also the Transfer of Functions (Health and Social Security) Order 1988 (S.I. 1988/1843).
- (3) Inserted into the Act by section 44(5) of the National Health Service and Community Care Act 1990.
- (4) 1992 c. 4.
- (5) S.I. 1979/597.
- (6) S.I. 1992/2977.

“Personal Injuries Scheme” and “Service Pensions Instrument” have the same meanings as in the Social Security (Overlapping Benefits) Regulations 1979(7);

“temporarily absent” means absent for—

- (a) a period spent in hospital of 52 weeks or less; or
- (b) any other period of 13 weeks or less.

### **Sums needed for personal requirements from 1st to 11th April 1993 inclusive**

2.—(1) Subject to paragraph (2), from 1st April 1993 until 11th April 1993 (both dates inclusive) the sum which under section 22(4) of the Act a local authority shall assume that a person will need for his personal requirements shall be £12.20 per week.

(2) Where a person immediately before these Regulations come into force is in, or temporarily absent from, accommodation provided under Part III of the Act(8) other than that provided under section 29(4)(c) of the Act(9) (provision of hostels where persons for whom welfare services are provided may live), from 1st April 1993 until 11th April 1993 (both dates inclusive) the sum which under section 22(4) of the Act a local authority shall assume that such a person will need for his personal requirements shall be £10.85 per week, except that in the case of any such person to whom there is payable—

- (a) an attendance allowance by virtue of any entitlement thereto under section 64 of the Contributions and Benefits Act;
- (b) a constant attendance allowance under any Personal Injuries Scheme, Service Pensions Instrument or any 1914—18 War Injuries Scheme; or
- (c) the care component of a disability living allowance by virtue of any entitlement thereto under section 72 of the Contributions and Benefits Act,

that sum shall be increased by the amount per week which is payable in respect of that allowance.

### **Sums needed for personal requirements from 12th April 1993**

3.—(1) Subject to paragraph (2), from 12th April 1993 the sum which under section 22(4) of the Act a local authority shall assume that a person will need for his personal requirements shall be £12.65 per week.

(2) Paragraph (1) shall not apply to a person who—

- (a) on 11th April 1993 is in, or temporarily absent from, accommodation provided under Part III of the Act other than that provided under section 29(4)(c) of the Act; and
- (b) was in, or temporarily absent from, such accommodation immediately before these Regulations come into force.

(3) From 12th April 1993 the sum which under section 22(4) of the Act a local authority shall assume that a person to whom paragraph (2) applies will need for his personal requirements shall be £12.65 per week, except that in the case of any such person to whom there is payable—

- (a) an attendance allowance by virtue of any entitlement thereto under section 64 of the Contributions and Benefits Act;
- (b) a constant attendance allowance under any Personal Injuries Scheme, Service Pensions Instrument or any 1914—18 War Injuries Scheme; or

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(7) As amended by regulation 2(b) of S.I. 1980/1927.

(8) As respects Scotland, see section 65(f) of the Act, as amended by paragraph 5(9) of Schedule 9 to the National Health Service and Community Care Act 1990, and section 87(3) of the Social Work (Scotland) Act 1968.

(9) Amended by section 14(1) of and paragraph 3 of Schedule 3 to the Employment and Training Act 1973 (c. 50).

(c) the care component of a disability living allowance by virtue of any entitlement thereto under section 72 of the Contributions and Benefits Act,  
that sum shall be increased by the amount per week which is payable in respect of that allowance, unless that amount is disregarded in any assessment of that person's income by virtue of regulation 15(2) of, and paragraph 6 of Schedule 3 to, the National Assistance (Assessment of Resources) Regulations 1992.

#### **Revocation**

4. Regulation 3 of the National Assistance (Charges for Accommodation) Regulations 1992<sup>(10)</sup> (sum needed for personal requirements) and regulation 4 of the National Assistance (Charges for Accommodation) (Scotland) Regulations 1992<sup>(11)</sup> (sum needed for personal requirements) are hereby revoked.

Department of Health  
4th March 1993

*Virginia Bottomley*  
One of Her Majesty's Principal Secretaries of  
State

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<sup>(10)</sup> S.I. 1992/563.  
<sup>(11)</sup> S.I. 1992/700.

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

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## EXPLANATORY NOTE

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

These regulations set out the weekly sums which local authorities are, in the absence of special circumstances, to assume that residents in accommodation arranged under Part III of the National Assistance Act 1948, the Social Work (Scotland) Act 1968 or section 7 of the Mental Health (Scotland) Act 1984 will need for their personal requirements.

From 1st April 1993 to 11th April 1993, existing such residents will continue to have an allowance of £10.85 per week (in addition to the amount of attendance allowance, constant attendance allowance or the care component of a disability living allowance payable), whereas new residents will be allowed the higher income support rate for personal expenses, which is £12.20 per week (regulation 2).

From 12th April 1993, all residents will be assumed to need £12.65 per week for their personal requirements, and for residents who moved in before these Regulations come into force, this amount will be in addition to any attendance allowance, constant attendance allowance or the care component of any disability living allowance payable, unless that allowance is otherwise disregarded (regulation 3).