
WELSH STATUTORY INSTRUMENTS

2004 No. 2879 (W.249)

NATIONAL ASSISTANCE SERVICES, WALES

**The National Assistance (Assessment of Resources)
(Amendment No. 2) (Wales) Regulations 2004**

Made - - - - 2 November 2004
Coming into force - - 3 November 2004

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 2004.

(2) These Regulations come into force on 3 November 2004.

(3) In these Regulations, “the Principal Regulations” “*y Prif Reoliadau*” means the National Assistance (Assessment of Resources) Regulations 1992⁽³⁾.

(4) These Regulations apply only to Wales.

Amendment of regulation 2 of the Principal Regulations

2. In paragraph (1) of regulation 2 of the Principal Regulations (interpretation), in the appropriate alphabetical position, insert —

““the health service” has the same meaning as in section 128(1) of the National Health Service Act 1977⁽⁴⁾”.

(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 instruments are S.I. 1996/602, S.I. 2002/ 814(W.94) and S.I. 2003/897 (W. 117).

(4) 1977 c. 49.

Amendments to Schedule 3 of the Principal Regulations (Sums to be disregarded in the calculation of income other than earnings)

3. After paragraph 28I of Schedule 3 of the Principal Regulations insert the following paragraph—

“**28J.** Any payment made to the resident under section 63(6)(b) of the Health Services and Public Health Act 1968 (“the 1968 Act”)(**5**) (travelling and other allowances to persons availing themselves of instruction) for the purpose of meeting child care costs where the instruction is provided pursuant to —

- (a) section 63(1)(a) of the 1968 Act; or
- (b) section 63(1)(b) of the 1968 Act and where the resident is employed, or has it in contemplation to be employed, in an activity involved in or connected with a service which must or may be provided or secured as part of the health service.”.

Amendments to Schedule 4 of the Principal Regulations (Capital to be disregarded)

4. In Schedule 4 of the Principal Regulations, after paragraph 24, add the following paragraphs—

“**25.** Any payment made to the resident under section 2 or 3 of the Age-Related Payments Act 2004 (entitlement: basic or special cases)(**6**).

26. Any payment made to the resident under section 63(6)(b) of the Health Services and Public Health Act 1968 (“the 1968 Act”)(**5**) (travelling and other allowances to persons availing themselves of instruction) for the purpose of meeting child care costs where the instruction is

Provided pursuant to —

- (a) section 63(1)(a) of the 1968 Act; or
- (b) section 63(1)(b) of the 1968 Act and where the resident is employed, or has it in contemplation to be employed, in an activity involved in or connected with a service which must or may be provided or secured as part of the health service.”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**7**)

2 November 2004

D. Elis-Thomas
Presiding Officer of the National Assembly

(5) 1968 c. 46. Section 63(6) provides for the Minister to pay fees and make grants in relation to the training of those employed or contemplating employment in the National Health Service and subsection (6)(b) allows the payment of travelling and other allowances to those receiving instruction. The powers of the Minister under the Act are devolved to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(6) 2004 c. 10.

(5) 1968 c. 46. Section 63(6) provides for the Minister to pay fees and make grants in relation to the training of those employed or contemplating employment in the National Health Service and subsection (6)(b) allows the payment of travelling and other allowances to those receiving instruction. The powers of the Minister under the Act are devolved to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(7) 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

The Principal Regulations determine the way that local authorities assess the ability of a person to pay for the accommodation which local authorities arrange under Part III of the National Assistance Act 1948.

Regulation 3 amends the Principal Regulations by introducing an income disregard for payments towards the cost of child care under section 63(6)(b) of the Health Services and Public Health Act 1968 made to a resident who is undertaking instruction connected with the health service by virtue of arrangements made under that section.

Regulation 4 provides for the same payments to be disregarded as capital and also introduces a capital disregard for payments made under section 2 or 3 of the Age-Related Payments Act 2004.