6. DETERMINATION OF NEED

The National Assistance (Determination of Need) Regulations, 1948

1948 No. 1334

Made - - - - *22nd June*, 1948
Coming into Operation *5th July*, 1948

M.N.I. 130.

Whereas the provisions of subsections (1), (2) and (3) of section 6 of the National Assistance Act, 1948 (hereinafter referred to as "the Act") were duly complied with and the Minister of National Insurance (hereinafter referred to as "the Minister") made and laid before Parliament draft regulations; 11 & 12 Geo. 6. c. 29.

And Whereas each House of Parliament by resolution duly approved the said draft regulations:

Now, therefore, the Minister in pursuance of the powers conferred on him by sections 5 and 6 of the Act hereby makes the following regulations in the terms of the draft so approved as aforesaid:—

1.—(1) These regulations may be cited as the National Assistance (Determination of Need) Regulations, 1948, and shall come into operation on the 5th July, 1948. Citation, commencement and interpretation.

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

"the applicant" means a person who has made an application for assistance under the Act;

"net weekly earnings" means the net remuneration or profit, calculated on a weekly basis, derived by a person from any gainful occupation or occupations, and, in particular, in so far as the earnings consist of salary or wages, there shall be deducted—

(*a*) any sum the deduction of which from salary or wages is authorised by statute;

(*b*) the reasonable expenses, if any, incurred by the said person in connection with his employment;

and other expressions have the same meanings as in the Act.

(3) For the purposes of these regulations, a person shall be treated as a husband or a wife only where he or she is a member of the same household as his wife or her husband, and the expression "husband and wife" shall be construed accordingly.

(4) References in these regulations to any enactment shall include references to such enactment as amended by any subsequent enactment, order or regulations.

(5) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

Determination of need for assistance.

2. Subject to the provisions of these regulations, the need for assistance of an applicant shall be determined on a weekly basis at the amount calculated by deducting from his requirements, computed in accordance with the provisions of Part I of the Schedule to these regulations, his available resources, computed in accordance with the provisions of Part II of the said Schedule.

Adjustment in special circumstances.

3. Where there are special circumstances the amount calculated in accordance with the last foregoing regulation may be adjusted as may be appropriate to meet those circumstances.

Minor adjustments.

4. Notwithstanding anything contained in the two last foregoing regulations—

(*a*) where the amount calculated in accordance therewith is less than one shilling the applicant shall be deemed not to be in need of assistance; and subject thereto

(*b*) where such amount is not a multiple of sixpence it shall be treated as the amount nearest thereto which is a multiple of sixpence.

Adjustment in relation to normal wages.

5. The need for assistance of an applicant, being 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, shall not, unless there are special circumstances, be determined at an amount which, when taken together with his net weekly earnings from any regular part-time occupation, would exceed the amount of his net weekly earnings if he were employed full-time in his normal occupation.

Grants for exceptional need.

6. An assistance grant of such a sum as is reasonable having regard to all the circumstances of the case may be made, by way of a single payment, to meet an exceptional need for assistance of an applicant.

Dated this 22nd day of June, 1948.

James Griffiths,
Minister of National Insurance.

SCHEDULE

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	40	0
(*b*) For a person who is living alone, or is a householder and, as such, is directly responsible for rent and household necessaries ...	24	0
(*c*) For any other person, being—		
(i) aged 21 years or over	20	0
(ii) aged 18 years or over but less than 21 years	17	6
(iii) aged 16 years or over but less than 18 years	15	0
(iv) aged 11 years or over but less than 16 years	10	6
(v) aged 5 years or over but less than 11 years	9	0
(vi) aged under 5 years	7	6

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	55	0
(ii) of whom both are such persons	65	0
(*b*) For any other such person, being—		
(i) aged 21 years or over	39	0
(ii) aged 18 years or over but less than 21 years	30	0
(iii) aged 16 years or over but less than 18 years	25	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 having regard to the general level of rents in the locality;

(*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 10s.

(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 Local Authority Homes

5. The requirements of an applicant who is residing in accommodation provided under Part III of the Act shall be taken to be 26s. a week.

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.

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.

Disregard of the value of a residence

2. In taking into account the value to any person of an interest in the dwelling house in which he resides, any sum which might be obtained by him by selling that interest or borrowing money upon the security thereof shall be disregarded.

Disregard of war savings

3.—(1) Subject to the provisions of this Part of this Schedule, any capital resources of a person not disregarded by virtue of the foregoing paragraph shall be disregarded up to the smaller of the following amounts, that is to say—

(*a*) the aggregate amount of any war savings of the person in question;

(*b*) three hundred and seventy-five pounds.

(2) There shall be wholly disregarded any income from capital resources which fall to be disregarded under the last foregoing sub-paragraph.

(3) The amount of the war savings of any person shall be ascertained for the purposes of this paragraph in accordance with the provisions in that behalf of paragraphs 7, 8 and 9 of the Second Schedule to the Act.

