
STATUTORY INSTRUMENTS

2001 No. 1859

NATIONAL ASSISTANCE SERVICES, ENGLAND

The Residential Accommodation (Relevant Premises, Ordinary Residence and Exemptions) (Amendment) (England) Regulations 2001

<i>Made</i>	- - - -	<i>10th May 2001</i>
<i>Laid before Parliament</i>		<i>11th May 2001</i>
<i>Coming into force</i>	- -	<i>1st June 2001</i>

The Secretary of State, in exercise of the powers conferred on him by section 26A(3) of the National Assistance Act 1948(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Residential Accommodation (Relevant Premises, Ordinary Residence and Exemptions) (Amendment) (England) Regulations 2001 and shall come into force on 1st June 2001.

(2) These Regulations extend to England only.

Amendment of the Residential Accommodation (Relevant Premises, Ordinary Residence and Exemptions) Regulations 1993

2. In the Residential Accommodation (Relevant Premises, Ordinary Residence and Exemptions) Regulations 1993(2)—

- (a) paragraph (2) of regulation 7 (special provisions in respect of persons under pensionable age) shall be omitted;
- (b) paragraph (2) of regulation 9 (special provisions in respect of persons over pensionable age) shall be omitted.

(1) 1948 c. 29; section 26A was inserted by section 43 of the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”). Section 43 of the 1990 Act, and consequently section 26A of the National Assistance Act 1948, does not extend to Scotland. The powers of the Secretary of State to make regulations under section 26A have been devolved in relation to Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(2) S.I. 1993/477.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for Health

10th May 2001

John Hutton
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Residential Accommodation (Relevant Premises, Ordinary Residence and Exemptions) Regulations 1993 (S.I. 1993/477) (“the 1993 Regulations”).

The 1993 Regulations enable local authorities to make residential accommodation arrangements for certain categories of people who were in or temporarily absent from independent sector residential care and nursing homes on 31st March 1993. These categories include people under pensionable age and, in certain circumstances, people over pensionable age. Both categories of people are subject to the restriction that if they are evicted from a residential care home or nursing home, served with a notice to quit or temporarily absent from a home to which they will not be allowed to return, no accommodation may be provided for them in that home, or any other premises owned or managed by the person who owned or managed that home, unless it is ceasing to operate as a home.

These Regulations amend the 1993 Regulations by removing this restriction.