

SCHEDULE

MODIFICATION OF SUBORDINATE LEGISLATION

Housing Benefit (General) Regulations 1987 (S.I.1987/1971)

4.—(2) The Housing Benefit (General) Regulations 1987(1) are amended as follows.

(1) In regulation 5 (circumstances in which a person is or is not to be treated as occupying a dwelling as his home)—

(a) in paragraph (8ZA)(a), for “Mental Health (Scotland) Act 1984” substitute “Mental Health (Care and Treatment) (Scotland) Act 2003”; and

(b) in paragraph (9), in the definition of “residential accommodation”, in sub-paragraph (j)(ii), for “a private hospital within the meaning of section 12 of the Mental Health (Scotland) Act 1984 (private hospitals)” substitute “an independent health care service within the meaning of section 2(5) of the Regulation of Care (Scotland) Act 2001”.

(2) In regulation 7(3)(e)(ii) (circumstances in which a person is to be treated as not liable to make payments in respect of a dwelling), for “a private hospital within the meaning of section 12 of the Mental Health (Scotland) Act 1984 (private hospitals)” substitute “an independent health care service within the meaning of section 2(5) of the Regulation of Care (Scotland) Act 2001”.

(3) In regulation 25(5)(d) (meaning of income), for “section 7 of the Mental Health (Scotland) Act 1984 (functions of local authorities)” substitute “section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003”.

(4) In regulation 63(7)(e)(iii) (non dependant deductions), for “Mental Health (Scotland) Act 1984” substitute “Mental Health (Care and Treatment) (Scotland) Act 2003”.

(5) The amendment made by sub paragraph (4) is to the Housing Benefit (General) Regulations 1997 as modified in their application to persons to whom regulation 2 of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003(2) applies.

(1) S.I. 1987/1971; relevant amending instruments are S.I. 1990/2564, S.I. 1992/50, S.I. 1995/560, S.I. 1998/563, S.I. 2003/325 and S.I. 2005/573.

(2) S.I. 2003/325.