WELSH STATUTORY INSTRUMENTS

2013 No. 633 (W.69)

SOCIAL CARE, WALES

The National Assistance and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2013

Made - - - -	*15 March 2013*
Laid before the National Assembly for Wales - -	*18 March 2013*
Coming into force - -	*8 April 2013*

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**) and in exercise of the powers conferred upon them by sections 2(2), 5(4), 12 and 17(2) of the Social Care Charges (Wales) Measure 2010(**3**), make the following Regulations.

Title, commencement, interpretation and application

1.—(1) The title of these Regulations is the National Assistance and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2013.

(2) These Regulations come into force on 8 April 2013.

(3) In these Regulations "the 1992 Regulations" ("*Rheoliadau 1992*") means the National Assistance (Assessment of Resources) Regulations 1992(**4**).

(4) These Regulations apply in relation to Wales.

Amendments to the 1992 Regulations

2. In paragraph (1) of regulation 2 of the 1992 Regulations, after the definition of "the Act" insert —

> ""armed forces independence payment" means an armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;"(**5**).

(**1**) 1948 c. 29.
(**2**) The functions of the Secretary of State under section 22(4) and (5) 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).
(**3**) 2010 nawm 2.
(**4**) S.I. 1992/2977.
(**5**) S.I. 2011/517.

3. In Schedule 3 to the 1992 Regulations (sums to be disregarded in the calculation of income other than earnings)—

(a) after paragraph 4 insert—

"**4A.** Any armed forces independence payment.";

(b) in paragraph 11, after "Income Support Regulations (specified provisions)" insert—

"save for paragraph 16(cc)";

(c) after paragraph 11 insert—

"**11A.** Any guaranteed income payment referred to in article 15(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.

11B. Subject to paragraph 31, £10 of any survivor's guaranteed income payment referred to in article 29(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 and, if the amount of that payment has been abated to less than £10 by a pension falling within article 39(1)(a) of that Order, so much of that pension as would not, in aggregate with the amount of any survivor's guaranteed income payment disregarded, exceed £10."; and

(d) in paragraph 31, for "paragraph 11" substitute "paragraphs 11 and 11B".

Amendments to the Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011

4. In regulation 14 of the Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011(**6**) (means assessment process)—

(a) at the end of paragraph (4)(c) omit "and";

(b) at the end of paragraph (4)(d) for the full-stop substitute ";"; and

(c) after paragraph (4)(d) insert—

"(e) disregard in full any guaranteed income payment referred to in article 15(1)(c) of the Armed Forces (Compensation Scheme) Order 2011; and

(f) disregard in full any armed forces independence payment made under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.".

Amendments to the Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011

5. In regulation 16 of the Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011(**7**)(means assessment process)—

(a) at the end of paragraph (4)(c) omit "and";

(b) at the end of paragraph (4)(d) for the full-stop substitute ";"; and

(c) after paragraph (4)(d) insert—

"(e) disregard in full any guaranteed income payment referred to in article 15(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011; and

(f) disregard in full any armed forces independence payment made under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.".

(**6**) S.I. 2011/962 (W. 136).
(**7**) S.I. 2011/963 (W.137).