NATIONAL ASSISTANCE

1959 No. 1241

The National Assistance (Determination of Need) Amendment Regulations, 1959

Laid before Parliament in draft

Made - - - - 20*th July*, 1959

Coming into Operation 7*th September*, 1959

Whereas a draft of the following regulations was laid before Parliament and approved by resolution of each House of Parliament :

Now, therefore, the Minister of Pensions and National Insurance in accordance with the provisions of section 6 of the National Assistance Act, 1948(**a**), and in exercise of the powers conferred by section 5 of that Act, and of all other powers enabling him in that behalf, hereby makes the following regulations in the terms of the said draft regulations :—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Assistance (Determination of Need) Amendment Regulations, 1959, shall be read as one with the National Assistance (Determination of Need) Regulations, 1948(**b**) (hereinafter referred to as " the principal regulations ") and shall come into operation on the 7th September, 1959.

Amendment of regulation 1 *of the principal regulations*

2. For paragraph (4) of regulation 1 of the principal regulations (which paragraph relates to interpretation) there shall be substituted the following paragraph :—

" (4) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended from time to time, whether before or after the coming into operation of these regulations, by any subsequent enactment, order or regulations."

Amendment of regulation 2 *of the principal regulations*

3. At the end of regulation 2 of the principal regulations (which regulation provides for the determination of the need for assistance of an applicant in accordance with the provisions of the Schedule to those regulations) there shall be added the words :—" and with the rules as to the disregarding of certain assets set out in the Second Schedule to the Act ".

(**a**) 11 & 12 Geo. 6. c. 29. (**b**) S.I. 1948/1334 (Rev. XV, p. 251: 1948 I, p. 2023).

Amendment of Part I of the Schedule to the principal regulations

4.—(1) Part I of the Schedule to the principal regulations, as amended(a), (which Part provides for the computation of the requirements of applicants for assistance) shall be amended in accordance with the subsequent provisions of this regulation and shall accordingly have effect as set out in the First Schedule to these regulations.

(2) Paragraph 2 of the said Part I (which paragraph provides the ordinary scale for computing the requirements other than rent of applicants for assistance) shall have effect as if for the sums specified in the said paragraph there were substituted the sums following :—

	s.	d.
(*a*) For a husband and wife	85	0
(*b*) For a person who is living alone, or is a householder and, as such, is directly responsible for rent and household necessaries	50	0
(*c*) For any other person, being—		
(i) aged 21 years or over	46	0
(ii) aged 18 years or over but less than 21 years	36	0
(iii) aged 16 years or over but less than 18 years	30	0
(iv) aged 11 years or over but less than 16 years	23	0
(v) aged 5 years or over but less than 11 years	19	0
(vi) aged under 5 years	16	0

(3) Paragraph 3 of the said Part I (which paragraph provides a special scale for computing the requirements other than rent of blind and certain tuberculous persons who are applicants for assistance) shall have effect as if for the sums specified in the said paragraph there were substituted the sums following :—

	s.	d.
(*a*) For a husband and wife—		
(i) of whom one is such a person	107	6
(ii) of whom both are such persons	122	6
(*b*) For any other such person, being—		
(i) aged 21 years or over	72	6
(ii) aged 18 years or over but less than 21 years	55	0
(iii) aged 16 years or over but less than 18 years	45	0

(4) In paragraph 4 of the said Part I (which paragraph provides for computing the requirements in respect of rent of applicants for assistance) for the words "having regard to the general level of rents in the locality" in head (*a*) of sub-paragraph (1) there shall be substituted the words "in the circumstances" and for the sum of 10s. in head (*b*) thereof there shall be substituted the sum of 15s.

Amendment of Part II of the Schedule to the principal regulations

5. For the provisions of Part II of the Schedule to the principal regulations (which Part provides for the computation of the available resources of applicants for assistance) there shall be substituted the provisions set out in the Second Schedule to these regulations.

(a) *See* S.I. 1952/873, 1957/2072 (1952 II, p. 2036; 1957 I, p. 1440).

Revocation of regulations

6.—(1) The regulations specified in the Third Schedule to these regulations are hereby revoked to the extent mentioned in the third column of that Schedule.

(2) Subsection (2) of section 38 of the Interpretation Act, 1889(a) shall apply as if the regulations hereby revoked were Acts of Parliament repealed by an Act of Parliament.

Dated this twentieth day of July, 1959.

John Boyd-Carpenter,
Minister of Pensions and National Insurance.

