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STATUTORY INSTRUMENTS

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**2002 No. 1406**

**SOCIAL SECURITY**

**The Social Security (Attendance Allowance and Disability Living Allowance) (Amendment) (No. 2) Regulations 2002**

<i>Made</i>	- - - -	<i>22nd May 2002</i>
<i>Laid before Parliament</i>		<i>30th May 2002</i>
<i>Coming into force</i>	- -	<i>1st July 2002</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 67(2), 72(8) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup> and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it<sup>(2)</sup>, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Attendance Allowance and Disability Living Allowance) (Amendment) (No. 2) Regulations 2002 and shall come into force on 1st July 2002.

**Amendment of the Social Security (Attendance Allowance) Regulations 1991**

2. In paragraph (5) of regulation 7 of the Social Security (Attendance Allowance) Regulations 1991<sup>(3)</sup> (persons in certain accommodation other than hospitals) after sub-paragraph (f) add—

“; or

(g) nursing care provided by (or the provision of which is secured by) a local authority for which the local authority are not to charge by virtue of section 1 of the Community Care and Health (Scotland) Act 2002<sup>(4)</sup>.”.

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(1) 1992 c. 4; subsections (1) and (4) of section 175 were amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).  
(2) See sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992 (c. 5).  
(3) S.I. 1991/2740; regulation 7 has been amended by S.I. 1992/2869, 3147, 1993/518, 1994/1779, 1995/2162, 2001/3767 and 2002/208.  
(4) 2002 asp 5.

### **Amendment of the Social Security (Disability Living Allowance) Regulations 1991**

3. In paragraph (6) of regulation 9 (persons in certain accommodation other than hospitals) of the Social Security (Disability Living Allowance) Regulations 1991<sup>(5)</sup> after sub-paragraph (f) add—

“; or

- (g) nursing care provided by (or the provision of which is secured by) a local authority for which the local authority are not to charge by virtue of section 1 of the Community Care and Health (Scotland) Act 2002.”.

Signed by authority of the Secretary of State for Work and Pensions.

22nd May 2002

*Maria Eagle*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

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<sup>(5)</sup> S.I. 1991/2890; regulation 9 has been amended by S.I. 1992/633, 2869, 3147, 1993/518, 1939, 1994/1779, 1995/2162, 2000/3181, 2001/3767 and 2002/208.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (Attendance Allowance) Regulations 1991 (“the Attendance Allowance Regulations”) and the Social Security (Disability Living Allowance) Regulations 1991 (“the Disability Living Allowance Regulations”).

Regulations 2 and 3 respectively provide that the cost of the accommodation for the purposes of regulations 7 and 8(6) of the Attendance Allowance Regulations and regulations 9 and 10(8) of the Disability Living Allowance Regulations does not include the cost of nursing care provided by (or the provision of which is secured by) a local authority for which the local authority are not to charge by virtue of section 1 of the Community Care and Health (Scotland) Act 2002.

These Regulations do not impose a charge on business.