

2001 No. 1066

NATIONAL ASSISTANCE SERVICES, ENGLAND

**The National Assistance (Assessment of Resources)
(Amendment) (No. 2) (England) Regulations 2001**

<i>Made - - - -</i>	<i>18th March 2001</i>
<i>Laid before Parliament</i>	<i>19th March 2001</i>
<i>Coming into force</i>	<i>9th April 2001</i>

The Secretary of State for Health, in exercise of powers conferred by section 22(5) of the National Assistance Act 1948(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations—

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) (Amendment) (No. 2) (England) Regulations 2001 and shall come into force on the 9th April 2001.

(2) In these Regulations “The principal Regulations” means the National Assistance (Assessment of Resources) Regulations 1992(b).

(3) These Regulations extend to England only(c).

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) (interpretation) of the principal Regulations insert, after the definition of “partner”, the following definition—

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- (a) 11/12 Geo. 6, c.29; section 22(5) of the National Assistance Act 1948 was amended by section 39(1) of and paragraph 6 of Schedule 6 to the Ministry of Social Security Act 1966 (c. 20), by section 35(2) of and paragraph 3(b) of Schedule 7 to the Supplementary Benefits Act 1976 (c. 71), by section 20 of and paragraph 2 of Schedule 4 to the Social Security Act 1980 (c. 30), and by section 86 of and paragraph 32 of Schedule 10 to the Social Security Act 1986 (c. 50).
- (b) S.I. 1992/2977; S.I. 1992/2977 was amended by S.I. 1993/964; S.I. 1993/2230; S.I. 1994/825; S.I. 1994/2386; S.I. 1995/858; S.I. 1995/3054; S.I. 1996/602; S.I. 1997/485; S.I. 1998/497; S.I. 1998/1730; S.I. 2001/58.
- (c) Although section 22(5) of the National Assistance Act 1948 (“the 1948 Act”) extends to both Wales and Scotland, the Secretary of State no longer has powers to make regulations under the said section in respect of either country. As respects Wales, see article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), which transfers all the functions of the Secretary of State under the 1948 Act, so far as they are exercisable in relation to Wales, to the National Assembly for Wales. As respects Scotland, the powers of the Secretary of State to make regulations under section 22(5) of the 1948 Act in respect of persons for whom accommodation is provided under Part III of the 1948 Act are 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)), to persons for whom accommodation is provided under either the 1968 Act or section 7 of the Mental Health (Scotland) Act 1984 (c. 36): see however section 53 of the Scotland Act 1998 (c. 46), which provides that functions of a Minister of the Crown under an Act passed before the 1998 Act, in so far as they are exercisable within devolved competence, shall be exercisable by the Scottish Ministers instead of by the Minister of the Crown. The powers to make regulations under section 22(5) of the 1948 Act are within devolved competence for the purposes of section 53 of the 1998 Act.

““permanent resident” means a resident who is not a temporary resident.”

Amendment of regulation 20 of the principal Regulations

3. In regulation 20 (capital limit) of the principal Regulations for the amount “£16,000” substitute the amount “£18,500”.

Amendment of regulation 28(1) of the principal Regulations

4. In regulation 28(1) (calculation of tariff income from capital) of the principal Regulations—

- (a) for the amount “£10,000” (both times it appears) substitute the amount “£11,500”; and
- (b) for the amount “£16,000” substitute the amount “£18,500”.

Amendment of Schedule 4 to the principal Regulations

5. In Schedule 4 to the principal Regulations, after paragraph 1, insert the following new paragraph—

“1A.—(1) In the case of a resident who becomes a permanent resident on or after 9th April 2001 (“a qualifying resident”) in respect of the first period of permanent residence the value of any dwelling which he would otherwise normally occupy as his only or main residence (“his home”) for a period of 12 weeks beginning with the day on which the first period of residence begins.

(2) In the case of a qualifying resident

- (a) who ceases to be a permanent resident, and
- (b) who subsequently becomes a permanent resident again at any time within the period of 52 weeks from the end of the first period of permanent residence,

the value of his home for such period (if any) which when added to the period disregarded under sub-paragraph (1) in respect of his first period of permanent residence does not exceed 12 weeks in total.

(3) In the case of a qualifying resident

- (a) who ceases to be a permanent resident and is not a person to whom sub-paragraph (2) has applied, and
- (b) who subsequently becomes a permanent resident again at any time after a period of more than 52 weeks from the end of the first period of residence,

the value of his home for a period of 12 weeks beginning with the day on which the second period of permanent residence begins.

(4) In this paragraph “the first period of permanent residence” means the period of permanent residence beginning on or after 9th April 2001 and “the second period of permanent residence” means the period of permanent residence beginning at any time after the period of 52 weeks referred to in sub-paragraph (3)(b).”

Signed by authority of the Secretary of State for Health

18th March 2001

John Hutton
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further amendments to the National Assistance (Assessment of Resources) Regulations 1992 (“the principal Regulations”). The principal Regulations concern the assessment of the ability of a person (“a resident”) to pay for accommodation arranged by local authorities under Part III of the National Assistance Act 1948.

The principal Regulations are amended so that the capital limit set out in regulation 20 becomes £18,500 (regulation 3); so that the capital limits set out in regulation 28(1) become £11,500 and £18,500 (regulation 4). The principal Regulations are also amended so as to introduce a further category of capital to be disregarded under Schedule 4 namely property (for the time specified) which the resident would normally occupy as his only or main residence (regulation 5).

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