

## SCHEDULE 4

### PART I

#### applicable amounts of persons in residential care and nursing homes

1.—(1) Subject to sub-paragraph (2), the weekly applicable amount of a claimant to whom regulation 19 applies shall be the aggregate of—

- (a) subject to paragraph 3, the weekly charge for the accommodation, including all meals and services, provided for him or, if he is a member of a family, for him and his family increased, where appropriate, in accordance with paragraph 2 but, except in a case to which paragraph 12 applies, subject to the maximum determined in accordance with paragraph 5; and
- (b) a weekly amount for personal expenses for him and, if he is a member of a family, for each member of his family determined in accordance with paragraph 13; and
- (c) where he is only temporarily in such accommodation any amount applicable under [<sup>F1</sup>regulation 17(1)(e) or 18(1)(f)] (housing costs) in respect of the dwelling normally occupied as the home; [<sup>F2</sup>and
- (d) any amount determined in accordance with regulation 17(1)(f) or 18(1)(g) (applicable amounts).]

(2) No amount shall be included in respect of any child or young person who is a member of the claimant's family if the capital of that child or young person calculated in accordance with Part V in like manner as for the claimant, except where otherwise provided, would exceed £3,000.

#### Textual Amendments

- F1** Words in Sch. 4 para. 1(1)(c) substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **21(a)**
- F2** Sch. 4 para. 1(1)(d) and word added (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **21(b)**

#### Modifications etc. (not altering text)

- C1** Sch. 4 Pt. I para. 1(2) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up Rating Order 1997 \(S.I. 1997/543\)](#), arts. 1(2)(g), **18(2)**

#### Commencement Information

- I1** Sch. 4 para. 1 in force at 11.4.1988, see [reg. 1](#)

2.—(1) Where, in addition to the weekly charge for accommodation, a separate charge is made for the provision of heating, attention in connection with bodily functions, supervision, extra baths, laundry or a special diet needed for a medical reason, the weekly charge for the purpose of paragraph 1(1)(a) shall be increased by the amount of that charge.

(2) Where the weekly charge for accommodation does not include the provision of all meals, it shall, for the purpose of paragraph 1(1)(a), be increased in respect of the claimant or, if he is a member of a family, in respect of each member of his family by the following amount:

- (a) if the meals can be purchased within the residential care or nursing home, the amount equal to the actual cost of the meals, calculated on a weekly basis; or
- (b) if the meals cannot be so purchased, the amount calculated on a weekly basis—

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- (i) for breakfast, at a daily rate of £1.10;
  - (ii) for a midday meal, at a daily rate of £1.55; and
  - (iii) for an evening meal, at a daily rate of £1.55;
- except that, if some or all of the meals are normally provided free of charge or at a reduced rate, the amount shall be reduced to take account of the lower charge or reduction.

**Modifications etc. (not altering text)**

**C2** Sch. 4 paras. 2(2)(b)(i)-(iii) sums confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-Rating Order 1997 \(S.I. 1997/543\)](#), arts. 1(2)(g), art. 9, [Sch. 6 Pt. II](#)

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**Commencement Information**

**I2** Sch. 4 para. 2 in force at 11.4.1988, see [reg. 1](#)

3. Where any part of the weekly charge for the accommodation is met by housing benefit, an amount equal to the part so met shall be deducted from the amount calculated in accordance with paragraph 1(1)(a).

**Commencement Information**

**I3** Sch. 4 para. 3 in force at 11.4.1988, see [reg. 1](#)

<sup>F3</sup>4. ....

**Textual Amendments**

**F3** Sch. 4 para. 4 omitted (11.4.1988) by virtue of [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), [31\(a\)](#)

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**Commencement Information**

**I4** Sch. 4 para. 4 in force at 11.4.1988, see [reg. 1](#)

- 5.—(1) Subject to paragraph 12 the maximum referred to in paragraph 1(1)(a) shall be—
- (a) in the case of a single claimant, the appropriate amount in respect of that claimant specified in or determined in accordance with paragraphs 6 to 11;
  - [<sup>F4</sup>(b) in the case of a claimant who is a member of a family the aggregate of the following amounts—
    - (i) in respect of the claimant, the appropriate amount in respect of him specified in or determined in accordance with paragraph 6 to 11;
    - (ii) in respect of each member of his family who lives in the home aged under 11, 1½ times the amount specified in paragraph 2(a) of Schedule 2;
    - (iii) in respect of each member of his family aged not less than 11 who lives in the home, an amount which would be the appropriate amount specified in or determined in accordance with paragraph 6 to 11 if the other member were the claimant.]
- (2) The maximum amount in respect of a member of the family aged under 11 calculated in the manner referred to in sub-paragraph (1) (b) (i) shall be rounded to the nearest multiple of 5p by treating an odd amount of 2.5p or more as 5p and by disregarding an odd amount of less than 2.5p.

