STATUTORY INSTRUMENTS

1978 No. 1073

NATIONAL ASSISTANCE SERVICES

The National Assistance (Charges for Accommodation) Regulations 1978

Made - - - -	*25th July* 1978
Laid before Parliament	*1st August* 1978
Coming into Operation	*13th November* 1978

The Secretary of State for Social Services, in exercise of powers conferred by section 22 of the National Assistance Act 1948(**a**), and now vested in him(**b**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Assistance (Charges for Accommodation) Regulations 1978, and shall come into operation on 13th November 1978.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"the Act of 1948" means the National Assistance Act 1948;

"the Act of 1975" means the Social Security Act 1975(**c**);

"Personal Injuries Scheme", "Service Pensions Instrument" and "1914-18 War Injuries Scheme" have the same meanings as in the Social Security (Overlapping Benefits) Regulations 1975(**d**), and other expressions have the same meanings as in the Act of 1948.

(2) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it with or without modification.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**e**) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

(**a**) 1948 c. 29.
(**b**) Article 2 of the Secretary of State for Social Services Order 1968, S.I. 1968/1699 (which transferred all functions of the Minister of Health to the Secretary of State for Social Services).
(**c**) 1975 c. 14.
(**d**) S.I. 1975/554.
(**e**) 1889 c. 63.

Prescription of minimum charges

3. For the purposes of section 22(3) of the Act of 1948 (which relates to charges to be made for accommodation provided under Part III of the Act) the liability of a person to pay for accommodation provided in premises managed by a local authority shall in no case be reduced below the sum of £15.60 per week.

4. Where accommodation is provided for a child accompanied by a person over the age of 16, the liability of that person under section 22(7) of the Act of 1948 to pay for the accommodation of that child shall in no case be reduced below such one of the following sums as is appropriate, that is to say—

(*a*) in respect of a child under 5 years of age, the sum of £4.40 per week;

(*b*) in respect of a child aged 5 years or over but less than 11 years, the sum of £5.30 per week;

(*c*) in respect of a child aged 11 years or over but less than 13 years, the sum of £6.55 per week;

(*d*) in respect of a child aged 13 years or over but less than 16 years, the sum of £7.95 per week.

Prescription of sum needed for personal requirements

5. For the purposes of section 22(4) of the Act of 1948 a local authority shall assume that a person to whom subsection (3) of that section applies will need for his personal requirements the sum of £3.90 per week:

Provided that if that person is someone to whom there is payable attendance allowance under the provisions of section 35 of the Act of 1975 or constant attendance allowance under any Personal Injuries Scheme, Service Pensions Instrument or any 1914-18 War Injuries Scheme, the aforementioned sum assumed to be needed for his personal requirements shall be increased by the amount of such attendance allowance or constant attendance allowance.

Revocation of existing regulations

6. The National Assistance (Charges for Accommodation) Regulations 1977(a) are hereby revoked.

Signed by authority of the Secretary of State for Social Services.

Roland Moyle,

Minister of State,
Department of Health and Social Security.

25th July 1978.

(a) S.I. 1977/1069.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations supersede the National Assistance (Charges for Accommodation) Regulations 1977. The minimum weekly amount which a person is required to pay for accommodation managed by a local authority under Part III of the National Assistance Act 1948 is increased from £14.00 to £15.60. Where a person is accompanied by a child the weekly amounts payable in respect of the child are increased from £4.10 to £4.40 when the child is under 5 years, from £4.95 to £5.30 when the child is aged 5 years or over but less than 11 years, from £6.10 to £6.55 when the child is aged 11 years or over but less than 13 years and from £7.40 to £7.95 when the child is aged 13 years or over but less than 16 years. The weekly sum for personal requirements which (unless the local authority under section 22(4) of the National Assistance Act 1948 considers a different sum appropriate) the local authority shall allow in assessing a person's ability to pay for accommodation is increased from £3.50 to £3.90 but if the person is one to whom there is payable attendance allowance under the Act of 1975 or constant attendance allowance under any Personal Injuries Scheme, Service Pensions Instrument or any 1914-18 War Injuries Scheme, the weekly sum for personal requirements shall be increased by that amount.

SI 1978/1073
ISBN 0-11-084073-9

