S T A T U T O R Y I N S T R U M E N T S

2002 No. 410

NATIONAL ASSISTANCE SERVICES, ENGLAND

The National Assistance (Assessment of Resources) (Amendment) (England) Regulations 2002

Made - - - -	*24th February 2002*
Laid before Parliament	*26th February 2002*
Coming into force	*8th April 2002*

The Secretary of State for Health, in exercise of powers conferred by section 22(5) of the National Assistance Act 1948**(a)** and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) (Amendment) (England) Regulations 2002 and shall come into force on 8th April 2002.

(2) In these Regulations—

"The principal Regulations" means the National Assistance (Assessment of Resources) Regulations 1992**(b)**.

(3) These Regulations extend to England only**(c)**.

Amendment of regulation 20 of the principal Regulations

2. In regulation 20 (capital limit) of the principal Regulations for the amount "£18,500" substitute the amount "£19,000".

(a) 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).

(b) S.I. 1992/2977; relevant amending instruments are S.I. 1996/602, S.I. 2001/1066 and S.I. 2001/3441.

(c) Although section 22(5) of the National Assistance Act 1948 ("the 1948 Act") extends to both Wales and Scotland, the Secretary of State no longer has powers to make regulations under the said section in respect of either country. As respects Wales, *see* article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), which transfers all the functions of the Secretary of State under the 1948 Act, so far as they are exercisable in relation to Wales, to the National Assembly for Wales. As respects Scotland, the powers of the Secretary of State to make regulations under section 22(5) of the 1948 Act in respect of persons for whom accommodation is provided under Part III of the 1948 Act are applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968 (c.49) ("the 1968 Act") (as amended by paragraph 10(13) of Schedule 9 to the National Health Service and Community Care Act 1990 (c.19)), to persons for whom accommodation is provided under either the 1968 Act or section 7 of the Mental Health (Scotland) Act 1984 (c.36): *see* however section 53 of the Scotland Act 1998 (c.46) ("the 1998 Act"), which provides that functions of a Minister of the Crown under an Act passed before the 1998 Act, in so far as they are exercisable within devolved competence, shall be exercisable by the Scottish Ministers instead of by the Minister of the Crown. The powers to make regulations under section 22(5) of the 1948 Act are within devolved competence for the purposes of section 53 of the 1998 Act.

Amendment of regulation 28(1) of the principal Regulations

3. In regulation 28(1) (calculation of tariff income from capital) of the principal Regulations—

(a) for the amount "£11,500" (both times it appears) substitute the amount "£11,750"; and

(b) for the amount "£18,500" substitute the amount "£19,000".

Revocation

4. Regulations 3 and 4 of the National Assistance (Assessment of Resources) (Amendment) (No. 2) (England) Regulations 2001**(a)** are hereby revoked.

Signed by authority of the Secretary of State for Health

Jacqui Smith
Minister of State,
Department of Health

24th February 2002

(a) S.I. 2001/1066.

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.

The principal Regulations are amended so that the capital limit set out in regulation 20 becomes £19,000 (regulation 2) and so that the capital limits set out in regulation 28(1) become £11,750 and £19,000 (regulation 3).

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