

SCHEDULE 1

Regulation 2(2)

AMENDMENTS CONSEQUENTIAL UPON THE INTRODUCTION OF COMMUNITY CARE

1. In regulation 16 of the Income Support Regulations (circumstances in which a person is to be treated as being or not being a member of the household), in paragraph (3), sub-paragraph (c) shall be omitted.

2. In regulation 19(3) of the Income Support Regulations (applicable amounts for persons in residential care and nursing homes), in the definition of “residential care home”—

(a) in sub-paragraph (a) after the words “so registered” there shall be inserted the words “, or is deemed to be registered under section 2(3) of the Registered Homes (Amendment) Act 1991 (which refers to the registration of small homes where the application for registration has not been determined) ”;

(b) sub-paragraph (b) shall be omitted; and

(c) in sub-paragraph (e) for the words “a housing association registered with the Housing Corporation established by the Housing Act 1964”, there shall be substituted the words “a housing association registered with Scottish Homes established by the Housing (Scotland) Act 1988 ”.

3. In regulation 21 of the Income Support Regulations (special cases)—

(a) in paragraph (3), for the definition of “residential accommodation”, there shall be substituted the following definition—

““residential accommodation” means, subject to the following provisions of this regulation, accommodation provided by a local authority in a home owned or managed by that or another local authority—

(a) under sections 21 to 24 and 26 of the National Assistance Act 1948 (provision of accommodation); or

(b) in Scotland, under section 13B or 59 of the Social Work (Scotland) Act 1968 (provision of residential and other establishments) other than in premises registered under section 61 of that Act (registration) and which are used for the rehabilitation of alcoholics or drug addicts; or

(c) under section 7 of the Mental Health (Scotland) Act 1984 (functions of local authorities),

where the accommodation is provided for a person whose stay in that accommodation has become other than temporary.”;

(b) in paragraph (4), for the words “that person attained pensionable age”, there shall be substituted the words—

“ that person attained pensionable age; or (c) for whom board is not provided. ”; and

(c) in paragraph (4A) ^{M1} for the words “In paragraph (3), sub-paragraph (d)(i)” in the definition of “residential accommodation”, there shall be substituted the words “ In paragraph (4), sub-paragraph (c) ”.

Marginal Citations

M1 Paragraph (4A) was inserted by [S.I. 1992/2158](#).

4. In regulation 71 of the Income Support Regulations (applicable amount in urgent cases), in sub-paragraph (c) of paragraph (1)—

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- (a) in head (i) for the words “90 per cent” there shall be substituted the words “ 98 per cent ”; and
- (b) head (iii) shall be omitted.

5. In Schedule 7 to the Income Support Regulations (applicable amounts in special cases) for the words “£54.15 of which £43.30 is in respect of accommodation and £10.85 for personal expenses”, the words “£54.15 of which £10.85 is for personal expenses” shall be substituted in the second column of each of the following paragraphs—

- (a) 10A ^{M2}(single claimants temporarily in local authority accommodation);
- (b) 10B(1), (2), (3) and (4) ^{M3}(couples and members of polygamous marriages where one member is or all are temporarily in local authority accommodation);
- (c) 10C ^{M4}(lone parents who are in residential accommodation temporarily); and
- (d) 13(1)(a) (persons in residential accommodation).

Marginal Citations

- M2** Paragraph 10A was inserted by S.I. 1988/663 and amended by S.I.1988/2022, 1989/534, 1990/547 and 1991/503.
- M3** Paragraph 10B was inserted by S.I. 1988/663 and amended by S.I. 1989/534 and 1991/503.
- M4** Paragraph 10C was inserted by S.I. 1988/2022 and amended by S.I. 1990/547 and 1991/2910.

6. The following amendments shall also be made to Schedule 7 to the Income Support Regulations—

- (a) in paragraph 10A, the words “Except where paragraph 10B(4) applies” shall be omitted;
- (b) in paragraph 10B sub-paragraph (4) shall be omitted;
- (c) paragraph 10D ^{M5}(lone parents who are in a residential care home or nursing home temporarily) shall be omitted; and
- (d) in column (1) of paragraph 16 ^{M6} for the words “any of sub-paragraphs (a) to (d) (excluding heads (i) and (ii) of sub-paragraph (d))”, there shall be substituted the words “ any of sub-paragraphs (a) to (c) ”.

Marginal Citations

- M5** Paragraph 10D was inserted by S.I. 1989/1678 and amended by S.I. 1990/547.
- M6** Paragraph 16 was amended by S.I. 1988/663 and 1445 and 1989/534.

7. In Schedule 9 to the Income Support Regulations (sums to be disregarded in the calculation of income other than earnings)—

- (a) in paragraph 15, in sub-paragraph (2), after the words “(persons in residential care or nursing homes)” there shall be inserted the words “ or by a local authority under Part III of the National Assistance Act 1948 ”; and
- (b) in paragraph 30, in sub-paragraph (d), after the words “(residential care and nursing homes)”, there shall be inserted the words “ or the amount payable by a local authority in accordance with Part III of the National Assistance Act 1948 ”.

8.—(1) In paragraph 4(1) of Schedule 9 to the Social Security (Claims and Payments) Regulations 1987 ^{M7}, for the words preceding “the adjudicating authority may determine”, there shall be substituted the words—

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“4.—(1) Where an award of income support—

- (a) is made to a person in a residential care home or nursing home as defined in regulation 19(3) of the Income Support Regulations, or
- (b) includes an amount under Schedule 4 (persons in residential care and nursing homes) or paragraph 13 (residential accommodation) or 13A (Polish resettlement) of Schedule 7 to the Income Support Regulations,

(hereafter in this paragraph referred to as “miscellaneous accommodation costs”)

(2) In paragraph 4(2) of that Schedule ^{M8}, after head (a), there shall be inserted the following head—

- “(aa) an amount equal to the amount of any payment the beneficiary is liable to make to the local authority under section 22 of the National Assistance Act 1948.”.

Modifications etc. (not altering text)

- C1** [Sch. 1 para. 8](#) modified (7.4.2003 for specified purposes) by [The Child Benefit and Guardian’s Allowance \(Administration\) Regulations 2003 \(S.I. 2003/492\)](#), regs. 1, 43, **Sch. 3 Pt. 1** (with regs. 1(2), 44)

Marginal Citations

- M7** [S.I. 1987/1968](#); the relevant amending instruments are [S.I. 1989/136](#), 1686, and 1991/2284.
- M8** [Paragraph 4\(2\)](#) was amended by [S.I. 1989/136](#) and 1686.

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Changes and effects yet to be applied to :

- Sch. 1 para. 7(b) revoked by [S.I. 1995/1613 Sch. 4](#)

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\(3\)\(a\)](#)