WELSH STATUTORY INSTRUMENTS

2013 No. 631 (W.68)

NATIONAL ASSISTANCE SERVICES, WALES

The National Assistance (Sums for Personal Requirements) and National Assistance (Assessment of Resources) (Amendment) (Wales) 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**) make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the National Assistance (Sums for Personal Requirements) and National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2013.

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

(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 £24.50 per week.

(**1**) 1948 c. 29.

(**2**) The functions of the Secretary of State under sections 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).

Revocation

3. Regulation 2 of the National Assistance (Sums for Personal Requirements) (Assessment of Resources and Miscellaneous Amendments) (Wales) Regulations 2012(**3**) is revoked.

PART 2

Assessment of Resources

Amendment of the National Assistance (Assessment of Resources) Regulations 1992

4.—(1) The National Assistance (Assessment of Resources) Regulations 1992(**4**) are amended in accordance with the following paragraphs of this Regulation.

(2) In regulation 6 (liable relatives) for "10" substitute "15".

(3) After regulation 9 (calculation of income) insert—

"**Earnings to be disregarded**

9A.—(1) Earnings derived from employment as an employed earner or a self-employed earner are to be disregarded in the calculation of a resident's income.

(2) For the purposes of this Regulation—

(a) "earnings" in relation to an employed earner has the same meaning—

(i) as in regulation 35 of the Housing Benefit Regulations 2006(**5**) or,

(ii) where the earner has attained the qualifying age for state pension credit(**6**), as in regulation 35 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**7**) (earnings of employed earners); and

(b) "earnings" in relation to a self employed earner has the same meaning as in regulation 37 of the Income Support Regulations(**8**).".

(4) Regulations 10 (earnings of self-employed earners), 11 (calculation of net profit of self-employed earners), 12 (weekly amount of net profit of self-employed earners), 13 (earnings of employed earners) and 14 (calculation of net earnings of employed earners) are omitted.

(5) In paragraph (1) of regulation 15 (calculation of income other than earnings) for "to be taken into account" substitute "as defined in regulation 9A(2)".

(6) In regulation 18 (calculation of income derived from employed earners' employment and income other than earnings)—

(a) in paragraph (1) omit "net earnings derived from employment as an employed earner and"; and

(b) in paragraph (2), for "earnings as an employed earner or income other than earnings are" substitute "income other than earnings is".

(7) In paragraph (2) of regulation 20A (Capital Limit — Wales), replace the figure of "£23,250" with the figure "£23,750.".

(**3**) S.I. 2012/842 (W.115).
(**4**) S.I. 1992/2977
(**5**) S.I. 2006/213.
(**6**) The qualifying age for state pension credit is set out in section 1(6) of the State Pension Credit Act 2002 (c. 16).
(**7**) S.I. 2006/214.
(**8**) The Income Support (General) Regulations 1987 S.I. 1987/1967.