

2002 No. 398

SOCIAL SECURITY

**The Social Security Amendment (Residential Care and
Nursing Homes) Regulations 2002**

Made - - - - - *21st February 2002*

Laid before Parliament *27th February 2002*

Coming into force *8th April 2002*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 123(1)(a), 135(1), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a), sections 5(1)(p) and 189(4) of the Social Security Administration Act 1992(b), sections 4(5), 35(1) and 36(1) and (2) of the Jobseekers Act 1995(c) and sections 10(6) and 84 of the Social Security Act 1998(d) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(e), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security Amendment (Residential Care and Nursing Homes) Regulations 2002 and shall come into force on 8th April 2002.

Amendment of the Social Security (Claims and Payments) Regulations 1987

2.—(1) Schedule 9 to the Social Security (Claims and Payments) Regulations 1987(f) (deductions from benefit and direct payment to third parties) shall be amended in accordance with the following paragraphs of this regulation.

(2) In the definition of “hostel” in paragraph 1(1), for “19(3)” there shall be substituted “2(1)”.

(3) In paragraph 4 (miscellaneous accommodation costs)—

(a) in sub-paragraph (1)—

(i) in paragraph (a), for “19(3)” there shall be substituted “2(1)”;

(ii) in paragraph (b), the words “Schedule 4 (persons in residential care and nursing homes) or” and “Schedule 4 (applicable amounts of persons in residential care and nursing homes) or” shall be omitted;

(b) in sub-paragraph (2)—

(i) paragraph (a) shall be omitted;

(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) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.

(d) 1998 c. 14; section 84 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”.

(e) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992; paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.

(f) S.I. 1987/1968; the relevant amending instruments are S.I. 1991/2284, 1992/3147, 1993/2113 and 1996/1460.

- (ii) in paragraph (ab)—
 - (aa) for the words from “does not have a preserved right” to “1948” there shall be substituted the words “is not in residential accommodation for the purposes of the Income Support Regulations or, as the case may be, for the purposes of the Jobseeker’s Allowance Regulations,”;
 - (bb) for the words from “will equal the aggregate of the amounts” to the end of the paragraph there shall be substituted the words “will equal the amount prescribed in respect of personal expenses in paragraph 13(1) of Schedule 7 to the Income Support Regulations or, as the case may be, in paragraph 15(1) of Schedule 5 or paragraph 9(1) of Schedule 5A to the Jobseeker’s Allowance Regulations;”.

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999

3. In Schedule 3A to the Social Security and Child Support (Decisions and Appeals) Regulations 1999(**a**) (date on which change of circumstances takes effect in certain cases where a claimant is in receipt of income support or jobseeker’s allowance)—

- (a) after paragraph 3(a), there shall be inserted the following sub-paragraph—
 - “(aa) income support is being paid from 8th April 2002 to persons who, immediately before that day, had a preserved right for the purposes of the Income Support Regulations;”;
- (b) after paragraph 8(a), there shall be inserted the following sub-paragraph—
 - “(aa) jobseeker’s allowance is being paid from 8th April 2002 to persons who, immediately before that day, had a preserved right for the purposes of the Jobseeker’s Allowance Regulations;”.

Amendment of the Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001

4.—(1) The Schedule to the Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001(**b**) shall be amended in accordance with the following paragraphs of this regulation.

- (2) In Part I—
 - (a) in paragraph 12—
 - (i) before sub-paragraph (a), there shall be inserted the following sub-paragraph—
 - “(za) in paragraph (1)(a), “(b),” shall be omitted;”;
 - (ii) after sub-paragraph (b), there shall be inserted the following sub-paragraph—
 - “(bb) in paragraph (1)(d), “(b) or” shall be omitted;”;
 - (b) for paragraph 14(b)(ii), there shall be substituted the following—
 - “(ii) in paragraph (a), the words “pursuant to sub-paragraph (4A)” shall be omitted;”;
 - (c) after paragraph 17(h), there shall be added the following sub-paragraph—
 - “(i) in column (2) of paragraph 19A(**c**), in sub-paragraph (2), “or 4” shall be omitted.”.
- (3) In Part II—
 - (a) in paragraph 15—
 - (i) before sub-paragraph (a), there shall be inserted the following sub-paragraph—
 - “(za) in paragraph (1)(a), “(b),” shall be omitted;”;

(a) S.I. 1999/991; Schedule 3A was inserted by S.I. 2000/1596.

(b) S.I. 2001/3767.

(c) Paragraph 19A was inserted into Schedule 7 to the Income Support (General) Regulations 1987 (S.I. 1987/1967) by S.I. 2001/488.

- (ii) after sub-paragraph (b), there shall be inserted the following sub-paragraph—
 - “(bb) in paragraph (1)(d), “(b) or” shall be omitted;”;
- (b) in paragraph 16—
 - (i) for “148” there shall be substituted “148A”;
 - (ii) before sub-paragraph (a), there shall be inserted the following sub-paragraph—
 - “(za) in paragraph (1)(a), “(b),” shall be omitted;”;
 - (iii) after sub-paragraph (b), there shall be inserted the following sub-paragraph—
 - “(bb) in paragraph (1)(d), “(b) or” shall be omitted;”;
- (c) for paragraph 18(b)(ii), there shall be substituted the following—
 - “(ii) in paragraph (a), the words “pursuant to sub-paragraph (5)” shall be omitted;”;
- (d) in paragraph 20(b), for the word “both” there shall be substituted the word “all”.

Signed by authority of the Secretary of State for Work and Pensions.

21st February 2002

Maria Eagle
Parliamentary Under-Secretary of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations 2, 3 and 4(2)(c) of these Regulations respectively amend the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991) and the Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767) (“the Preserved Rights Regulations”) so as to make further provision and consequential amendments in connection with the cessation, from 8th April 2002, of the payment of special amounts which are applicable to recipients of income support and jobseeker’s allowance who are in residential care homes and nursing homes. Regulation 4(2)(a) and (b) and (3) makes further technical amendments to the Preserved Rights Regulations.

These Regulations do not impose a charge on business.

£1.75

© Crown copyright 2002

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty’s Stationery Office and Queen’s Printer of
Acts of Parliament

E0174 2/02 ON (MFK)