

This Statutory Instrument is made to correct an error in [S.I. 1992/3182](#) and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

1993 No. 582

SOCIAL SERVICES, ENGLAND AND WALES

The Residential Accommodation (Determination of District Health Authority) (Amendment) Regulations 1993

<i>Made</i>	- - - -	<i>9th March 1993</i>
<i>Laid before Parliament</i>		<i>11th March 1993</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) (Amendment) Regulations 1993 and shall come into force on 1st April 1993 immediately after the coming into force of the Residential Accommodation (Determination of District Health Authority) Regulations 1992((2)).

Amendment to regulation 2 of the Residential Accommodation (Determination of District Health Authority) Regulations 1992

2.—(1) In paragraph (1) of regulation 2 of the Residential Accommodation (Determination of District Health Authority) Regulations 1992 for the words “the health authority in whose district he is usually resident” there shall be substituted the words—

- “(a) if he is usually resident in the district of a district health authority that health authority;
- (b) if he is usually resident outside England and Wales, the district health authority whose district includes the place at which the accommodation is to be provided”.

(1) [1948 c. 29](#). Sub-sections (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 sub-sections (1) to (1E).

(2) [S.I. 1992/3182](#).

Status: This is the original version (as it was originally made).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

(2) In paragraph (2) of regulation 2 of the Residential Accommodation (Determination of District Health Authority) Regulations 1992 for the word “should” there shall be substituted the word “shall”.

9th March 1993

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations correct an error in the Residential Accommodation (Determination of District Health Authority) Regulations 1992. Those Regulations provide that if there is doubt as to the District Health Authority in whose area a person is usually resident (for the purposes of determining which district health authority is responsible for giving consent to accommodation with nursing care arrangements) he should be treated as usually resident in a particular health authority's district determined in accordance with those Regulations. These Regulations make it clear that if there is such a doubt he must be so treated.

The Regulations also amend the 1992 Regulations to provide that where a person is usually resident outside England and Wales the District Health Authority to give such consent shall be the one in which the accommodation with nursing care is to be provided.