

This Statutory Instrument has been amended by S.I. 1993/582 and is being issued free of charge to all known recipients of S.I. 1992/3182.

STATUTORY INSTRUMENTS

1992 No. 3182

SOCIAL SERVICES, ENGLAND AND WALES

**The Residential Accommodation (Determination
of District Health Authority) Regulations 1992**

<i>Made</i>	- - - -	<i>14th December 1992</i>
<i>Laid before Parliament</i>		<i>21st December 1992</i>
<i>Coming into force</i>	- -	<i>1st April 1993</i>

The Secretary of State in exercise of the powers conferred by section 26(1C) of the National Assistance Act 1948(1) and of all other powers enabling her in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Residential Accommodation (Determination of District Health Authority) Regulations 1992 and shall come into force on 1st April 1993.

District health authority which is to consent to nursing care arrangements

2.—(1) The District Health Authority whose consent is required before arrangements such as are mentioned in section 26(1B) of the National Assistance Act 1948 (arrangements for the provision of accommodation with nursing care) may be made for the accommodation of any person shall be the health authority in whose district he is usually resident.

(2) If there is doubt as to where a person is usually resident for the purposes of paragraph (1) of this regulation, he should be treated as usually resident in the district of a health authority—

- (a) where he gives to the local authority making the arrangements as being the address at which he usually resides an address which is within that health authority's district,
- (b) where he gives that local authority no such address but gives them his most recent address and that is within that health authority's district,

(1) 1948 c. 29. Subsections (1) and (1A) of section 26 which were inserted by section 42(2) of the National Health Service and Community Care Act 1990 (c. 19) are replaced from 1st April 1993 by section 1 of the Community Care (Residential Accommodation) Act 1992 (c. 49) which substituted new subsections (1) to (1E).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) where neither sub-paragraph (a) nor sub-paragraph (b) of this paragraph apply but he is present within that health authority's district.

14th December 1992

Virginia Bottomley
One of Her Majesty's Principal Secretaries of
State

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations make provision for the district health authority in which a person is usually resident to be the health authority whose consent must be obtained before nursing care accommodation (other than urgent temporary nursing care accommodation) can be provided by a local authority pursuant to section 26 of the National Assistance Act 1948 (provision of accommodation in premises maintained other than by local authorities).