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STATUTORY INSTRUMENTS

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**1993 No. 1219**

**SOCIAL SECURITY**

**The Income Support (General)  
Amendment (No. 2) Regulations 1993**

<i>Made</i>	- - - -	<i>6th May 1993</i>
<i>Laid before Parliament</i>		<i>10th May 1993</i>
<i>Coming into force</i>	- -	<i>31st May 1993</i>

The Secretary of State for Social Security, in exercise of powers conferred on him by sections 135(1), 137(1) and 175(1) to (5) of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup>, and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it<sup>(2)</sup>, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Income Support (General) Amendment (No. 2) Regulations 1993 and shall come into force on 31st May 1993.

(2) In these Regulations, “the principal Regulations” means the Income Support (General) Regulations 1987<sup>(3)</sup>.

**Amendment of Schedule 2 to the principal Regulations**

2.—(1) Paragraph 2A of Schedule 2 to the principal Regulations (applicable amounts)<sup>(4)</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In sub-paragraph (2)–

- (a) for the words “(3) and (4)” there shall be substituted the words “(3), (4) and (4A)”;
- (b) in head (a), for the words from “and for this purpose” to “6 days” there shall be substituted the words “or is regarded pursuant to sub-paragraph (4A) as residing in such a home”.

(3) After sub-paragraph (4) there shall be inserted the following sub-paragraph–

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(1) 1992 c. 4; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.  
(2) See the Social Security Administration Act 1992 (c. 5), section 173(1)(b).  
(3) S.I. 1987/1967; relevant amending instruments are S.I. 1992/3147 and 1993/518.  
(4) Paragraph 2A was inserted by S.I. 1992/3147 and amended by S.I. 1993/518.

“(4A) For the purposes of sub-paragraph (2)(a), where a person’s principal place of residence is a residential care home or nursing home, and he is temporarily absent from that home, he shall be regarded as continuing to reside in that home—

- (a) where he is absent because he is a patient, for the first six weeks of any such period of absence, and for this purpose—
  - (i) “patient” has the meaning it has in Schedule 7 by virtue of regulation 21(3), and
  - (ii) periods of absence separated by not more than 28 days shall be treated as a single period of absence equal in duration to all those periods; and
- (b) for the first three weeks of any other period of absence.”.

### **Transitional provisions**

#### **3. Where—**

- (a) on 31st May 1993 a person is temporarily absent from a home, and his absence forms part of a period which on that day exceeded 6 days, and
- (b) before that day paragraph 2A of Schedule 2 to the principal Regulations as in force on 30th May 1993 applied to him,

he shall be treated for the purposes of paragraph 2A of Schedule 2 to the principal Regulations, as amended by regulation 2 above, as if his first day of absence was 31st May 1993.

Signed by authority of the Secretary of State for Social Security.

6th May 1993

*Ann Widdecombe*  
Parliamentary Under-Secretary of State,  
Department of Social Security

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Income Support (General) Regulations 1987 (S.I. [1987/1967](#)) as they affect the residential allowance, which is part of the applicable amount. They provide that a person living in a residential care home or nursing home shall be treated as continuing to live in that home whilst he is away from it for up to three weeks, or for up to six weeks where he is in hospital.

These Regulations do not impose a charge on businesses.