
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations contain amendments arising out of the changes to care in the community which are being introduced on 1st April 1993.

Part II of the Regulations contains amendments to the Income Support (General) Regulations 1987. Regulation 2 introduces a new residential allowance as part of a person's applicable amount in income support for those in residential care homes and nursing homes. Those in such homes before 1st April 1993 are excluded from the new residential allowance for so long as they have a "preserved right" to the higher levels of income support specified in Schedule 4 to the Income Support (General) Regulations 1987. A higher rate of residential allowance is payable in the Greater London Area (regulation 2(3) and Schedule 2).

Those with preserved rights are identified in regulation 3. Part III contains amendments relating to housing benefit. Regulation 4 amends the meaning of residential accommodation in regulation 5 of the Housing Benefit (General) Regulations 1987 so as to provide that references to Part III accommodation relate only to accommodation where board is provided and the premises are owned or managed or owned and managed by a local authority.

Regulation 5 provides that those in residential accommodation who are either in remunerative work or liable to make payments for their accommodation to a close relative will from 1st April 1993 be treated as not liable to make payments in respect of a dwelling. It also preserves existing provisions for such persons who are treated as so liable on 31st March 1993.

Regulation 6 provides that housing benefit is not payable to a person who is provided with board and accommodation by a local authority in an establishment owned or managed or owned and managed by them.

Part V relates to disability benefits. Regulation 7 enables disability living allowance to be payable where the person resides in a hospice or where the person meets the whole of the cost of the accommodation. Regulation 8 makes similar provision in relation to attendance allowance.

Schedule 1 contains a number of amendments to the Income Support (General) Regulations 1987 which arise in consequence of the changes arising on the introduction of community care.

Schedule 2 contains a description of the area in which the higher rate of residential allowance is payable.

The report of the Social Security Advisory Committee dated 11th November 1992 on the draft of these Regulations which had been referred to them, together with a statement giving the response of the Secretary of State to the Committee's recommendations, is contained in Command Paper No. 2115 published by Her Majesty's Stationery Office.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Social Security Benefits (Amendments Consequential Upon the Introduction of Community Care) Regulations 1992. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 1 para. 7(b) revoked by [S.I. 1995/1613 Sch. 4](#)
- reg. 7(3)-(6) revoked by [S.I. 1994/1779 reg. 4\(a\)](#)
- reg. 7(4)(b) words substituted by [S.I. 1993/518 reg. 4\(2\)\(b\)](#)
- reg. 7(5) words substituted by [S.I. 1993/518 reg. 4\(2\)\(c\)](#)
- reg. 8(3)-(6) revoked by [S.I. 1994/1779 reg. 4\(a\)](#)
- reg. 8(4)(b) words substituted by [S.I. 1993/518 reg. 4\(3\)\(b\)](#)
- reg. 8(5) words substituted by [S.I. 1993/518 reg. 4\(3\)\(c\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 7(4)(za) inserted by [S.I. 1993/518 reg. 4\(2\)\(a\)](#)
- reg. 8(4)(za) inserted by [S.I. 1993/518 reg. 4\(3\)\(a\)](#)