

LEGISLATION COMMITTEE – CHECKLIST

Legislation Committee number:

LC69

Title:

The National Assistance
(Sums for Personal
Requirements) (Wales)
Regulations 2000

Associated Documents :

- Report of the Legal Advisor

LC69(R)

Legislation Committee consideration (date)

4 April 2000

Urgency procedures (if applicable)

Made:

March 2000

Coming into Force:

April 2000

Any further comments:

NATIONAL ASSEMBLY FOR WALES

LEGISLATION COMMITTEE REPORT

The National Assistance (Sums for Personal Requirements)

(Wales) Regulations 2000

Background

Part III of the National Assistance Act 1948 concerns the provision, by local authorities, of residential accommodation for persons who need care and attention by reason of age, illness or disability.

Section 22 of the 1948 Act provides for the making of charges for such accommodation.

Section 22(3) specifically provides that where a person is unable to pay the standard rate set by the local authority, the authority are to determine at what lower rate that person should pay.

Section 22(4) provides that in assessing a person's ability to pay, the local authority are to assume that the person will need, for personal requirements, such sum per week as may be prescribed by regulations.

The present regulations prescribe £15.45 per week for the above purpose. This is in place of the currently prescribed amount of £14.75.

Standing Order 11.5

No points have been identified as matters in respect of which the Committee needs to invite the Assembly to pay special attention, under Standing Order 11.5.

There are, however, some comments which it is considered should be recorded.

Comment on the Regulations

Coming into Force Date

The draft regulations as laid before the Assembly leave this date uncompleted both in the second paragraph of the explanatory note and at the head of the instrument itself. The date should have been inserted. Also, although the heading to regulation 1 includes "commencement" the actual provision for commencement has been omitted from that regulation. These matters should be capable of correction when the instrument is submitted for signature.

J H TURNBULL

Legal Adviser

Legislation Committee

Ref: LAD 01-01-105

27 March 2000

<u>CYNULLIAD CENEDLAETHOL CYMRU</u>		<u>NATIONAL ASSEMBLY FOR WALES</u>
<u>OFFERYNNAU</u> <u>STATUDOL</u>		<u>STATUTORY</u> <u>INSTRUMENTS</u>
2000 Rhif (Cy.)		2000 No. (W.)
GWASANAETHAU CYMORTH GWLADOL, CYMRU		<u>NATIONAL ASSISTANCE SERVICES, WALES</u>
Rheoliadau Cymorth Gwladol (Symiau at Anghenion Personol) (Cymru) 2000		The National Assistance (Sums for Personal Requirements) (Wales) Regulations 2000
<u>NODYN ESBONIADOL</u> <i>(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau.)</i>		<u>EXPLANATORY NOTE</u> <i>(This note does not form part of the Regulations.)</i>

Mae'r Rheoliadau hyn yn nodi'r swm wythnosol y mae'r awdurdodau lleol yng Nghymru i ragdybio, yn niffyg amgylchiadau arbennig, y bydd ar breswylwyr sydd mewn llety a drefnwyd o dan Ran III o Ddeddf Cymorth Gwladol 1948 ei angen at eu hanghenion personol.

O 10 Ebrill 2000 ymlaen, rhagdybir y bydd ar bob preswlydd o'r fath angen £15.45 yr wythnos at eu hanghenion personol.

Mae'r Rheoliadau hyn yn disodli, yng Nghymru, Reoliadau Cymorth Gwladol (Symiau at Anghenion Personol) 1999 (a oedd yn darparu ar gyfer y swm y rhagdybid bod ar breswylwyr ei angen o 12 Ebrill 1999 ymlaen) sy'n cael eu diddymu i'r graddau y maent yn gymwys i Gymru.

These Regulations set out the weekly sum which local authorities in Wales are to assume, in the absence of special circumstances, that residents in accommodation arranged under Part III of the National Assistance Act 1948 will need for their personal requirements.

