

SCHEDULE 1

Regulation 2

AMENDMENT OF THE INCOME SUPPORT (GENERAL) REGULATIONS 1987

1. In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) omit the definitions of “nursing home”, “residential accommodation”^{M1} and “residential care home”^{M2};

(ii) at the appropriate places insert the following definitions—

““Abbeyfield Home” means an establishment run by the Abbeyfield Society including all bodies corporate or incorporate which are affiliated to that Society;

“care home” in England and Wales has the meaning assigned to it by section 3 of the Care Standards Act 2000, and in Scotland means a care home service within the meaning assigned to it by section 2(3) of the Regulation of Care (Scotland) Act 2001;

“independent hospital” in England and Wales has the meaning assigned to it by section 2 of the Care Standards Act 2000, and in Scotland means an independent healthcare service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;”;

(b) in paragraph (1A) ^{M3} from “residential care home” to “reside in that home” substitute “care home, an Abbeyfield Home or an independent hospital and he is temporarily absent from that home or hospital, he shall be regarded as continuing to reside in that home or hospital ”.

Marginal Citations

M1 The definition of “residential accommodation” was substituted by [S.I. 1988/1445](#) and amended by [S.I. 1989/534](#) and [2001/3767](#).

M2 The definitions of “nursing home” and “residential care home” were substituted by [S.I. 2001/3767](#); relevant amending instrument is [S.I. 2005/2078](#).

M3 Paragraph (1A) was inserted by [S.I. 2001/3767](#) and amended by [S.I. 2003/1195](#).

2. For paragraph (4)(d) of regulation 6 (persons not treated as engaged in remunerative work) ^{M4} substitute—

“(d) a person who—

(i) is in employment;

(ii) lives in, or is temporarily absent from, a care home, an Abbeyfield Home or an independent hospital; and

(iii) requires personal care by reason of old age, disablement, past or present dependence on alcohol or drugs, past or present mental disorder or a terminal illness.”.

Marginal Citations

M4 Paragraph (4) was inserted by [S.I. 2000/681](#) and sub-paragraph (d) was substituted by [S.I. 2001/3767](#).

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Care Homes and Independent Hospitals) Regulations 2005. (See end of Document for details)

3. In regulation 16 (circumstances in which a person is to be treated as being or not being a member of the household)—

(a) in paragraph (3)(e) for “in residential accommodation or a residential care home or a residential nursing home” substitute “residing in a care home, an Abbeyfield Home or an independent hospital”;

(b) in paragraph (5)(b)^{M5} omit “provided under any of the provisions referred to in any of sub-paragraphs (a) to (d) (excluding heads (i) and (ii) of sub-paragraph (d)) of the definition of residential accommodation in regulation 21(3)”;

(c) in paragraph (8) 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^{M6} (provision of accommodation),

(ii) in Scotland, under section 13B or 59 of the Social Work (Scotland) Act 1968^{M7} (provision of residential or other establishment), or

(iii) under section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003^{M8} (care and support services etc.),

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

Marginal Citations

M5 Relevant amending instruments are [S.I. 1988/663](#), 1989/534 and 1996/206.

M6 [1948 c. 29](#).

M7 [1968 c. 49](#).

M8 [2003 asp.13](#).

4. For paragraph (4)(a)(iii)^{M9} of regulation 17 (applicable amounts) substitute—

“(iii) in a care home, an Abbeyfield Home or an independent hospital; or”.

Marginal Citations

M9 Relevant amending instrument is [S.I. 2001/3767](#).

5. In regulation 21 (special cases)—

(a) in paragraph (3) omit the definition of “residential accommodation”^{M10};

(b) omit paragraphs (3A) to (3E)^{M11} and (4)^{M12} to (4B)^{M13}.

Marginal Citations

M10 The definition of “residential accommodation” was substituted by [S.I. 1992/3147](#); relevant amending instruments are [S.I. 1994/2139](#), 1995/516 and 2005/2078.

