
Status: Point in time view as at 06/03/1992. This version of this provision has been superseded.

Changes to legislation: Local Government Finance Act 1992, Paragraph 8 is up to date with all changes known to be in force on or before 23 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

PERSONS DISREGARDED FOR PURPOSES OF DISCOUNT

Patients in homes in Scotland

- 8 (1) A person shall be disregarded for the purposes of discount on a particular day if on the day—
- (a) he has as his sole or main residence a residential care home, nursing home, private hospital or hostel in Scotland; and
 - (b) he is receiving care or treatment (or both) in the home, hospital or hostel.
- (2) In this paragraph—
- “hostel” means anything which falls within any definition of hostel for the time being prescribed by order made by the Secretary of State under this sub-paragraph;
- “nursing home” means—
- (a) a nursing home within the meaning of section 10(2) of the ^{M1}Nursing Homes Registration (Scotland) Act 1938 in respect of which a person is registered; or
 - (b) any premises in respect of which an exemption has been granted under section 6 or 7 of that Act;
- “private hospital” means a private hospital within the meaning of section 12 (registration of private hospitals) of the ^{M2}Mental Health (Scotland) Act 1984;
- “residential care home” means—
- (a) a residential establishment provided and maintained by a local authority in respect of their functions under section 13B (provision of care and after-care) of the ^{M3}Social Work (Scotland) Act 1968; or
 - (b) a residential establishment to which Part IV of the said Act of 1968 applies; or
 - (c) residential accommodation provided and maintained by a local authority under section 7 (functions of local authorities) of the Mental Health (Scotland) Act 1984,
- where the sole or main function of the establishment or accommodation is to provide personal care or support, combined with board, to persons who are solely or mainly resident in the establishment or accommodation.
- (3) In the definition of “residential care home” in sub-paragraph (2) above—
- “personal care” includes the provision of appropriate help with physical and social needs; and

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“support” means counselling or other help provided as part of a planned programme of care.

- (4) The Secretary of State may by order substitute another definition for any definition of “nursing home”, “private hospital” or “residential care home” for the time being effective for the purposes of this paragraph.

Marginal Citations

M1 1938 c. 73.

M2 1984 c. 36.

M3 1968 c. 49.

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