### Textual Amendments

- F4** Sch. 4 para. 5(1)(b) substituted (9.10.1989) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(a), **10**

### Commencement Information

- I5** Sch. 4 para. 5 in force at 11.4.1988, see [reg. 1](#)

## Residential care homes

**6.**—(1) Subject to sub-paragraph (2) and paragraphs 8 to 11, where the accommodation provided for the claimant is a residential care home for persons in need of personal care by virtue of—

- (a) old age, the appropriate amount shall be [<sup>F5</sup>£208.00] per week;
- (b) past or present mental disorder but excluding mental handicap, the appropriate amount shall be [<sup>F5</sup>£220.00] per week;
- (c) past or present drug or alcohol dependence, the appropriate amount shall be [<sup>F5</sup>£220.00] per week;
- (d) mental handicap, the appropriate amount shall be [<sup>F5</sup>£250.00] per week;
- (e) physical disablement, the appropriate amount shall be—
  - (i) in the case of a person to whom paragraph 8 applies, [<sup>F5</sup>£285.00] per week, or
  - (ii) in any other case, [<sup>F5</sup>£208.00] per week; or
- (f) any condition not falling within sub-paragraphs (a) to (e) above, the appropriate amount shall be [<sup>F5</sup>£208.00] per week.

(2) Where the claimant is over pensionable age and—

[<sup>F6</sup>(a) he is registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act (welfare services) or, in Scotland has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a regional or islands council; or]

[<sup>F7</sup>(b) he—

- (i) is entitled to attendance allowance at the higher rate in accordance with section 65(3) of the Contributions and Benefits Act, or the care component of disability living allowance at the highest rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act, or
- (ii) has made a claim for attendance allowance or disability living allowance and, in respect of that claim, a decision has been made that he satisfies the disability conditions, but he has not yet completed the qualifying period for that benefit; or]
- (c) he is in receipt of any payment based on need for attendance which is payable—
  - (i) under section 61 of the Social Security Act <sup>F8</sup>
  - (ii) by virtue of article 14 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983 <sup>F9</sup> or article 14 of the Personal Injuries (Civilians) Scheme 1983 <sup>F10</sup>

the appropriate amount shall, except where sub-paragraph (1)(d) or (e)(i) applies, be [<sup>F11</sup>£240.00 ] per week.

[<sup>F12</sup>(3) In this paragraph—

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- (a) “the disability conditions” means—
- (i) in the case of attendance allowance, the conditions in section 64(2) and (3) of the Contributions and Benefits Act; and
  - (ii) in the case of disability living allowance, the conditions in section 72(1)(b) and (c) of the Contributions and Benefits Act;
- (b) “the qualifying period” means—
- (i) in the case of attendance allowance, the period specified in section 65(1)(b) of the Contributions and Benefits Act; and
  - (ii) in the case of disability living allowance, the period specified in section 72(2)(a) of the Contributions and Benefits Act.]

#### Textual Amendments

- F5** Sch. 4 para. 6(1) sums substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-Rating Order 1997 \(S.I. 1997/543\)](#), arts. 1(2)(g), 18(9), **Sch. 6 Pt. I**
- F6** Sch. 4 para. 6(2)(a) substituted (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **20(b)**
- F7** Sch. 4 para. 6(2)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **20(2)(a)**
- F8** subsections (3) and (4) of section 61 were added by the [Social Security Act 1986 \(c. 50\)](#) section 39, Schedule 3 paragraph 6.
- F9** [S.I. 1983/883](#).
- F10** [S.I. 1983/686](#).
- F11** Sum in Sch. 4 para. 6(2) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 1997 \(S.I. 1997/543\)](#), arts. 1(2)(g), **18(9)**
- F12** Sch. 4 para. 6(3) added (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **20(2)(b)**

#### Commencement Information

- I6** Sch. 4 para. 6 in force at 11.4.1988, see [reg. 1](#)