M11 Paragraph (3A) was inserted by [S.I. 1991/1656](#) and amended by [S.I. 1996/2614](#) and 2001/3767. Paragraph (3B) was inserted by [S.I. 1993/518](#) and amended by [S.I. 1995/516](#). Paragraph (3C) was inserted by [S.I. 1993/518](#) and amended by [S.I. 1993/2119](#). Paragraph (3D) was inserted by [S.I. 1994/2139](#). Paragraph (3E) was inserted by [S.I. 1994/2139](#) and amended by [S.I. 2005/2078](#).

M12 Paragraph (4) was amended by [S.I. 1992/3147](#) and 1995/516.

M13 Paragraph (4A) was inserted by [S.I. 1992/2155](#) and amended by [S.I. 1992/3147](#). Paragraph (4B) was inserted by [S.I. 1993/518](#).

6. In paragraph (4A) of regulation 42 (notional income) ^{M14} for “lives in a residential care home or a nursing home, or is temporarily absent from such a home” substitute “ resides in a care home, an Abbeyfield Home or an independent hospital, or is temporarily absent from such a home or hospital ”.

Marginal Citations

M14 Paragraph (4A) was inserted by [S.I. 1994/527](#) and amended by [S.I. 2003/455](#).

7. In regulation 53 (calculation of tariff income from capital)—

- (a) in paragraph (1B) ^{M15}—
 - (i) for sub-paragraphs (a) and (b) substitute—
 - “(a) a care home or an independent hospital;
 - (b) an Abbeyfield Home;”;
 - (ii) omit sub-paragraph (d);
- (b) in paragraph (1C) ^{M16}—
 - (i) after “home” in both places insert “ , hospital ”;
 - (ii) in sub-paragraph (a) for “, (b) or (d)” substitute “ or (b) ”;
- (c) omit paragraph (4) ^{M17}.

Marginal Citations

M15 Paragraph (1B) was inserted by [S.I. 1996/462](#) and amended by [S.I. 1997/65](#) and 1997/2197.

M16 Paragraph (1C) was inserted by [S.I. 1996/462](#) and amended by [S.I. 1997/65](#) and 2001/3767.

M17 Paragraph (4) was inserted by [S.I. 1996/462](#).

8. In Schedule 3 (housing costs) ^{M18}—

- (a) for sub-paragraph (13)(c) of paragraph 3 (circumstances in which a person is to be treated as occupying a dwelling as his home) ^{M19} substitute—
 - “(c) “residential accommodation” means accommodation which is a care home, an Abbeyfield Home or an an independent hospital;”;
- (b) in sub-paragraph (1)(b) of paragraph 4 (housing costs not met) for “in accommodation which is a residential care home or a nursing home except where he is in such accommodation” substitute “ living in care home, an Abbeyfield Home or an independent hospital except where he is living in such a home or hospital ”.

Marginal Citations

M18 Schedule 3 was substituted by [S.I. 1995/1613](#).

M19 Sub-paragraph 13(c) of paragraph 3 was amended by [S.I. 2001/3767](#).

9. For sub-paragraph (4) of paragraph 7 (protected persons) of Schedule 3A (protected sum) ^{M20} substitute—

- “(4) Paragraph 6(b) shall not apply to a protected person if—

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Care Homes and Independent Hospitals) Regulations 2005. (See end of Document for details)

- (a) he moves to accommodation where he—
 - (i) satisfies condition (i) or (iii) of sub-paragraph (1)(b);
 - (ii) is receiving both board and personal care other than in a care home or an independent hospital;
- (b) he becomes a patient within the meaning of regulation 21(3);
- (c) on his ceasing to be a patient within the meaning of regulation 21(3) either—
 - (i) he returns to the accommodation which he occupied immediately before he became a patient; or
 - (ii) he moves to other accommodation where he—
 - (aa) satisfies condition (i) or (iii) of sub-paragraph (1)(b); or
 - (bb) is receiving both board and personal care other than in a care home or an independent hospital; or
- (d) in a case to which sub-paragraph (6) applies, on his becoming re-entitled to income support, he is in—
 - (i) the accommodation which he occupied immediately before he ceased to be entitled to income support; or
 - (ii) accommodation where he—
 - (aa) satisfies condition (i) or (iii) of sub-paragraph (1)(b); or
 - (bb) is receiving both board and personal care other than in a care home or an independent hospital.”.

