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STATUTORY INSTRUMENTS

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**2003 No. 2259**

**SOCIAL SECURITY**

**The Social Security (Attendance Allowance and Disability Living Allowance) (Amendment) Regulations 2003**

*Made* - - - - *2nd September 2003*  
*Laid before Parliament* *11th September 2003*  
*Coming into force* - - *6th October 2003*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 67(2), 72(8) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup> and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it<sup>(2)</sup>, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Attendance Allowance and Disability Living Allowance) (Amendment) Regulations 2003 and shall come into force on 6th October 2003.

**Amendment of the Social Security (Attendance Allowance) Regulations 1991**

2.—(1) The Social Security (Attendance Allowance) Regulations 1991<sup>(3)</sup> shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 7 (persons in certain accommodation other than hospitals)—

(a) in paragraph (1)—

(i) omit the words “Except in the cases specified in paragraphs (2) and (3) and”;

(ii) insert “or” after sub-paragraph (a); and

(iii) omit sub-paragraph (c) and the word “or” which precedes it; and

(b) omit paragraphs (3) and (4).

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(1) 1992 c. 4; subsections (1) and (4) of section 175 were amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(2) See sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992 (c. 5).

(3) S.I. 1991/2740; regulation 7 has been amended by S.I. 1992/2869 and 3147, 1993/518, 1994/1779, 1995/2162, 2001/3767 and 2002/208 and 1406. Regulation 8 has been amended by S.I. 1992/703 and 3147, 1993/518, 1996/1345, 1999/2860, 2000/1401 and 2002/3019.

- (3) In paragraph (6) of regulation 8 (exemption from regulations 6 and 7)—
  - (a) omit sub-paragraph (a) and the word “and” which follows that sub-paragraph;
  - (b) in head (i) of sub-paragraph (b) for the words “his own resources” where they first appear substitute “the resources of the person for whom it is provided”; and
  - (c) after head (i) of sub-paragraph (b) insert “or”.

### **Amendment of the Social Security (Disability Living Allowance) Regulations 1991**

**3.—**(1) The Social Security (Disability Living Allowance) Regulations 1991<sup>(4)</sup> shall be amended in accordance with the following paragraphs of this regulation.

- (2) In regulation 9 (persons in certain accommodation other than hospitals)—
  - (a) in paragraph (1)—
    - (i) for “paragraphs (1A) to (4)” substitute “paragraphs (1A) to (2A)”;
    - (ii) insert “or” after sub-paragraph (a); and
    - (iii) omit sub-paragraph (c) and the word “or” which precedes it;
  - (b) in paragraph (1A) omit the words “and (c)” and “or may be”;
  - (c) in sub-paragraph (c) of paragraph (2) omit the words “or may be”; and
  - (d) omit paragraphs (4), (5) and (7).
- (3) In paragraph (8) of regulation 10 (exemption from regulations 8 and 9)—
  - (a) omit sub-paragraph (a) and the word “and” which follows that sub-paragraph; and
  - (b) in head (i) of sub-paragraph (b) for the words “person’s own resources” substitute “resources of the person for whom it is provided”.

2nd September 2003

*Andrew Smith*  
Secretary of State,  
Department for Work and Pensions

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<sup>(4)</sup> S.I. 1991/2890; regulation 9 has been amended by S.I. 1992/633, 2869 and 3147, 1993/518 and 1939, 1994/1779, 1995/2162, 2000/3181, 2001/3767 and 2002/208 and 1406. Regulation 10 has been amended by S.I. 1992/633 and 3147, 1993/518, 1996/1345, 1999/2860, 2000/1401 and 2002/208 and 3019.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (Attendance Allowance) Regulations 1991 and the Social Security (Disability Living Allowance) Regulations 1991.

Regulations 2 and 3 respectively remove the restriction on payment of Attendance Allowance or Disability Living Allowance for any period throughout which a person is provided with accommodation, the cost of which may be borne out of public or local funds pursuant to certain enactments.

Regulations 2 and 3 also remove the restriction on payment of Attendance Allowance or Disability Living Allowance to a person funding accommodation provided for him from his own resources where the person is entitled to certain benefits.

These Regulations do not impose a charge on business.