### Nursing homes

7. Subject to paragraphs 8 to 11, where the accommodation provided for the claimant is a nursing home for persons in need of personal care by virtue of—

- (a) past or present mental disorder but excluding mental handicap, the appropriate amount shall be [<sup>F13</sup>£312.00] per week;
- (b) mental handicap, the appropriate amount shall be [<sup>F13</sup>£318.00] per week;
- (c) past or present drug or alcohol dependence, the appropriate amount shall be [<sup>F13</sup>£312.00] per week;
- (d) physical disablement, the appropriate amount shall be—
  - (i) in the case of a person to whom paragraph 8 applies, [<sup>F13</sup>£352.00] per week, or
  - (ii) in any other case, [<sup>F13</sup>£311.00] per week;
- (e) terminal illness, the appropriate amount shall be [<sup>F13</sup>£311.00] per week; or

- (f) any condition not falling within sub-paragraphs (a) to (e), the appropriate amount shall be [<sup>F13</sup>£311.00] per week.

#### Textual Amendments

- F13** Sch. 4 para. 7 sums substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-Rating Order 1997 \(S.I. 1997/543\)](#), arts. 1(2)(g), 18(9), **Sch. 6 Pt. 1**

#### Commencement Information

- I7** Sch. 4 para. 7 in force at 11.4.1988, see [reg. 1](#)

**8.** For the purposes of paragraphs 6(e) and 7(d) this paragraph applies to a person under pensionable age or a person over pensionable age who, before attaining pensionable age, had become physically disabled.

#### Commencement Information

- I8** Sch. 4 para. 8 in force at 1.4.1988, see [reg. 1](#)

**9.** The appropriate amount applicable to a claimant in a residential care home or nursing home shall, subject to paragraph 10, be determined—

- (a) where the home is a residential care home registered under Part I of the Registered Homes Act 1984<sup>F14</sup>, by reference to the particulars recorded in the register kept by the relevant registration authority for the purposes of that Act; or
- (b) where the home is a residential care home not so registered or a nursing home, by reference to the type of care which, taking into account the facilities and accommodation provided, the home is providing to the claimant.

#### Textual Amendments

- F14** [1984 c. 23](#).

#### Commencement Information

- I9** Sch. 4 para. 9 in force at 11.4.1988, see [reg. 1](#)

**10.—(1)** Where more than one amount would otherwise be applicable, in accordance with paragraph 9, to a claimant in a residential care home or a nursing home, the appropriate amount in any case shall be determined in accordance with the following sub-paragraphs.

(2) Where the home is a residential care home registered under Part I of the Registered Homes Act 1984 and where the personal care that the claimant is receiving corresponds to the care received by a category of residents for whom the register indicates that the home provides accommodation, the appropriate amount shall be the amount, in paragraph 6 or 8, as the case may be, as is consistent with that personal care.

(3) Where the home is a residential care home which is so registered but where the personal care that the claimant is receiving does not correspond to the care received by a category of residents for whom the register indicates that the home provides accommodation, the appropriate amount shall be the lesser or least amount, in paragraphs 6 or 8, as the case may be, as is consistent with those categories.

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(4) In any case not falling within sub-paragraph (2) or (3), the appropriate amount shall be whichever amount of the amounts applicable in accordance with paragraphs 6 or 7 and 9 is, having regard to the types of personal care that the home provides, most consistent with the personal care being received by the claimant in that accommodation.

#### Commencement Information

**I10** Sch. 4 para. 10 in force at 11.4.1988, see [reg. 1](#)

**11.—**(1) Where the accommodation provided for the claimant is a residential care home or a nursing home which is, in either case, situated in the Greater London area and the actual charge for that accommodation exceeds the appropriate amount in his case by virtue of the preceding paragraphs of this Schedule, that amount shall be increased by any excess up to—

- (a) in the case of a residential care home, [<sup>F15</sup>£41.00];
- (b) in the case of a nursing home, [<sup>F15</sup>£46.00].

(2) In sub-paragraph (1), “the Greater London area” means all those areas specified [<sup>F16</sup>in Schedule 3C].

