

NATIONAL ASSEMBLY FOR WALES

S T A T U T O R Y I N S T R U M E N T S

2004 No. (W.)

**NATIONAL ASSISTANCE
SERVICES, WALES**

The National Assistance
(Assessment of Resources)
(Amendment)(Wales) Regulations
2004

EXPLANATORY NOTE

(This note is not part of the Order)

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 (“the resident”) to pay for the accommodation arranged by local authorities under Part III of the National Assistance Act 1948. Part III accommodation is arranged for persons aged 18 or over who, by reason of age, illness, disability or any other circumstances, are in need of care and attention which is not otherwise available to them, and for expectant and nursing mothers in similar need.

The Principal Regulations provide that a resident shall be assessed as able to pay for Part III accommodation at the standard rate if that resident’s capital, calculated in accordance with the Principal Regulations, exceeds an upper capital limit of £20,000. These regulations amend the Principal Regulations to increase the upper capital limit from £20,000 to £20,500. The Principal Regulations also provide for the calculation of a resident’s income to take account of capital within a band between the upper capital limit and a lower capital limit. These Regulations amend the upper and lower capital limits. Each £250 or part of £250 within this band is treated as equivalent to weekly income of £1.

Regulation 3 makes increases to the amount of Savings Credit to be disregarded in calculating a resident’s

income. It also makes a minor amendment to remove an unintended effect in the regulation as first enacted.

Regulation 4 amends the wording of a provision to remove reference to further regulations (The Income Support (General) Regulations 1987) to avoid an amendment to the further regulations having effect in the Principal Regulations.

2004 No. (W.)

**NATIONAL ASSISTANCE
SERVICES, WALES**

**The National Assistance
(Assessment of Resources)
(Amendment)(Wales) Regulations
2004**

Made

Coming into force *5th April 2004*

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

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources)(Amendment)(Wales) Regulations 2004 and come into force on 5th April 2004.

(2) In these regulations, “the Principal Regulations” means the National Assistance (Assessment of Resources) Regulations 1992(3).

(3) These Regulations apply to Wales only.

(1) 1948 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 paragraph 32 of Schedule 10 to the Social Security Act 1986 (c.50).

(2) The functions of the Secretary of State under section 22(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; relevant amending instruments are S.I. 1996/602, S.I. 2002/814 (W.94) and S.I.2003/897 (W. 117).

Amendment of Principal Regulations – Capital Limits

2.—(1) The Principal Regulations are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 20 (Capital limit), for the figure “£20,000”, substitute the figure “£20,500”.

(3) In regulation 28(1) (Calculation of tariff income from capital), for the figure “£12,250”, where it appears, substitute the figure “£13,500” and for the figure “£20,000”, substitute the figure “£20,500”.

Amendment to Schedule 3 of the Principal Regulations – Sums disregarded in the calculation of income other than earnings

3. In paragraph 28H of Schedule 3 of the Principal Regulations—

- (a) replace the figure “£4.50” with the figure “£4.75” at each place where it appears;
- (b) in sub-paragraphs (3) and (4), replace the figure “£6.75” with the figure “£6.95” at each place where it appears;
- (c) delete sub-paragraph (5) and substitute the following sub-paragraph—

“(5) Where,

- (a) the sum referred to in sub-paragraph (4) has been disregarded in the assessment of the resident’s partner’s income under these Regulations, or,
 - (b) the partner referred to in paragraph (4)(a) is in receipt of savings credit,
- sub-paragraph (4) does not apply to the resident.”.

Amendment of Schedule 4 of the Principal Regulations – Capital to be disregarded

4. In Schedule 4 of the Principal Regulations, delete paragraph 10 and substitute the following—

“10. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the resident, the value of the trust fund and the value of the right to receive any payment under that trust.”

Dated

Dafydd Elis-Thomas

The Presiding Officer of the National Assembly