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STATUTORY INSTRUMENTS

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**1993 No. 2119**

**The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 4) Regulations 1993**

**Amendment of Schedule 9 to the Income Support Regulations**

**23.**—(1) Schedule 9 to the Income Support Regulations (sums to be disregarded in the calculation of income other than earnings) shall be amended in accordance with the following provisions of this regulation.

(2) Paragraph 9A(1) shall be omitted.

(3) In paragraph 15(2)—

(a) for sub-paragraph (1) there shall be substituted the following sub-paragraph—

“(1) Subject to sub-paragraph (3) and paragraphs 36, 37 and 39, £10 of any charitable payment or of any voluntary payment made or due to be made at regular intervals, except any payment to which sub-paragraph (2) or paragraph 15A applies.”;

(b) in sub-paragraph (2) for the words “sub-paragraph (3)” there shall be substituted the words “sub-paragraphs (3) and (6)”;

(c) for sub-paragraph (6) there shall be substituted the following sub-paragraph—

“(6) Sub-paragraph (2) shall apply to a claimant in a residential care home or nursing home only if his applicable amount falls to be calculated in accordance with regulation 19.”.

(4) In paragraph 16(a) after the words “such a pension” there shall be inserted the words “, except in so far as such a pension or payment falls to be disregarded under paragraphs 8 or 9”.

(5) In paragraph 29(3)—

(a) in sub-paragraph (1) at the beginning there shall be inserted the words “Subject to sub-paragraph (3),”;

(b) after sub-paragraph (2) there shall be added the following sub-paragraph—

“(3) This paragraph shall not apply to any payment which is treated as possessed by the claimant by virtue of regulation 42(4)(a)(ii) (notional income).”.

(6) After paragraph 30 there shall be inserted the following paragraph—

**“30A.**—(1) Subject to sub-paragraphs (2) and (3), in the case of a claimant in a residential care home or nursing home, any payment, whether or not the payment is charitable or voluntary but not a payment to which paragraph 15A applies, made to the claimant which is intended to be used and is used to meet the cost of maintaining the claimant in that home.

(2) This paragraph shall not apply to a claimant for whom accommodation in a residential care home or nursing home is provided by a local authority under section 26 of the National

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(1) Paragraph 9A was inserted by S.I. [1991/2742](#)

(2) Relevant amending instruments are S.I. [1990/547](#), [1991/1559](#), [1992/3147](#) and [1993/518](#)

(3) Relevant amending instrument is S.I. [1993/1679](#)

Assistance Act 1948(4), or whose applicable amount falls to be calculated in accordance with regulation 19.

(3) The amount to be disregarded under this paragraph shall not exceed the difference between—

- (a) the claimant's applicable amount less any of the amounts referred to in paragraph 13 of Schedule 4 (personal allowances) which would be applicable to the claimant if his applicable amount fell to be calculated in accordance with that Schedule, and
- (b) the weekly charge for the accommodation.”.

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(4) 1948 c. 29; section 21 was amended by the Local Government Act 1972 (c. 70), Schedule 23, paragraphs 1 and 2 and Schedule 30; the National Health Service Reorganisation Act 1973 (c. 32), Schedule 4, paragraph 44 and Schedule 5; the Housing (Homeless Persons) Act 1977 (c. 48), Schedule; the National Health Service Act 1977 (c. 49), Schedule 15, paragraph 5; the Health Services Act 1980 (c. 53), Schedule 1, Part I, paragraph 5; and the National Health Service and Community Care Act 1990 (c. 19), section 42(1), Schedule 9, paragraph 5(1) and (2) and Schedule 10. Section 22 was amended by the Social Work (Scotland) Act 1968 (c. 49), section 87(4) and Schedule 9, Part I; the Supplementary Benefits Act 1976 (c. 71), Schedule 7, paragraph 3; the Housing (Homeless Persons) Act 1977 (c. 48), Schedule; the Social Security Act 1980 (c. 30), section 20, Schedule 4, paragraph 2(1) and Schedule 5, Part II; the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 20(1)(a), and the National Health Service and Community Care Act 1990, section 44, Schedule 10. Section 24 was amended by the National Assistance (Amendment) Act 1959 (c. 30), section 1(1); the National Health Service (Scotland) Act 1972 (c. 58), Schedule 6, paragraph 82; the Local Government Act 1972 (c. 70), Schedule 23, paragraph 2; the National Health Service Reorganisation Act 1973 (c. 32), Schedule 4, paragraph 45; the Housing (Homeless Persons) Act 1977 (c. 48), Schedule, and the National Health Service and Community Care Act 1990, Schedule 9, paragraph 5(4). Section 26 was amended by the Health Services and Public Health Act 1968 (c. 46), section 44 and Schedule 4; the Social Work (Scotland) Act 1968 (c. 49), Schedule 9, Part I and applied by section 87(3); the Local Government Act 1972 (c. 70), Schedule 23, paragraph 2; the Housing (Homeless Persons) Act 1977 (c. 48), Schedule; the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 20(1)(b), the National Health Service and Community Care Act 1990, section 42(3) to (5), Schedule 9, paragraph 5(5), and Schedule 10, and section 1 of the Community Care (Residential Accommodation) Act 1992 (c. 49)