

2012 No. 2336

NATIONAL ASSISTANCE SERVICES, ENGLAND

**The National Assistance (Assessment of Resources) Amendment
(England) Regulations 2012**

<i>Made</i>	- - - -	<i>11th September 2012</i>
<i>Laid before Parliament</i>		<i>17th September 2012</i>
<i>Coming into force</i>	- -	<i>29th October 2012</i>

The Secretary of State, in exercise of the powers conferred by section 22(5) of the National Assistance Act 1948(a), makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Assistance (Assessment of Resources) Amendment (England) Regulations 2012 and shall come into force on 29th October 2012.

(2) In these Regulations “the principal Regulations” means the National Assistance (Assessment of Resources) Regulations 1992(b).

Amendment of Schedule 3 to the principal Regulations

2. In Schedule 3 to the principal Regulations (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 11, after “Income Support Regulations (specified pensions)” insert—

“save for paragraph 16(cc)”;

(b) after paragraph 11 insert—

“**11A.** Any guaranteed income payment referred to in article 15(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(c).”

11B. Subject to paragraph 31, £10 of any survivor’s guaranteed income payment referred to in article 29(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 and, if the amount of that payment has been abated to less than £10 by a pension falling within article 39(1)(a) of that Order, so much of that pension as would not, in aggregate with the amount of any survivor’s guaranteed income payment disregarded, exceed £10.”; and

(c) in paragraph 31, for “paragraph 11” substitute “paragraphs 11 and 11B”.

(a) 1948 c. 29. Section 22(5) was amended by paragraph 2(1) of Schedule 4 to the Social Security Act 1980 (c.30) and by paragraph 32(2) of Schedule 10 to the Social Security Act 1986 (c.50). Functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales, by article 2 of Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(b) S.I. 1992/2977.

(c) S.I. 2011/517.

Signed by authority of the Secretary of State for Health.

11th September 2012

Norman Lamb
Minister of State,
Department of Health

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.

Regulation 2 amends the principal Regulations to disregard a guaranteed income payment in its entirety from the calculation of income other than earnings for the purposes of assessing a person’s ability to pay for that accommodation. A guaranteed income payment is a monthly loss of earnings capacity compensation payment made where the predominant cause of injury or illness is as a result of service in the Armed Forces.

Regulation 2 also amends the principal Regulations to disregard the first £10 of a survivor’s guaranteed income payment made under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011. A survivor’s guaranteed income payment is a payment made until death to a surviving spouse, civil partner or surviving adult dependent. The Regulation also amends the principal Regulations to provide that the weekly amount of income disregarded under this provision together with specified other provisions cannot exceed £20 in total.

An impact assessment has not been produced for this instrument as no impact on business or the voluntary sectors is foreseen.

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