WELSH STATUTORY INSTRUMENTS

2005 No. 662 (W.52)

NATIONAL ASSISTANCE SERVICES, WALES

The National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2005

Made - - - -	*8 March 2005*
Coming into force - -	*11 April 2005*

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 2005 and come into force on 11 April 2005.

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

(3) These Regulations apply to Wales only.

Amendment of the Principal Regulations — Capital Limits

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

(2) Regulation 20 (Capital limit) is revoked in relation to Wales.

(3) After regulation 20 (Capital limit) insert the following regulation—

"**Capital limit — Wales**

20A.—(1) This regulation applies in relation to Wales.

(**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 and 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; as amended by a series of subsequent instruments.

(2) No resident shall be assessed as unable to pay for his accommodation at the standard rate if his capital, calculated in accordance with regulation 21, exceeds £21,000.".

(4) Regulation 28 (Calculation of tariff income from capital) is revoked in relation to Wales.

(5) After regulation 28 (Calculation of tariff income from capital), insert the following regulation —

"**Calculation of tariff income from capital — Wales**

28A.—(1) This regulation applies in relation to Wales.

(2) Where a resident's capital calculated in accordance with this part exceeds £14,750 it shall be treated as equivalent to a weekly income of £1 for each £250 in excess of £14,750 up to the limit of £21,000 (the Capital limit).

(3) Where any part of the excess is not a complete £250 that part shall nevertheless be treated as equivalent to a weekly income of £1.

(4) For the purposes of paragraph (2) capital includes any income treated as capital under regulations 22 and 34 (income treated as capital and liable relative payments) respectively.

(5) For the purposes of paragraph (2), where a resident makes additional payments as provided for in regulation 4(2)(b) of the National Assistance (Residential Accommodation) (Additional Payments Relevant Contributions and Assessment of Resources) (Amendment) (Wales) Regulations 2003(**4**) (additional payments from capital not exceeding the lower capital limit), the resident is to be treated as possessing capital equivalent to the amount of any additional payments.".

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

3.—(1) In paragraph 28H of Schedule 3 to the Principal Regulations—

(a) replace the figure "£4.75" with the figure "£4.85" at each place where it appears;

(b) in sub-paragraphs (3) and (4), replace the figure "£6.95" with the figure "£7.20" at each place where it appears.

(2) After paragraph 28J of Schedule 3 to the Principal Regulations, insert the following paragraph —

"**28K.** Any payment made pursuant to section 14F of the Children Act 1989(**5**) (Special Guardianship Support Services) to a resident who is special guardian or a prospective special guardian.".

Amendments to Schedule 4 of the Principal Regulations — Sums disregarded in the calculation of capital

4. After paragraph 26 of Schedule 4 of the Principal Regulations, insert the following paragraph —

"**27.** Any payment made pursuant to section 14F of the Children Act 1989 (Special Guardianship Support Services) to a resident who is special guardian or a prospective special guardian.".

(**4**) S.I. 2003/931.
(**5**) 1989 c. 41. Section 14F of the Children Act 1989 is inserted by section 115 of the Adoption and Children Act 2002 c. 38.