



Social Security Act 1990

1990 CHAPTER 27

Benefits

9 Income support in respect of accommodation charges for certain persons in residential care and nursing homes

—In section 22 of the 1986 Act (calculation of income-related benefits) after subsection (2) there shall be inserted—

“(2A) In prescribing, for the purposes of income support, amounts under subsection (1) above in respect of accommodation in any area for qualifying persons in cases where prescribed conditions are fulfilled, the Secretary of State shall take into account information provided by local authorities or other prescribed bodies or persons with respect to the amounts which they have agreed to pay for the provision of accommodation in relevant premises in that area.

(2B) In subsection (2A) above—

“accommodation” includes any board or care;

“local authority”—

(a) in relation to areas in England and Wales, has the same meaning as it has in Part III of the National Assistance Act 1948; and

(b) in relation to areas in Scotland, has the meaning given by section 1(2) of the Social Work (Scotland) Act 1968;

“qualifying person” means any person who falls within—

(a) subsection (1) of section 26A of the National Assistance Act 1948 (which is inserted by the National Health Service and Community Care Act 1990 and relates to persons ordinarily resident in residential care or nursing homes immediately before the commencement of that section); or

(b) subsection (1) of section 86A of the Social Work (Scotland) Act 1968 (the corresponding provision for Scotland),

or who would fall within either of those subsections apart from any regulations under subsection (3) of the section in question;

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“relevant premises”—

- (a) in relation to areas in England and Wales, has the meaning given by section 26A(2) of the National Assistance Act 1948; and
- (b) in relation to areas in Scotland, has the meaning given by section 86A(2) of the Social Work (Scotland) Act 1968.”