From 10 April 2000 all such residents will be assumed to need £15.45 per week for their personal requirements.

These Regulations supersede in Wales the National Assistance (Sums for Personal Requirements) Regulations 1999 (which provided for the sum residents were assumed to need from 12 April 1999) which are revoked in so far as they apply to Wales.

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OFFERYNNAU

STATUDOL

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STATUTORY

INSTRUMENTS

2000 Rhif (Cy.)

2000 No. (W.)

**GWASANAETHAU CYMORTH
GWLADOL, CYMRU**

**NATIONAL ASSISTANCE SERVICES,
WALES**

Rheoliadau Cymorth Gwladol (Symiau at Anghenion Personol) (Cymru) 2000

The National Assistance (Sums for Personal Requirements) (Wales) Regulations 2000

Wedi'u gwneud 2000

Yn dod i rym 10 Ebrill 2000

Made March 2000

Coming into force 10th April 2000

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 22(4) o Ddeddf Cymorth Gwladol 1948 **(a)** a phob per arall sy'n galluogi'r Ysgrifennydd Gwladol yn y cyswllt hwnnw, ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru**(b)**:-

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by section 22(4) of the National Assistance Act 1948**(a)** and of all other powers enabling the Secretary of State in that behalf, and now vested in the National Assembly for Wales**(b)**:-

Enwi, cychwyn a chymhwyso

Citation, commencement and application

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cymorth Gwladol (Symiau at Anghenion Personol) (Cymru) 2000, a deuant i rym ar 10 Ebrill 2000.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

1. – (1) These Regulations may be cited as the National Assistance (Sums for Personal Requirements) (Wales) Regulations 2000, and shall come into force on 10th April 2000.

(2) These Regulations shall apply to Wales only.

Y swm y mae ei angen at anghenion personol

Sum needed for personal requirements

2. Y swm y mae'n rhaid i awdurdod lleol ragdybio o dan adran 22(4) o Ddeddf Cymorth Gwladol 1948 y bydd ar berson ei angen at anghenion personol y person hwnnw fydd £15.45 yr wythnos.

2. The sum which under section 22(4) of the National Assistance Act 1948 a local authority shall assume that a person will need for that person's personal requirements shall be £15.45 per week.

Diddymu		Revocation
3. Mae Rheoliadau Cymorth Gwladol (Symiau at Anghenion Personol) 1999 (c) , i'r graddau y maent yn gymwys i Gymru, drwy hyn wedi'u diddymu.		3. The National Assistance (Sums for Personal Requirements) Regulations 1999 (c) , in so far as they apply to Wales, are hereby revoked.
Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998 (ch) .		Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 (d) .
2000		2000
Llywydd y Cynulliad Cenedlaethol		The Presiding Officer of the National Assembly

[ENDNOTES – WILL APPEAR IN PRINTED VERSION AS FOOTNOTES]

(a) 1948 p.29. Gweler adrannau 35(1) a 64(1) o Ddeddf Cymorth Gwladol 1948 i gael diffiniadau o "the Minister" a "prescribed" yn y drefn honno, ac erthygl 2 o Orchymyn yr Ysgrifennydd Gwladol dros Wasanaethau Cymdeithasol 1968 (O.S. 1968/1699) a drosglwyddodd holl swyddogaethau'r Gweinidog Iechyd i'r Ysgrifennydd Gwladol.

(a) 1948 c.29. See sections 35(1) and 64(1) of the National Assistance Act 1948 for the definitions of "the Minister" and "prescribed" respectively, and article 2 of the Secretary of State for Social Services Order 1968 (S.I. 1968/1699) which transferred all functions of the Minister of Health to the Secretary of State.

(b) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 22(4) o Ddeddf Cymorth Gwladol 1948 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(c) O.S.1999/549.

(ch) 1998 p.38.

(b) The functions of the Secretary of State under section 22(4) of the National Assistance Act 1948 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(c) S.I. 1999/549.

(d) 1998 c.38.