1988 No. 234

NATIONAL ASSISTANCE SERVICES

The National Assistance (Charges for Accommodation) Regulations 1988

Made - - - -	*16th February 1988*
Laid before Parliament	*24th February 1988*
Coming into force	*11th April 1988*

The Secretary of State for Social Services, in exercise of powers conferred by sections 22(3) and (4), 35(1) and 64(1) 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, commencement and interpretation

1.—(1) These Regulations may be cited as the National Assistance (Charges for Accommodation) Regulations 1988 and shall come into force on 11th April 1988.

(2) In these Regulations–

"the Act" means the National Assistance Act 1948;

"Personal Injuries Scheme", "Service Pensions Instrument" and "1914–18 War Injuries Scheme" have the same meanings as in the Social Security (Overlapping Benefits) Regulations 1979(c).

Minimum Charges

2.—(1) Subject to paragraph (2), the liability of a person under section 22(3) of the Act (rate of liability to pay for accommodation under Part III of the Act) to pay for accommodation provided, or proposed to be provided, for him in premises managed by a local authority shall in no case be reduced below the sum of £32.90 per week.

(2) Where accommodation is provided for a child accompanied by a person over the age of 16, the liability of that person under section 22(3) and (7) of the Act to pay for the accommodation of that child shall in no case be reduced below whichever of the following sums is appropriate, that is to say–

(a) in respect of a child under the age of 11, the sum of £10.75 per week;

(b) in respect of a child aged 11 years or over but under the age of 16, the sum of £16.10 per week.

Sum needed for personal requirements

3. The sum which under section 22(4) of the Act a local authority shall assume that a person will need for his personal requirements shall be the sum of £8.25 per week, except that in the case of a person to whom there is payable–

(a) 1948 c.29; section 22(3) was amended by paragraph 3(a) of Schedule 7 to the Supplementary Benefits Act 1976 (c.71); *see* definitions of "the Minister" in section 35(1) and "prescribed" in section 64(1).
(b) *See* the Secretary of State for Social Services Order 1968 (S.I. 1968 1699), article 2.
(c) S.I. 1979 597; the relevant amending instrument is S.I. 1980 1927.

(a) attendance allowance under the provisions of section 35 of the Social Security Act 1975(**a**); or

(b) constant attendance allowance under any Personal Injuries Scheme, Service Pensions Instrument or any 1914–18 War Injuries Scheme,

that sum shall be increased by the amount of the allowance for each week the allowance is payable.

Revocation

4. The National Assistance (Charges for Accommodation) Regulations 1987(**b**) are hereby revoked.

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

Nicholas Scott
Minister of State,
Department of Health and Social Security

16th February 1988

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supersede, with effect from 11th April 1988, the National Assistance (Charges for Accommodation) Regulations 1987. 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 £31.60 to £32.90; in the case of a child accompanied by a person aged over 16 the increase is from £15.60 to £16.10 if the child is aged at least 11 but is under 16 and from £10.40 to £10.75 if he is under 11 (regulation 2). The weekly sum which in assessing a person's ability to pay for such accommodation a local authority is, in the absence of special circumstances, to assume will be needed for personal requirements is increased from £7.90 to £8.25 (in addition to the amount of attendance, or constant attendance allowance where this is payable) (regulation 3).

(**a**) 1975 c.14; in section 35, subsections (2)(b), (3) and (4)(a) were amended, and subsections (2A) and (5A) inserted, by section 2 of the Social Security Act 1979 (c.18); subsection (4A) was inserted by paragraph 8 of Schedule 1 to the Social Security Act 1980 (c.30); and subsection (6)(a) was amended by paragraph 63 of Schedule 15 to the National Health Service Act 1977 (c.49).
(**b**) S.I. 1987 370.

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