WELSH STATUTORY INSTRUMENTS

2003 No. 2530 (W.245)

NATIONAL ASSISTANCE SERVICES, WALES

The National Assistance (Assessment of Resources) (Amendment No. 2)(Wales) Regulations 2003

Made - - - -	*1st October 2003*
Coming into force - -	*6th October 2003*

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 No. 2) (Wales) Regulations 2003 and come into force on 6th October 2003.

(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 Regulation 2 of the Principal Regulations — Interpretation

2. In paragraph (1) of regulation 2 of the Principal Regulations (interpretation) —

(a) insert the following definitions in the appropriate alphabetical sequence—

""the Pension Credit Regulations" means the State Pension Credit Regulations 2002(**4**)

""savings credit" means a savings credit under the State Pension Credit Act 2002(**5**)

(b) for the definition of "less dependent resident" substitute—

(**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 6 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 of Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(**3**) S.I. 1992/2977: relevant amending instruments are S.I. 1996/602 and S.I. 2002/814 (W.94).

(**4**) S.I. 2002/ 1792.

(**5**) 2002 c. 16, *see* section 1(3)(b) and section 3.

""less dependent resident" means a resident who is in, or for whom accommodation is proposed to be provided in, premises which are not an establishment which is carried on or managed by a person who is registered under Part II of the Care Standards Act 2000(**6**);".

Amendment of Schedule 3 of the principal Regulations — Income disregards

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

(a) in paragraph 17—

(i) in sub-paragraph (a), after "(permitted allowances)" insert "or paragraph 3 of Schedule 4 to the Adoption and Children Act 2002(**7**)"

(ii) at the end add the following sub-paragraph—

"(2) Any payment other than a payment to which sub-paragraph (1)(a) applies, made to the resident in accordance with regulations made under paragraph 3 of Schedule 4 to the Adoption and Children Act 2002.";

(b) After paragraph 28G insert the following paragraphs—

"**Pension Credit**

28H.—(1) Where a resident is in receipt of savings credit as a person who has no partner and has qualifying income not exceeding the standard minimum guarantee—

(a) the amount of that savings credit where the amount received is £4.50 or less; or

(b) £4.50 of that savings credit where the amount received is greater than £4.50.

(2) Where a resident—

(a) has no partner;

(b) has attained the age of 65; and

(c) has qualifying income in excess of the standard minimum guarantee,

£4.50 of that qualifying income.

(3) Where a resident is in receipt of savings credit as a person who has a partner and has qualifying income not exceeding the standard minimum guarantee—

(a) the amount of that savings credit where the amount received is £6.75 or less; or

(b) £6.75 of that savings credit where the amount received is greater than £6.75.

(4) Subject to paragraph (5) where a resident—

(a) has a partner;

(b) has—

(i) attained the age of 65; or

(**6**) 2000 c. 14.
(**7**) 2002 c. 38.