FIRST SCHEDULE

Regulation 4

*(Containing Part I of the Schedule to the principal regulations as amended by these regulations)**

PART I

RULES FOR THE COMPUTATION OF REQUIREMENTS

Aggregation of requirements

1. The requirements of an applicant, subject to the provisions of paragraphs 5 and 6 of this Part of this Schedule, shall be taken to be the aggregate amount of the sums in respect of the requirements—

(*a*) of the applicant; and

(*b*) of the husband or wife of the applicant; and

(*c*) of any other member of the household dependent on the applicant;

allowed in accordance with the provisions of paragraphs 2, 3 and 4 of this Part of this Schedule.

Requirements other than rent

2. *Ordinary scale.* Subject to the provisions of the next succeeding paragraph a weekly sum in respect of requirements other than rent shall be allowed as follows, that is to say:—

	s.	*d.*
(*a*) For a husband and wife	*85*	*0*
(*b*) For a person who is living alone, or is a householder and, as such, is directly responsible for rent and household necessaries ...	*50*	*0*
(*c*) For any other person, being—		
(i) aged 21 years or over	*46*	*0*
(ii) aged 18 years or over but less than 21 years	*36*	*0*
(iii) aged 16 years or over but less than 18 years	*30*	*0*
(iv) aged 11 years or over but less than 16 years	*23*	*0*
(v) aged 5 years or over but less than 11 years	*19*	*0*
(vi) aged under 5 years...	*16*	*0*

3. *Scale for blind and certain tuberculous persons.* Where a person aged 16 years or over, or his wife or her husband, is a blind person or has suffered a loss of income in order to undergo treatment for tuberculosis of the respiratory system, the weekly sum in respect of requirements other than rent shall be allowed as follows, that is to say:—

	s.	*d.*
(*a*) For a husband and wife—		
(i) of whom one is such a person	*107*	*6*
(ii) of whom both are such persons	*122*	*6*

(a) 52 & 53 Vict. c. 63.

* The words and figures substituted by these regulations are shown in italics.

	s.	d.
(*b*) For any other such person, being—		
(i) aged 21 years or over	72	6
(ii) aged 18 years or over but less than 21 years	55	0
(iii) aged 16 years or over but less than 18 years	45	0

Rent

4.—(1) A weekly sum in respect of requirements for rent shall be allowed as follows, that is to say:—

(*a*) where the applicant, or his wife or her husband, is a householder, or where the applicant is living alone, the net rent payable, or such a part thereof as is reasonable *in the circumstances*;

(*b*) in any other case (unless there are special circumstances or the applicant is under the age of 18 years) a reasonable share of the rent payable by the householder of whose household the applicant is a member, but not less than 2s. 6d. nor more than *15s.*

(2) In this paragraph the expression "rent" means—

(i) the weekly rent, or a proportion thereof, appropriate to a week, excluding arrears thereof, and

(ii) the weekly proportion of outgoings borne by the householder including, in particular, rates, a reasonable allowance towards any necessary expenditure on repairs or insurance, and such portion as is for the time being attributable to interest of any sum payable in respect of a mortgage debt or heritable security charged on the house in which the householder resides, or on any interest therein;

and the expression "net rent" means the rent less any proceeds of subletting any part of the premises in respect of which the said rent is paid or the outgoings incurred.

Applicants in accommodation provided under Part III of the Act

5. The requirements of an applicant who is residing in accommodation provided under Part III of the Act shall be taken to be the aggregate amount of the sums per week appropriate in his case for the time being prescribed for the purposes of subsections (3) and (4) of section 22 of the Act (which subsections relate respectively to the weekly sum to be charged for such accommodation and to the weekly sum to be assumed necessary for the personal requirements of persons residing therein).

Trade disputes

6.—(1) Where an applicant is a person disqualified for an assistance grant in respect of his own requirements by virtue of subsection (3) of section 9 of the Act, his requirements to provide for any other person shall be taken to be the appropriate sum allowed in accordance with the provisions of head (*c*) of paragraph 2 of this Part of this Schedule, increased by the sum in respect of requirements for rent allowed in accordance with the provisions of paragraph 4 of this Part of this Schedule.

(2) Where the husband or wife of an applicant is a person disqualified for an assistance grant in respect of his or her own requirements by virtue of the said subsection (3), the requirements of the applicant to provide for himself or herself and for any other person other than his wife or her husband shall be taken to be the sum appropriate in his or her case allowed in accordance with the provisions of the last foregoing sub-paragraph.

