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WELSH STATUTORY INSTRUMENTS

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**2013 No. 634 (W.70)**

**NATIONAL ASSISTANCE SERVICES, WALES**

**The National Assistance (Assessment of Resources)  
(Miscellaneous Amendments) (Wales) Regulations 2013**

<i>Made</i>	- - - -	<i>15 March 2013</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>18 March 2013</i>
<i>Coming into force</i>	- -	<i>8 April 2013</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<sup>(1)</sup>, and now vested in them<sup>(2)</sup> make the following Regulations.

**Title, commencement, interpretation and application**

1.—(1) The title of these Regulations is the National Assistance (Assessment of Resources) (Miscellaneous Amendments) (Wales) Regulations 2013.

(2) These Regulations come into force on 8 April 2013.

(3) In these Regulations “the Principal Regulations” (“*Y Prif Reoliadau*”) means the National Assistance (Assessment of Resources) Regulations 1992<sup>(3)</sup>.

(4) These Regulations apply in relation to Wales.

**Amendment of the Principal Regulations**

2.—(1) The Principal Regulations are amended as follows.

(2) In paragraph (1) of regulation 2, after the definition of “permanent resident” insert—

““personal independence payment” means personal independence payment under Part 4 of the Welfare Reform Act 2012;”<sup>(4)</sup>.

(3) In Schedule 3 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 4 after “disability living allowance” insert—

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(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) S.I.1992/2977.

(4) 2012 c. 5.

“or the mobility component of any personal independence payment.”;

(b) in paragraph 6—

(i) omit “or” at the end of paragraph (a); and

(ii) after paragraph (b) insert—

“; or

(c) the daily living component of any personal independence payment.”; and

(c) For paragraph 28 substitute the following—

“(1) Any council tax benefit or any payment made under a council tax reduction scheme.

(2) In this paragraph “council tax reduction scheme” means a scheme made by a billing authority in accordance with the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012<sup>(5)</sup> or which applies in default in accordance with paragraph 6(1)(e) of Schedule 1B to the Local Government Finance Act 1992<sup>(6)</sup>.”.

*Gwenda Thomas*

Deputy Minister for Social Services under the  
Authority of the Minister for Health and Social  
Services, one of the Welsh Ministers

15 March 2013

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<sup>(5)</sup> S.I. 2012/3144(W. 316).

<sup>(6)</sup> 1992 c. 14.

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## 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 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.

Regulation 2 amends the Principal Regulations to disregard personal independence payments and payments made under council tax reduction schemes from the calculation of income other than earnings in Schedule 3 for the purpose of assessing a person’s ability to pay for accommodation arranged by local authorities under Part 3 of the Act. A personal independence payment is a payment made under Part 4 of the Welfare Reform Act 2012.

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 benefits of complying with these Regulations. A copy can be obtained from Social Services Policy and Strategies Division, the Department for Health, Social Services and Children, Welsh Government, Cathays Park, Cardiff CF10 3NQ.