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STATUTORY INSTRUMENTS

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**1987 No. 659**

**The Supplementary Benefit (Requirements and Resources) Amendment and Uprating Regulations 1987**

**Insertion of a new regulation 13A to the Requirements Regulations**

6. After regulation 13 of the Requirements Regulations (items other than heating) there shall be inserted the following regulation —

**“Transitional provisions relating to persons resident in nursing or residential care homes**

**13A.**—(1) This regulation shall apply in respect of any person who immediately before 13th April 1987 was in receipt of a pension or an allowance as a boarder within the meaning of regulation 9 and,

- (a) was resident in or, if not resident would but for his temporary absence be resident in, either a nursing or residential care home; and
- (b) in the calculation of his requirements an amount was applicable in respect of him or, but for his temporary absence, would have been applicable in respect of him but for that absence, under any paragraph in Part I of or, paragraphs 10, 11, 14, 15 or 18 of Part II of Schedule 4 (additional requirements); and
- (c) as of the 13th April 1987 the amount or, as the case may be, those amounts referred to in sub-paragraph (b) are no longer applicable in relation to him; and
- (d) the conditions specified in any of the paragraphs of Schedule 4 referred to in sub-paragraph (b) as are applicable in relation to the person continue to be satisfied; and
- (e) the person continues to be resident in, other than for any temporary absence, either a nursing or residential care home.

(2) In a case to which this regulation applies, there shall be applicable in respect of the person referred to in paragraph (1) the amount or, as the case may be, those amounts applicable under any of the paragraphs of Schedule 4 referred to in paragraph (1)(b) as in force immediately before the 13th April 1987 less the amount or, as the case may be, those amounts charged for the provision of services to which those additional requirements relate which are now met by virtue of regulation 9(4A) as part of the weekly amount for board and lodging.

(3) For the purpose of this regulation “nursing home” and “residential care home” have the same meaning as in regulation 9 and Schedule 1A and “temporary absence” does not include an absence which exceeds 12 months in the case of a person of or over pensionable age, or 13 weeks in the case of a person who has not yet attained pensionable age.”