WELSH STATUTORY INSTRUMENTS

2003 No. 969 (W.131)

NATIONAL ASSISTANCE SERVICES, WALES

The National Assistance (Residential Accommodation) (Disregarding of Resources) (Wales) Regulations 2003

Made - - - -	*26th March 2003*
Coming into force - -	*1st April 2003*

The National Assembly for Wales, in exercise of the powers conferred by section 21(2A) of the National Assistance Act 1948(**1**) hereby makes the following Regulations:—

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the National Assistance (Residential Accommodation) (Disregarding of Resources) (Wales) Regulations 2003 and will come into force on 1st April 2003.

(2) In these Regulations—

"the 2001 Act" ("*Deddf 2001*") means the Health and Social Care Act 2001(**2**);

"the Act" ("*y Ddeddf*") means the National Assistance Act 1948; and

"the Assessment Regulations" ("*y Rheoliadau Asesu*") means the National Assistance (Assessment of Resources) Regulations 1992(**3**).

(3) These Regulations apply to Wales only

Disregarding of resources

2.—(1) In determining for the purposes of paragraph (a) or (aa) of subsectio(1) of section 21 of the Act whether care and attention are otherwise available to a person, a local authority must disregard so much of the person's capital as does not exceed the capital limit.

(2) For the purposes of paragraph (1) of this regulation, subject to paragraph (3)—

(**1**) 1948 c. 29; subsections (2A) and (2B) of section 21 were substituted by section 53 of the Health and Social Care Act 2001 (c. 15). Article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672), transfers all the functions of the Secretary of State under the 1948 Act, so far as they are exercisable in relation to Wales, to the National Assembly for Wales. Section 68(1) of the 2001 Act provides for references to any Acts mentioned in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 and which are amended by the 2001 Act to be treated as referring to their amended version. (As respects Scotland, section 21 of the 1948 Act was repealed, in so far as it extended to Scotland, by section 95(2) of, and Schedule 9 to, the Social Work (Scotland) Act 1968 (c. 49)).

(**2**) 2001 c. 15.

(**3**) S.I. 1992/2977; the relevant amending instruments are S.I. 1993/964; S.I. 1993/2230; S.I. 1994/825; S.I. 1994/2386; S.I. 1995/858; S.I. 1995/3054; S.I. 1996/602; S.I. 1997/485; S.I. 1998/497; S.I. 1998/1730; S.I. 2001/58 and S.I. 2001/1066.