



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

ADRODDIAD GAN Y PWYLLGOR DEDDFAU

LEGISLATION COMMITTEE REPORT

**The National Assistance (Assessment of Resources) (Amendment) (Wales)
Regulations 2003**

The National Assistance (Assessment of Resources) Regulations 1992 contain provision with regard to the assessment of the ability of a person to pay for accommodation arranged by local authorities under Part III of the National Assistance Act 1948. The present regulations make amendments to the 1992 Regulations as explained in the explanatory note.

Standing Order 11.5

The Assembly is invited to pay special attention to the following drafting defects which have been acknowledged on behalf of the Minister and will be appropriate for correction by means of a memorandum of corrections.

Regulation 2(3)

It appears that wording such as “in each instance” was intended to be included immediately prior to “where”.

Regulation 3

In the definitions of “carer’s allowance” and “guardian’s allowance” the words “Social Security” should have been omitted to accord with the definition which is already in the 1992 Regulations.

In the definition of “lone parent” the word “(General)” should have been omitted to accord with the definition which is already in the 1992 Regulations.

In the other definitions the year of the Act has been omitted.

Regulation 4

The words “regulation 16 of” should have been included immediately prior to “the principal Regulations”.

Regulation 7(1)

In the inserted paragraph 28D the reference to the Assembly should be in full. Also the year should be given for the Local Government Act.

Regulation 8

In the inserted paragraph 6A “Social Security” should be omitted from paragraphs (a) and (b) to accord with the definition in the 1992 Regulations, and in the inserted paragraph 22 the year should be given for the Local Government Act.

Observations

Regulation 4

The wording (but not the meaning) of the inserted paragraph (5) is slightly different from paragraph (5) as inserted for England. Given the desirability of avoiding different text for the same paragraph as between Wales and England it might have been better, in this instance, for the existing format which has been applied in England to have been similarly applied in Wales.

It is also to be noted that there may be a revised laid version of these regulations in which the heading wrongly refers to a coming into force date of 7 April. The correct form is in the original version – “in accordance with article 1(1)”.

Mick Bates
Chair Legislation Committee

18 March 2003