Treatment of other capital

4. Any capital resources not disregarded by virtue of either of the two last foregoing paragraphs shall—

(*a*) so far as their aggregate value does not exceed fifty pounds, be disregarded together with all income therefrom;

(*b*) so far as their aggregate value exceeds fifty pounds but does not exceed four hundred pounds, be treated as equivalent to a weekly income of sixpence for each complete twenty-five pounds;

(*c*) so far as their aggregate value exceeds four hundred pounds be treated as part of the available resources of the applicant.

Disregard of death and maternity grants

5. There shall be wholly disregarded—

(*a*) any death grant paid to a person under the provisions of section 22 of the National Insurance Act, 1946;

9 & 10 Geo. 6. c. 67.

(*b*) any maternity grant to which a woman is entitled under section 14 of the National Insurance Act, 1946.

Disregard of certain forms of income

6.—(1) Any such payment or part of a payment as is specified in the following provisions of this paragraph shall be disregarded up to the amount of one pound a week or, if the person in question is in receipt of more than one payment so specified, up to the said amount in the aggregate.

(2) The payments and parts of payments hereinbefore referred to are:—

(*a*) the first ten shillings and sixpence a week of any payment of sick pay received from a friendly society or trade union;

(*b*) the first ten shillings and sixpence a week of any superannuation payment or superannuation payments in respect of previous service or employment from which the recipient has retired or resigned (whether payable by a former employer or not), not being a payment or payments—

(i) on account of a pension under the Old Age Pensions Act, 1936, or under or by virtue of the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941, or under any enactment repealed by any of those Acts; or (26 Geo. 5. & 1 Edw. 8 c. 31.)

(ii) on account of a retirement pension under the National Insurance Act, 1946;

(*c*) any payment by way of attendance allowance under section 14 of the National Insurance Act, 1946, and any payment by way of maternity allowance under section 15 of that Act;

(*d*) any of the following payments, that is to say—

(i) any payment in respect of retired pay or pension to which section 16 of the Finance Act, 1919, applies, including any payment in respect of a dependant's allowance attached to such a pension; (9 & 10 Geo. 5. c. 32.)

(ii) any payment in respect of a disablement pension awarded under the Personal Injuries (Emergency Provisions) Act, 1939, including an increase in such a pension in respect of dependants; (2 & 3 Geo. 6. c. 82.)

(iii) any weekly payment by way of compensation under any enactment relating to workmen's compensation;

(iv) any payment by way of disablement benefit under the National Insurance (Industrial Injuries) Act, 1946. (9 & 10 Geo. 6. c. 62.)

Treatment of earnings

7.—(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 20s., 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 10s. of his net weekly earnings; or

(*b*) one third of the net weekly earnings of any person aged under 16 years.

Contribution towards household expenses

8. Where the applicant is the householder, or the husband or wife of the householder, his resources 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 an amount of 7s. a week, or of such less amount as is reasonable having regard to the said member's circumstances and personal responsibilities:

Provided that—

(*a*) where the resources of the said member are derived solely from a gainful occupation or occupations and his net weekly earnings—

(i) amount to less than 70s. a week but more than 45s. a week, the amount of the contribution shall not be taken to exceed 5s. a week;

(ii) amount to 45s. a week or less, but more than 25s. a week, the amount of the contribution shall not be taken to exceed 2s. 6d. a week;

(iii) amount to 25s. a week or less, no contribution shall be taken to be so included;

(*b*) this paragraph shall not apply where the householder or his wife or her husband is a blind person.

Treatment of other resources

9. 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 reduced by such amount (if any) as is reasonable having regard to all the circumstances of the case.

Application of rules to aggregated resources

10. Where the resources of two or more persons are to be aggregated, paragraphs 3 and 7 of this Part of this Schedule shall apply to the resources of each of the said persons severally and paragraphs 4 and 6 thereof shall apply to the aggregate of the resources of both or all the said persons.

EXPLANATORY NOTE

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

These Regulations are made to comply with the provisions of section 5 of the National Assistance Act, 1948, and in accordance with the special procedure laid down in section 6 of that Act. The Regulations lay down how the need of an applicant for assistance shall be determined and for this purpose how his requirements and resources shall be computed.

7. POWERS OF INSPECTION

(1) *England and Wales.* | (2) *Scotland*, p. 2030.

(1) ENGLAND AND WALES

The National Assistance (Powers of Inspection) Regulations, 1948

1948 No. 1445

Made - - - -	*28th June*, 1948
Laid before Parliament	*29th June*, 1948
Coming into Operation	*5th July*, 1948

10811 6.

The Minister of Health, in exercise of the powers conferred on him by subsections (2) and (3) of section 35 of the National Assistance Act, 1948(a), hereby makes the following regulations:—

1. These regulations may be cited as the National Assistance (Powers of Inspection) Regulations, 1948, and shall come into operation on the fifth day of July, 1948.

(a) 11 & 12 Geo. 6. c. 29.