WELSH STATUTORY INSTRUMENTS

2010 No. 799 (W.79)

NATIONAL ASSISTANCE SERVICES, WALES

The National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2010

Made - - - -	*15 March 2010*
Laid before the National Assembly for Wales - -	*16 March 2010*
Coming into force	
For the purpose of regulation 6	*6 April 2010*
For all other purposes	*12 April 2010*

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by sections 22(4) and (5) of the National Assistance Act 1948(**1**) and now vested in them (**2**) hereby make the following regulations.

Title, commencement, interpretation and application

1.—(1) The title of these Regulations is The National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2010.

(2) These Regulations come into force on

(a) 6 April 2010 for the purposes of regulation 6; and

(b) 12 April 2010 for all other purposes.

(3) In these Regulations, "the Principal Regulations" ("*y Prif Reoliadau*") means the National Assistance (Assessment of Resources) Regulations 1992(**3**).

(4) These Regulations apply in relation to Wales.

(**1**) 1948 c. 29. *See* sections 35(1) and 64(1) of the National Assistance Act 1948 for the definitions of "the minister" and "prescribed" respectively and 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.

(**2**) The functions of the Secretary of State under sections 22(4) and (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) and transferred to the Welsh Ministers by paragraph 30 of Schedule 11 of the Government of Wales Act 2006.

(**3**) S.I. 1992/2977 as amended by a series of subsequent instruments.

Sums needed for personal requirements

2. The sum which a local authority assumes a person to need for his or her personal requirements under section 22(4) of the National Assistance Act 1948 is £22.50 per week.

Revocation

3. Regulations 2, 3, 4, 5 of the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2009(**4**) are hereby revoked.

4. Regulation 28A of the Principal Regulations is hereby revoked.

Increase in amount of savings credit to be disregarded

5.—(1) The Principal Regulations are amended in accordance with the following paragraph.

In Schedule 3, paragraph 28H—

(a) in sub-paragraphs (1) and (2) replace the figure "£5.65" with the figure "£5.75" at each place where it appears; and

(b) in sub-paragraphs (3) and (4) replace the figure of "£8.45" with the figure "£8.60" in each place where it appears.

Other Amendments to the Principal Regulations

6.—(1) The Principal Regulations are further amended in accordance with the following paragraphs.

(2) In regulation 2(1) (interpretation) after "prospective resident" insert—

""qualifying age"" has the same meaning as in section 1(6) of the State Pension Credit Act 2002(**5**);

"relative" has the same meaning as in the Income Support Regulations;"(**6**).

(3) In Schedule 2 (sums to be disregarded in the calculation of earnings), in sub-paragraph (2) of paragraph 3—

(a) in paragraph (b), for "the age of 60" substitute "the qualifying age"; and

(b) in paragraph (c) for "the age of 60" in each place where it occurs, substitute "the qualifying age".

(4) In Schedule 3 (sums to be disregarded in the calculation of income rather than earnings), in sub-paragraph (6) of Paragraph 28H, omit paragraph (b).

(5) In Schedule 4 (capital to be disregarded), in paragraph 2(**7**) for sub-paragraphs (1) and (2) substitute—

"(1) The value of any premises—

(a) which would be disregarded under paragraph 2 or 4(b) of Schedule 10 to the Income Support Regulations (premises acquired for occupation and premises occupied by a former partner); or

(b) occupied in whole or in part as their home by the resident's—

(i) partner,

(ii) other family member or relative who is aged over 60 or over or is incapacitated, or

(**4**) S.I. 2009/632 (W.58).
(**5**) 2002 c. 16.
(**6**) A definition of "relative" in the same terms was inserted for Scotland only by S.S.I. 2009/381, regulation 2(1).
(**7**) Paragraph 2 was substituted by S.I. 1993/964 and amended by S.I. 2009/462.