

SCHEDULE 2

AMENDMENT OF THE JOBSEEKER'S ALLOWANCE REGULATIONS 1996

3. In regulation 78 (circumstances in which a person is to be treated as being or not being a member of the household)—

- (a) in paragraph (3)(d) for “in residential accommodation or a residential care home or a nursing home” substitute “residing in a care home, an Abbeyfield Home or an independent hospital”;
- (b) in paragraph (5)(c) omit “provided under any of the provisions referred to in any of the sub-paragraphs (a) to (c) of the definition of residential accommodation in regulation 85”;
- (c) in paragraph (9) before sub-paragraph (a) insert—

“(za) “accommodation” means accommodation provided by a local authority in a home owned or managed by that local authority—

- (i) under sections 21 to 24 of the National Assistance Act 1948 (provision of accommodation); or
- (ii) in Scotland, under section 13B or 59 of the Social Work (Scotland) Act 1968 (provision of residential or other establishment); or
- (iii) under section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (care and support services etc.);

where the accommodation is provided for a person whose stay in that accommodation has become other than temporary;”.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Care Homes and Independent Hospitals) Regulations 2005, Paragraph 3.