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WELSH STATUTORY INSTRUMENTS

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**2001 No. 276 (W. 12)**

**NATIONAL ASSISTANCE SERVICES, WALES**

**The National Assistance (Assessment of Resources)  
(Amendment) (Wales) Regulations 2001**

*Made* - - - - *30th January 2001*

*Coming into force* - - *1st February 2001*

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 2001 and shall come into force on 1st February 2001.

(2) In these Regulations “the principal Regulations” (“y prif Reoliadau”) means the National Assistance (Assessment of Resources) Regulations 1992(3).

(3) These Regulations shall apply to Wales only.

**Amendment of Schedule 4 to the principal Regulations**

2. At the end of Schedule 4 to the principal Regulations (capital to be disregarded) there shall be added the following paragraph —

“20. Any amount which would be disregarded under paragraph 61 of Schedule 10 to the Income Support Regulations (ex-gratia payment made by the Secretary of State in consequence of a person’s imprisonment or internment by the Japanese during the Second World War)(4).”.

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(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; relevant amending instrument is S.I. 1993/964.

(4) Paragraph 61 was added by S.I. 2001/22

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5)

30th January 2001

*D.Elis Thomas*  
The Presiding Officer of the National Assembly

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## EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

These Regulations make further amendments to the National Assistance (Assessment of Resources) Regulations 1992 (“the principal Regulations”).

The principal Regulations concern the assessment of the ability of a person (“the resident”) to pay for accommodation arranged by local authorities under Part III of the National Assistance Act 1948. Part III accommodation is arranged for persons aged 18 or over who by reason of age, illness, disability or any other circumstances, are in need of care and attention which is not otherwise available to them, and for expectant and nursing mothers in similar need.

The principal Regulations provide that no resident shall be assessed as unable to pay for Part III accommodation at the standard rate if that resident’s capital, calculated in accordance with the principal Regulations, exceeds £16,000.

These Regulations amend the principal Regulations so that an ex-gratia payment of £10,000 made by the Department of Social Security on or after 1st February 2001 is disregarded, for the purpose of assessing a resident’s capital, where such payment is made in consequence of the imprisonment or internment by the Japanese during the Second World War of —

- (a) the resident;
- (b) the resident’s partner;
- (c) the resident’s deceased spouse; or
- (d) the resident’s partner’s deceased spouse.