
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 60 of the Welfare Reform Act 2007 (c 5) makes amendments to the Social Security Contributions and Benefits Act 1992 (c 4) (“the 1992 Act”) replacing the current regulation-making powers (sections 67(2) and 72(8)) with new powers (sections 67(2)-(7) and 72(8)-(13)) to prescribe the circumstances in which Attendance Allowance or the care component of Disability Living Allowance shall not be paid to people resident in care homes.

Care home is defined in sections 67(3) and 72(9) of the 1992 Act as being an establishment that provides accommodation together with nursing or personal care.

These Regulations provide the circumstances in which an attendance allowance or the care component of a disability living allowance shall not be payable where a person is resident in a care home. The circumstances are where any of the costs of any qualifying services provided for a person in a care home are met, in whole or in part, out of public or local funds under a specified enactment. Qualifying services is defined in sections 67(4) and 72(10) of the 1992 Act as being the provision of accommodation, board or personal care.

Regulation 4 provides transitional and saving provisions.