#### Textual Amendments

**F15** Sch. 4 para. 11 sums substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-Rating Order 1997 \(S.I. 1997/543\)](#), arts. 1(2)(g), 18(9), [Sch. 6 Pt. 1](#)

**F16** Words in Sch. 4 para. 11(2) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), [20\(3\)](#)

#### Commencement Information

**I11** Sch. 4 para. 11 in force at 11.4.1988, see [reg. 1](#)

### Circumstances in which the maximum is not to apply

**12.—**(1) Where a claimant who satisfies the conditions in sub-paragraph (2) has been able to meet the charges referred to in paragraphs 1 and 2 without recourse to income support or supplementary benefit, the maximum determined in accordance with paragraph 5 shall not apply for the period of 13 weeks or, if alternative accommodation is found earlier, such lesser period following the date of claim except to the extent that the claimant is able to meet out of income disregarded for the purposes of Part V the balance of the actual charge over the maximum.

- (2) The conditions for the purposes of sub-paragraph (1) are that—
- (a) the claimant has lived in the same accommodation for more than 12 months; and
  - (b) he was able to afford the charges in respect of that accommodation when he took up residence; and
  - (c) having regard to the availability of suitable alternative accommodation and to the circumstances mentioned in paragraph 10(7)(b) of Schedule 3 (housing costs), it is reasonable that the maximum should not apply in order to allow him time to find alternative accommodation; and
  - (d) he is not a person who is being accommodated—
    - (i) by a housing authority under Part III of the Housing Act 1985 <sup>F17</sup> (housing the homeless), or

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- (ii) by a local authority under [<sup>F18</sup>section 20 of the Children Act 1989 (provision of accommodation for children: general)] or, in Scotland, section 12 of the Social Work (Scotland) Act 1968 <sup>F19</sup> (general welfare); and
  - (e) he is seeking alternative accommodation and intends to leave his present accommodation once alternative accommodation is found.
- (3) Where—
- (a) the claimant was a resident in a residential care home or nursing home immediately before 29 April 1985 and has continued after that date to be resident in the same accommodation, apart from any period of temporary absence; and
  - (b) immediately before that date, the actual charge for the claimant's accommodation was being met either wholly or partly out of the claimant's resources, or, wholly or partly out of other resources which can no longer be made available for this purpose; and
  - (c) since that date the local authority have not at any time accepted responsibility for the making of arrangements for the provision of such accommodation for the claimant; and
  - (d) the Secretary of State, in his discretion, has determined that this sub-paragraph shall have effect in the particular case of the claimant in order to avoid exceptional hardship,
- the maximum amount shall be the rate specified in sub-paragraph (4) if that rate exceeds the maximum which, but for this sub-paragraph, would be determined under paragraph 5.
- (4) For the purposes of sub-paragraph (3) the rate is either—
- (a) the actual weekly charge for the accommodation immediately before 29 April 1985 plus £10; or
  - (b) the aggregate of the following amounts—
    - (i) the amount estimated under regulation 9(6) of the Supplementary Benefit (Requirements) Regulations 1983 <sup>F20</sup> as then in force as the reasonable weekly charge for the area immediately before that date;
    - (ii) £26.15; and
    - (iii) if the claimant was entitled at that date to attendance allowance under section 35 of the Social Security Act at the higher rate £28.60 or, as the case may be, at the lower rate, £19.10,whichever is the lower amount.

#### Textual Amendments

**F17** 1985 c. 68.

**F18** Words in Sch. 4 para. 12(2)(d)(ii) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), reg. 1(1), Sch. para. 8(a)

**F19** 1968 c. 49.

**F20** S.I. 1983/1399.

#### Commencement Information

**I12** Sch. 4 para. 12 in force at 11.4.1988, see [reg. 1](#)

#### Personal allowances

**13.** The allowance for personal expenses for the claimant and each member of his family referred to in paragraph 1(1)(b) shall be—

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- (a) for the claimant [<sup>F21</sup>£14.10], and if he has a partner, for his partner, [<sup>F21</sup>£14.10];
- (b) for a young person aged 18, [<sup>F21</sup>£14.10];
- (c) for a young person aged under 18 but over 16, [<sup>F21</sup>£9.80];
- (d) for a child aged under 16 but over 11, [<sup>F21</sup>£8.45];
- (e) for a child aged under 11, [<sup>F21</sup>£5.80].

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#### **Textual Amendments**

**F21** Sch. 4 para. 13 sums substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-Rating Order 1997 \(S.I. 1997/543\)](#), arts. 1(2)(g), 18(9), **Sch. 6 Pt. 1**

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#### **Commencement Information**

**I13** Sch. 4 para. 13 in force at 11.4.1988, see [reg. 1](#)



**Status:**

Point in time view as at 07/04/1997.

**Changes to legislation:**

There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, PART I.