

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations contain amendments to a number of social security benefit Regulations arising out of the changes to care in the community which are introduced on 1st April 1993.

Regulation 2 amends the Social Security (Attendance Allowance) Regulations 1991. Under the existing Regulations persons in residential care or nursing homes who pay the whole cost of the accommodation themselves may also receive attendance allowance. Regulation 2(2) provides for those residing in such homes before 1st April 1993 to retain that right. Regulation 3(2) makes similar provisions in relation to disability living allowance. Regulations 2 and 3 also provide that attendance allowance and disability living allowance are not payable to persons in residential care homes owned and managed by local authorities (regulations 2(3) and 3(3)).

Regulation 4 specifies circumstances in which persons living in small residential care homes on 31st March 1993 which were not registered under the Registered Homes Act 1984 have preserved rights to attendance allowance or the care component of disability living allowance.

Regulation 5 makes specific provisions in the income support scheme for persons living in or temporarily absent from residential accommodation on 31st March 1993. They also provide that some or all of any charitable or voluntary payments made to enable a person to live in a home of his choice are to be disregarded in determining the income of a resident in a residential care or nursing home (regulation 5(5)).

Regulation 6 relates to housing benefit and makes specific provision for those who on 31st March 1993 either occupied or were temporarily absent from residential accommodation.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Social Security Benefits (Miscellaneous Amendments) Regulations 1993. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- reg. 4 revoked by [S.I. 1994/1779](#) reg. 4(b)