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STATUTORY INSTRUMENTS

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**1994 No. 2139**

**The Income-related Benefits Schemes (Miscellaneous Amendments) (No.5) Regulations 1994**

**Amendment of regulation 21 of the Income Support Regulations**

**25.** In regulation 21 of the Income Support Regulations (special cases)—

- (a) in paragraph (3) in sub-paragraph (b) of the definition of “residential accommodation”, the words from “other than” to “drug addicts” shall be omitted;
- (b) after paragraph (3C)(1) there shall be inserted the following paragraphs—

“(3D) In Scotland, in a case where on the 31st March 1993 a person was in or was temporarily absent from accommodation provided under section 13B in a private or voluntary sector home, section 59(2)(c) of the Social Work (Scotland) Act 1968(2) or section 7 of the Mental Health (Scotland) Act 1984(3) in a voluntary or private sector home, the definition of “residential accommodation” in paragraph (3) shall have effect in that case as if—

- (a) for the words “provided by a local authority in a home owned or managed by that or another local authority” there were substituted the words “provided in accordance with arrangements made by a local authority”; and
- (b) for the words in sub-paragraph (b) “under section 13B or 59” there were substituted the words “under section 13B or 59(2)(c)”;

and for the purpose of this paragraph the definition of “residential accommodation” above shall continue to have effect as though the words “other than in premises registered under section 61 of that Act (registration) and which are used for the rehabilitation of alcoholics or drug addicts,” were retained at the end of sub-paragraph (b) of the definition.

(3E) In Scotland, in a case where on 31st March 1993 a person was in or was temporarily absent from accommodation the provision of which was secured by a local authority under section 13B in a home owned or managed by that or another local authority, section 59(2)(a) or (b) of the Social Work (Scotland) Act 1968, or section 7 of the Mental Health (Scotland) Act 1984 in a home owned or managed by that or another local authority, the definition of “residential accommodation” in paragraph (3) shall have effect in relation to that case as if, after the words “by that or another local authority” there were inserted the words “or provided in accordance with arrangements made by a local authority”.

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(1) Paragraph (3C) was inserted in regulation 21 by S.I.1992/3147.

(2) 1968 c. 49; section 13B was inserted by the National Health Service and Community Care Act 1990 (c. 19) section 56; and section 59 was amended by Schedule 9 paragraph 10(7) to the 1990 Act.

(3) 1984 c. 36.