

## SCHEDULE

### MODIFICATION OF SUBORDINATE LEGISLATION

#### *Income Support (General) Regulations 1987 (S.I.1987/1967)*

**3.—**(1) The Income Support (General) Regulations 1987(1) are amended as follows.

(1) In regulation 2(1) (interpretation), in the definition of “nursing home”, for “a private hospital within the meaning of section 12 of the Mental Health (Scotland) Act 1984 (private hospitals)” substitute “an independent health care service within the meaning of section 2(5) of the Regulation of Care (Scotland) Act 2001(2)”.

(2) In regulation 16 (circumstances in which a person is to be treated as being or not being a member of the household), in paragraph (3)(a), for “section 90(1) of the Mental Health (Scotland) Act 1984 (provision of hospitals for patients requiring special security)” substitute “section 102 of the National Health Service (Scotland) Act 1978 (state hospitals)”.

(3) In regulation 21 (special cases)—

(a) in paragraph (3)—

(i) in the definition of “prisoner”, for “Mental Health (Scotland) Act 1984” substitute “Mental Health (Care and Treatment) (Scotland) Act 2003”; and

(ii) in the definition of “residential accommodation”, for “section 7 of the Mental Health (Scotland) Act 1984 (functions of local authorities)” substitute “section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (care and support services etc.)”; and

(b) in paragraph (3E), for “section 7 of the Mental Health (Scotland) Act 1984” substitute “section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003”.

(4) In paragraph 2A of Schedule 7 (applicable amounts in special cases) for “Mental Health (Scotland) Act 1984” substitute “Mental Health (Care and Treatment) (Scotland) Act 2003”.

(5) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 15A(1), for “section 7 of the Mental Health (Scotland) Act 1984” substitute “section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003”; and

(b) in paragraph 66, for “section 8 of the Mental Health (Scotland) Act 1984” substitute “section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003”.

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(1) S.I. 1987/1967; relevant amending instruments are S.I. 1990/547, S.I. 1992/3147, S.I. 1993/518, S.I. 1994/2139, S.I. 1995/516, S.I. 1998/563, S.I. 1998/2117, S.I. 2001/3767 and S.I. 2005/522.

(2) 2001, asp 8.