



# Welfare Reform Act 2007

## 2007 CHAPTER 5

### PART 4

#### MISCELLANEOUS

##### *Other*

#### **60 Power to stop payment of allowances to care home residents**

- (1) In section 67 of the Contributions and Benefits Act (exclusions relating to attendance allowance) for subsection (2) substitute—
- “(2) Regulations may provide that an attendance allowance shall not be payable in respect of a person for a period when he is a resident of a care home in circumstances in which any of the costs of any qualifying services provided for him are borne out of public or local funds under a specified enactment.
- (3) The reference in subsection (2) to a care home is to an establishment that provides accommodation together with nursing or personal care.
- (4) The following are qualifying services for the purposes of subsection (2)—
- (a) accommodation,
  - (b) board, and
  - (c) personal care.
- (5) The reference in subsection (2) to a specified enactment is to an enactment which is, or is of a description, specified for the purposes of that subsection by regulations.
- (6) The power to specify an enactment for the purposes of subsection (2) includes power to specify it only in relation to its application for a particular purpose.
- (7) In this section, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”

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*Status: Point in time view as at 29/10/2007.*

*Changes to legislation: Welfare Reform Act 2007, Section 60 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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(2) In section 72 of that Act (care component of disability living allowance), for subsection (8) substitute—

“(8) Regulations may provide that no amount in respect of a disability living allowance which is attributable to entitlement to the care component shall be payable in respect of a person for a period when he is a resident of a care home in circumstances in which any of the costs of any qualifying services provided for him are borne out of public or local funds under a specified enactment.

(9) The reference in subsection (8) to a care home is to an establishment that provides accommodation together with nursing or personal care.

(10) The following are qualifying services for the purposes of subsection (8)—

- (a) accommodation,
- (b) board, and
- (c) personal care.

(11) The reference in subsection (8) to a specified enactment is to an enactment which is, or is of a description, specified for the purposes of that subsection by regulations.

(12) The power to specify an enactment for the purposes of subsection (8) includes power to specify it only in relation to its application for a particular purpose.

(13) In this section, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”

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**Commencement Information**

**I1** S. 60 in force at 1.10.2007 for specified purposes by S.I. 2007/2819, art. 2(2)(a)

**I2** S. 60 in force at 29.10.2007 in so far as not already in force by S.I. 2007/2819, art. 2(2)(b)

**Status:**

Point in time view as at 29/10/2007.

**Changes to legislation:**

Welfare Reform Act 2007, Section 60 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.