
WELSH STATUTORY INSTRUMENTS

2014 No. 666 (W. 73)

SOCIAL CARE, WALES

**The National Assistance (Sums for Personal Requirements)
(Assessment of Resources) and Social Care Charges
(Wales) (Miscellaneous Amendments) Regulations 2014**

<i>Made</i>	- - - -	<i>14 March 2014</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>17 March 2014</i>
<i>Coming into force</i>	- -	<i>7 April 2014</i>

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by section 22(4) and (5) of the National Assistance Act 1948⁽¹⁾, and now vested in them⁽²⁾, and in exercise of the powers conferred upon them by sections 2(2), 7(2), 12(2) and 17(2) of the Social Care Charges (Wales) Measure 2010⁽³⁾, make the following Regulations—

Title, commencement and application

1. (1) The title of these Regulations is The National Assistance (Sums for Personal Requirements) (Assessment of Resources) and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2014.

(2) These Regulations come into force on 7 April 2014.

(3) These Regulations apply in relation to Wales.

(1) 1948 c. 29.

(2) The functions of the Secretary of State under section 22(4) and (5) of the National Assistance Act were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and transferred to the Welsh Ministers by paragraph 30 of Schedule 11 of the Government of Wales Act 2006 (c. 32).

(3) 2010 nawm 2.

PART 1

Sums for Personal Requirements

Sums needed for personal requirements

2. The sum which a local authority is to assume a person needs for his or her personal requirements under section 22(4) of the National Assistance Act 1948 is £25.00 per week.

Revocation

3. Regulation 2 of the National Assistance (Sums for Personal Requirements) and National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2013(4) is revoked.

PART 2

Capital Limit

Amendment of Capital Limit

4. In paragraph (2) of regulation 20A (Capital Limit – Wales) of the National Assistance (Assessment of Resources) Regulations 1992(5), replace the figure of “£23,750” with the figure “£24,000”.

PART 3

Amendments to the Social Care Charges Regulations

Amendment of the Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011

5. (1) The Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011(6) are amended as follows—

(2) In regulation 5 (maximum reasonable charge for a service)—

(a) in paragraph (2) replace the figure of “£50” with the figure “£55.00”, and

(b) in paragraph (3) replace the figure of “£50” with the figure “£55.00”.

(3) In regulation 14(4) (means assessment process)—

(a) in sub-paragraph (e) after the words “Armed Forces” insert—

“and Reserve Forces”; and

(b) at the end of sub-paragraph (e) omit “and” and after sub-paragraph (e) insert—

“(ea) “(ea) disregard £10 of any survivor’s guaranteed income payment referred to in article 29(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(7) and, if the amount of that payment has been abated to less than £10 by a pension falling within article 39(1)(a) of that Order, so much

(4) S.I. 2013/631 (W. 68).

(5) S.I. 1992/2977.

(6) S.I. 2011/962 (W. 136).

(7) S.I. 2011/517.

of that pension as would not, in aggregate with the amount of any survivor's guaranteed income payment disregarded, exceed £10; and”.

Amendment of the Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011

6. (1) The Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011⁽⁸⁾ are amended as follows—

(2) In regulation 5 (maximum reasonable amount of a reimbursement or contribution payable)—

(a) in paragraph (1) replace the figure of “£50” with the figure “£55.00”, and

(b) in paragraph (2) replace the figure of “£50” with the figure “£55.00”.

(3) In regulation 16(4) (means assessment process) at the end of sub-paragraph (e) omit “and” and after sub-paragraph (e) insert—

“(ea) “(ea) disregard £10 of any survivor's guaranteed income payment referred to in article 29(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 and, if the amount of that payment has been abated to less than £10 by a pension falling within article 39(1)(a) of that Order, so much of that pension as would not, in aggregate with the amount of any survivor's guaranteed income payment disregarded, exceed £10; and”.

Gwenda Thomas
Deputy Minister for Social Services, under
authority of the Minister for Health and Social
Services, one of the Welsh Ministers

14 March 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, make amendments to the National Assistance (Assessment of Resources) Regulations 1992 (“the Assessment of Resources Regulations”), the Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011 (“the Determination of Charges Regulations”) and the Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011 (“the Direct Payment Regulations”). These Regulations also revoke regulation 2 of The National Assistance (Sums for Personal Requirements) and National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2013 (“the 2013 Regulations”).

The Assessment of Resources Regulations concern the assessment of the ability of a person to pay for accommodation arranged by local authorities under Part 3 of the National Assistance Act 1948.

Section 22(4) of the National Assistance Act 1948 (“the Act”) requires local authorities, in assessing a person’s ability to pay for accommodation under Part 3 of the Act, to assume, in the absence of special requirements, that a person requires a prescribed sum for their personal requirements per week. Regulation 2 prescribes £25.00 as the sum needed for personal requirements under section 22(4).

Regulation 3 revokes regulation 2 of the 2013 Regulations which previously prescribed the sum for personal requirements under section 22(4).

Regulation 4 amends the Assessment of Resources Regulations so that the capital limit set out in regulation 20A becomes £24,000. The capital limit in regulation 20A is the maximum amount of capital a person may have before that person becomes liable to pay for, or contribute from capital towards the cost of any accommodation arranged under Part 3 of the Act.

Regulation 5 of the Determination of Charges Regulations and regulation 5 of the Direct Payment Regulations respectively prescribe the maximum reasonable charge for a service and the maximum reasonable amount of a reimbursement or contribution payable for that service. Regulations 5(2) and 6(2) of these Regulations amend the Determination of Charges Regulations and the Direct Payment Regulations so that the maximum amount set out in both Regulations becomes £55.00.

Regulations 5(3) and 6(3) amend regulations 14(4) and 16(4) respectively of the Determination of Charges Regulations and the Direct Payment Regulations to include a disregard of the first £10 of a survivor’s guaranteed income payment made under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011. A survivor’s guaranteed income payment is a payment made until death to a surviving spouse, civil partner or surviving adult dependent. This amendment is made to ensure that means assessments for people receiving non residential services are no less favourable than means assessments under the National Assistance (Assessment of Resources) Regulations 1992 for people receiving residential care.

The Welsh Ministers Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefit of complying with these Regulations. A copy can be obtained from the Delivering Policy for Children and Adults Division, the Department for Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.