SECOND SCHEDULE Regulation 5

(Containing the provisions of Part II of the Schedule to the principal regulations substituted by these regulations)

PART II

RULES FOR THE COMPUTATION OF RESOURCES

Aggregation of resources

1. The available resources of an applicant shall be taken to be the aggregate amount of the resources of such persons as are mentioned in paragraph 1 of Part I of this Schedule computed in accordance with the provisions of this Part of this Schedule and with the rules as to the disregarding of certain assets set out in the Second Schedule to the Act.

Treatment of earnings

2.—(1) The portion of the earnings of any person to be taken into account in computing his resources shall be taken to be the amount of his net weekly earnings reduced by the amount allowed in accordance with the provisions of sub-paragraph (2) of this paragraph.

(2) The amount (which may be varied if there are special circumstances) to be allowed for the purposes of sub-paragraph (1) of this paragraph shall be as follows, that is to say—

(*a*) the first 30s., half of the next twenty complete shillings, and any amount in excess of the last complete shilling, of the net weekly earnings of any person aged 16 years or over, unless he is a person required under subsection (3) of section 8 of the Act to register for employment as a condition for the receipt of an assistance grant, in which case the amount allowed shall be the first 15s. of his net weekly earnings; or

(*b*) the first 15s. of the net weekly earnings of any person aged under 16 years.

Contributions towards household expenses

3.—(1) The resources of a householder shall, unless exceptional circumstances are shown, be taken to include a contribution towards the expenses of the household from any member thereof who is not a dependant of his of such an amount as is reasonable having regard to all the circumstances of the case, but not exceeding such share of the rent payable by the householder as is reasonably attributable to that member having regard to all the circumstances, including the number of members of the household dependent on him:

Provided that this paragraph shall not apply—

(*a*) where the resources of the said member are derived solely from a gainful occupation or occupations and his net weekly earnings do not exceed 60s.; or

(*b*) where the householder is a blind person or the husband or wife of a blind person.

(2) The expression "rent" has the same meaning in this paragraph as in paragraph 4 of Part I of this Schedule.

Treatment of other resources

4. In computing the available resources of a person there shall be taken into account any resources not particularly mentioned in this Part of this Schedule nor falling to be disregarded under the rules contained in the Second Schedule to the Act, reduced by such amount (if any) as is reasonable having regard to all the circumstances of the case.

THIRD SCHEDULE Regulation 6

REGULATIONS REVOKED

Statutory Instrument	Citation	Extent of Revocation
S.I. 1950/718 (1950 I, p. 1279).	The National Assistance (Determination of Need) Amendment Regulations, 1950.	The whole of the Regulations.
S.I. 1951/1305 (1951 I, p. 1376).	The National Assistance (Determination of Need) Amendment Regulations, 1951.	The whole of the Regulations.
S.I. 1952/873 (1952 II, p. 2036).	The National Assistance (Determination of Need) Amendment Regulations, 1952.	Regulation 2.
S.I. 1954/1704 (1954 I, p. 1244).	The National Assistance (Determination of Need) Amendment Regulations, 1954.	The whole of the Regulations.
S.I. 1955/1905 (1955 I, p. 1243).	The National Assistance (Determination of Need) Amendment Regulations, 1955.	The whole of the Regulations.
S.I. 1957/2072 (1957 I, p. 1440).	The National Assistance (Determination of Need) Amendment Regulations, 1957.	The whole of the Regulations.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations, which amend the National Assistance (Determination of Need) Regulations, 1948, provide for increases in the weekly sums allowed for requirements, other than rent, for the purpose of determining the need of applicants for assistance under the National Assistance Act, 1948. They make the rent allowance for a householder the net rent payable or such part as is reasonable in the circumstances, so that in no case will the former restriction by reference to the level of rents in the locality apply. They increase the permissible rent allowance for persons who are not householders. They also increase the amount of earnings to be disregarded and vary the method of assessing the contributions towards the expenses of the household which are taken to be made by members of it who are not dependants of the householder.

Regulation 2 of the principal regulations as now amended refers to the provisions of the Second Schedule to the National Assistance Act, 1948, as to the disregarding of assets and those provisions are therefore no longer repeated in the Regulations. Such of the previous amending Regulations as are spent are revoked. The only other amendments made are of a minor or drafting nature.

1959 No. 1244

The National Assistance (Disregard of Assets) Order, 1959

For the text of this Order *see* Part I, p. 1556, of this vol.