

SCHEDULE

Regulation 2

PART I

1. The requirements set out in this Part of this Schedule are that the person is—
 - (a) either—
 - (i) providing the care or support in question on behalf of a relevant body; or
 - (ii) employed to provide such care or support by the person to whom it is provided and to whom he was introduced by a relevant body falling within paragraph 2(e) below;
 - (b) engaged or employed to do so for at least 24 hours a week;
 - (c) in receipt under his engagement or employment of not more than £30 remuneration a week; and
 - (d) resident in premises provided by or on behalf of the relevant body (in a case to which subparagraph (a)(i) applies) or by his employer, (in a case to which subparagraph (a)(ii) applies), for the better performance of his work.
2. In paragraph 1 above, “relevant body” means—
 - (a) a local authority within the meaning of the Local Government Act 1972⁽¹⁾
 - (b) the Common Council of the City of London;
 - (c) the Council of the Isles of Scilly;
 - (d) the Crown;
 - (e) a body established for charitable purposes only.

PART II

3. The requirements set out in this Part of this Schedule are that the person is—
 - (a) providing care to a person who is in receipt of—
 - (i) a higher rate attendance allowance under section 65 of the Social Security Contributions and Benefits Act 1992⁽²⁾;
 - (ii) the highest rate of the care component of a disability living allowance under section 72(4)(a) of that Act;
 - (iii) an increase in the rate of his disablement pension under section 104 of that Act; or
 - (iv) an increase in a constant attendance allowance under the proviso to article 14 of the Personal Injuries (Civilians) Scheme 1983⁽³⁾, or under article 14(1)(b) of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983⁽⁴⁾ (including that provision as applied, whether with or without modifications, by any other instrument);
 - (b) resident in the same dwelling as the person to whom he is providing care;
 - (c) providing that care for at least 35 hours a week on average; and
 - (d) not a disqualified relative of that person.

(1) 1972 c. 70, see the definition of local authority in section 270(1), which has been amended by the Local Government Act 1985 (c. 51), Schedule 17.

(2) 1992 c. 4.

(3) S.I.1983/686 to which there are amendments not relevant to these Regulations.

(4) S.I. 1983/883 to which there are amendments not relevant to these Regulations.

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

- 4.—(1) For the purposes of paragraph 3 above, a person is a disqualified relative of another if—
- (a) he is the spouse of the other or they live together as husband and wife; or
 - (b) he is the parent of the other, who is a child below the age of 18 years.