
STATUTORY INSTRUMENTS

2013 No. 518

NATIONAL ASSISTANCE SERVICES, ENGLAND

The National Assistance (Sums for Personal
Requirements and Assessment of Resources)
Amendment (England) Regulations 2013

<i>Made</i>	- - - -	<i>6th March 2013</i>
<i>Laid before Parliament</i>		<i>12th March 2013</i>
<i>Coming into force</i>	- -	<i>8th April 2013</i>

The Secretary of State, in exercise of the powers conferred by section 22(4) and (5) of the National Assistance Act 1948(1) makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the National Assistance (Sums for Personal Requirements and Assessment of Resources) Amendment (England) Regulations 2013 and shall come into force on 8th April 2013.

(2) In these Regulations “the Assessment Regulations” means the National Assistance (Assessment of Resources) Regulations 1992(2).

(3) These Regulations apply in relation to England.

Increase in sum needed for personal requirements

2. In regulation 2 (sum needed for personal requirements) of the National Assistance (Sums for Personal Requirements) (England) Regulations 2003(3), for “£23.50” substitute “£23.90”.

Amendment of regulation 6 of the Assessment Regulations

3. In regulation 6 (liable relatives) of the Assessment Regulations, for “10” substitute “15”.

(1) 1948 c.29. Section 22(5) was amended by paragraph 2(1) of Schedule 4 to the Social Security Act 1980 (c.30) and by paragraph 32(2) of Schedule 10 to the Social Security Act 1986 (c.50). Functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales, by Article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(2) S.I. 1992/2977; relevant amending instruments are S.I. 1993/964, 1993/2230, 1995/858, 2003/627, 2006/217 and 2010/211.

(3) S.I. 2003/628, to which relevant amendments are made by S.I. 2012/663.

Insertion of regulation 9A in the Assessment Regulations

4. After regulation 9 (calculation of income) of the Assessment Regulations 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⁽⁴⁾ or,
 - (ii) where the earner has attained the qualifying age for state pension credit⁽⁵⁾, as in regulation 35 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006⁽⁶⁾ (earnings of employed earners); and
- (b) “earnings” in relation to a self-employed earner has the same meaning as regulation 37 of the Income Support Regulations (earnings of self-employed earners)⁽⁷⁾

Omission of regulations 10, 11, 12, 13 and 14 of the Assessment Regulations

5. 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) of the Assessment Regulations are omitted.

Amendment of regulation 15 of the Assessment Regulations

6. In paragraph (1) of regulation 15 (calculation of income other than earnings) of the Assessment Regulations, for “to be taken into account” substitute “as defined in regulation 9A(2)”.

Amendment of regulation 18 of the Assessment Regulations

7. In regulation 18 (calculation of income derived from employed earners’ employment and income other than earnings) of the Assessment Regulations—

- (a) in paragraph (1) omit “net earnings derived from employment as an employed earner and”;
- (b) in paragraph (2), for “earnings as an employed earner or income other than earnings are” substitute “income other than earnings is”.

Omission of Schedule 2 of the Assessment Regulations

8. Schedule 2 (sums to be disregarded in the calculation of earnings) of the Assessment Regulations is omitted.

(4) S.I. 2006/213; relevant amending instruments are S.I. 2007/2618, 2009/2655 and 2012/757.

(5) The qualifying age for state pension credit is set out in section 1(6) of the State Pension Credit Act 2002 (c. 16).

(6) S.I. 2006/214; relevant amending instruments are S.I. 2009/2655 and 2012/757.

(7) Regulation 37 was amended by S.I. 1991/387, 1992/2155, 1994/2139, 1999/2165.

Signed by authority of the Secretary of State for Health.

6th March 2013

Norman Lamb
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to England, amend the National Assistance (Sums for Personal Requirements) (England) Regulations 2003 (“the Personal Requirements Regulations”) and make further amendments to the National Assistance (Assessment of Resources) Regulations 1992 (“the Assessment Regulations”).

Regulation 2 amends the Personal Requirements Regulations so that the weekly sum which local authorities in England are to assume, in the absence of special requirements, that residents in accommodation arranged under Part 3 of the National Assistance Act 1948 (“the 1948 Act”) will need for their personal requirements is increased to £23.90.

The Assessment Regulations concern the assessment of the ability of a person to pay for accommodation arranged by local authorities under Part 3 of the 1948 Act. These Regulations amend the Assessment Regulations to disregard the earnings of self-employed earners and those of employed earners when calculating the amount a person is liable to pay for that accommodation. This is achieved by inserting a new regulation 9A to disregard the earnings of employed and self-employed earners and to define the meaning of “earnings” in each case (regulation 4) and by omitting regulations 10 to 14 inclusive of the Assessment Regulations (regulation 5) and omitting Schedule 2 to the Assessment Regulations (regulation 8). Regulations 3, 6 and 7 make consequential amendments.

An assessment of the impact of these Regulations, in so far as they concern amendment of the Assessment Regulations, has been made. Copies of that Impact Assessment are available at:<http://transparency.dh.gov.uk/2013/02/27/earnings-disregard/>

An assessment of the impact of these Regulations, in so far as they concern amendment of the Personal Requirements Regulations, has not been published as they have no impact on the private sector or civil society organisations.