

1992 No.3147

**SOCIAL SECURITY
HOUSING, ENGLAND AND WALES
HOUSING, SCOTLAND**

**The Social Security Benefits (Amendments
Consequential Upon the Introduction of
Community Care) Regulations 1992**

<i>Made</i> - - - -	<i>10th December 1992</i>
<i>Laid before Parliament</i>	<i>15th December 1992</i>
<i>Coming into force</i> -	<i>1st April 1993</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 67(2), 72(8), 123(1), 130(2) and (4), 135(1), 137(1) and (2)(h) and (i) and sections 5(1)(q), 73(1)(b) and 189(1) to (6) of the Social Security Administration Act 1992**(b)**, and of all other powers enabling him in that behalf, so far as these Regulations relate to housing benefit, after consultation with organisations appearing to him to be representative of the authorities concerned**(c)**, and after reference to the Social Security Advisory Committee**(d)**, hereby makes the following Regulations:

**PART I
GENERAL**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security benefits (Amendments Consequential Upon the Introduction of Community Care) Regulations 1992 and shall come into force on 1st April 1993.

(2) In these Regulations—

“the Income Support Regulations” means the Income Support (General) Regulations 1987**(e)**;

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987**(f)**.

(a) 1992 c. 4; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(b) 1992 c. 5.

(c) See section 172(1) of the Social Security Administration Act 1992.

(d) See section 172(1) of the Social Security Administration Act 1992.

(e) S.I. 1987/1967.

(f) S.I. 1987/1971.

S.S. BENEFITS (AMDTS. CONSEQUENTIAL UPON THE INTRODUCTION OF **COMMUNITY CARE**) REGULATIONS 1992

- (3) In these Regulations, unless the context otherwise requires, a reference—
- (a) to a numbered Part is to the Part of these Regulations bearing that number;
 - (b) to a numbered regulation of Schedule is to the regulation or Schedule to these Regulations bearing that number; and
 - (c) in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number.

PART II

INCOME SUPPORT

[Regulation 2(1)(a) inserts defns. into regulation 2(1) of S.I. 1987/1967.]

[Regulation 2(1)(b) inserts sub-para. (bb) into regulation 17(1) of S.I. 1987/1967.]

[Regulation 2(1)(c) inserts sub-para. (cc) into regulation 18(1) of S.I. 1987/1967.]

[Regulation 2(1)(d) inserts para. 2A into Part I of Sch. 2 to S.I. 1987/1967.]

2.—(2) Schedule 1, which contains amendments of the Income Support Regulations consequential upon the introduction of a residential allowance, shall have effect.

(3) Schedule 2, which inserts a new Schedule 3C into the Income Support Regulations, shall also have effect.

[Regulation 3(1)(a) amends regulation 19(1) of S.I. 1987/1967.]

[Regulation 3(1)(b) inserts paras. (1ZB) to (1ZJ) into regulation 19 of S.I. 1987/1967.]

PART III

HOUSING BENEFIT

[Regulation 4 amends regulation 5 of S.I. 1987/1971.]

[Regulation 5 amends regulation 7 of S.I. 1987/1971.]

[Regulation 6 amends regulation 8 of S.I. 1987/1971.]

PART IV

DISABILITY BENEFITS

[Regulation 7(1) deletes regulation 9(3) of S.I. 1991/2890.]

[Regulation 7(2) amends regulation 10 of S.I. 1991/2890.]

[Regulation 7(3) to (6) revoked by regulation 4(a) of S.I. 1994/1779 as from 1.8.94.]

S.S. BENEFITS (AMDTS. CONSEQUENTIAL UPON THE
INTRODUCTION OF **COMMUNITY CARE**) REGULATIONS 1992

S.I. 1992/3147

Reg. 8

Schs. 1-2

[Regulation 8(1) deletes regulation 7(2) of S.I. 1991/2740.]

[Regulation 8(2) amends regulation 8 of S.I. 1991/2740.]

[Regulation 8(3) to (6) revoked by regulation 4(a) of S.I. 1994/1779 as from 1.8.94.]

Signed by authority of the Secretary of State for Social Security.

Alistair Burt

Parliamentary Under-Secretary of State,
Department of Social Security

10th December 1992

[Schedule 1 (of which para. 7(b) was revoked by S.I. 1995/1613 as from 2.10.95) makes amendments to S.I. 1987/1967 and S.I. 1987/1968 consequential upon the introduction of Community Care.]

[Schedule 2 inserts a new Schedule 3C into S.I. 1987/1967.]

EXPLANATORY NOTE

(This note is not part of the Regulation)

These Regulations contain amendments arising out of the changes to care in the community which are being introduced on 1st April 1993.

Part II of the Regulations contains amendments to the Income Support (General) Regulations 1987. Regulation 2 introduces a new residential allowance as part of a person's applicable amount in income support for those in residential care homes and nursing homes. Those in such homes before 1st April 1993 are excluded from the new residential allowance for so long as they have a "preserved right" to the higher levels of income support specified in Schedule 4 to the Income Support (General) Regulations 1987. A higher rate of residential allowance is payable in the Greater London Area (regulation 2(3) and Schedule 2).

Those with preserved rights are identified in regulation 3. Part III contains amendments relating to housing benefit. Regulation 4 amends the meaning of residential accommodation in regulation 5 of the Housing Benefit (General) Regulations 1987 so as to provide that references to Part III accommodation relate only to accommodation where board is provided and the premises are owned or managed or owned and managed by a local authority.

Regulation 5 provides that those in residential accommodation who are either in remunerative work or liable to make payments for their accommodation to a close relative will from 1st April 1993 be treated as not liable to make payments in respect of a dwelling. It also preserves existing provisions for such persons who are treated as so liable on 31st March 1993.

Regulation 6 provides that housing benefit is not payable to a person who is provided with board and accommodation by a local authority in an establishment owned or managed or owned and managed by them.

Part V relates to disability benefits. Regulation 7 enables disability living allowance to be payable where the person resides in a hospice or where the person meets the whole of the cost of the accommodation. Regulation 8 makes similar provision in relation to attendance allowance.

Schedule 1 contains a number of amendments to the Income Support (General) Regulations 1987 which arise in consequence of the changes arising on the introduction of community care.

Schedule 2 contains a description of the area in which the higher rate of residential allowance is payable.

The report of the Social Security Advisory Committee dated 11th November 1992 on the draft of these Regulations which had been referred to them, together with a statement giving the response of the Secretary of State to the Committee's recommendations, is contained in Command Paper 2155 published by Her Majesty's Stationery Office.