Marginal Citations

M20 Schedule 3A was inserted by [S.I. 1988/1455](#). Sub-paragraph (4) of paragraph 7 was amended by [S.I. 1988/2022](#).

10. In Schedule 7 (applicable amounts in special cases)—

- (a) in paragraph 9 (specified cases of temporarily separated couples) ^{M21} at column (1)—
 - (i) in sub-paragraph (a) for heads (i) and (ii) substitute—
 - “(i) not a patient but is residing in a care home, an Abbeyfield Home or an independent hospital, or”;
 - (ii) in sub-paragraph (b) for heads (iii) and (iv) substitute—
 - “(iii) residing in a care home, an Abbeyfield Home or an independent hospital.”;
- (b) in paragraph 10 (polygamous marriages where one or more partners are temporarily separated) ^{M22} at column (1) for sub-paragraphs (a) and (b) substitute—
 - “(a) not a patient but is residing in a care home, an Abbeyfield Home or an independent hospital, or”.

Marginal Citations

M21 Column 1 of paragraph 9 was amended by [S.I. 1989/1678](#).

M22 Column 1 of paragraph 10 was amended by [S.I. 1988/663](#) and 1991/236.

11. In sub-paragraphs (2), (3)(a)(ii) and (4)(a) of paragraph 4 of Schedule 8 (sums to be disregarded in the calculation of earnings) ^{M23} omit “or in residential accommodation”.

Marginal Citations

M23 Paragraph 4 was substituted by [S.I. 1989/534](#). Sub-paragraphs (2), (3)(a)(ii) and (4)(a) were amended by [S.I. 2001/3767](#).

12. In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—

- (a) in paragraph 15A ^{M24}—
 - (i) in sub-paragraph (1) for “residential care home or nursing home” substitute “ care home, an Abbeyfield Home or an independent hospital ”;
 - (ii) in sub-paragraph (2)(a) for “residential care or nursing home” substitute “ care home, Abbeyfield Home or independent hospital ” and after “the home” insert “ or hospital ”;
- (b) in paragraph 30A ^{M25}—
 - (i) in sub-paragraph (1) for “in a residential care home or nursing home” substitute “ residing in a care home, an Abbeyfield Home or an independent hospital ” and after “in that home” add “ or hospital ”;
 - (ii) in sub-paragraph (2) for “residential care home or nursing home” substitute “ care home, an Abbeyfield Home or an independent hospital ”;
- (c) in paragraph 66 ^{M26} for “in a residential care or nursing home” substitute “ living in a care home, an Abbeyfield Home or an independent hospital ”.

Marginal Citations

M24 Paragraph 15A was inserted by [S.I. 1993/518](#) and was amended by [S.I. 1995/516](#) and 2005/2078.

M25 Paragraph 30A was inserted by [S.I. 1993/2119](#) and was amended by [S.I. 2001/3767](#).

M26 Paragraph 66 was inserted by [S.I. 1998/2117](#); relevant amending instrument [S.I. 2000/681](#).

13. In paragraph 64 ^{M27} of Schedule 10 (capital to be disregarded) in sub-paragraph (5) for “being in residential accommodation, a residential care home or a nursing home” substitute “ residing in a care home, an Abbeyfield Home or an independent hospital ”.

Marginal Citations

M27 Paragraph 64 was inserted by [S.I. 2001/1118](#).

SCHEDULE 2

Regulation 3

AMENDMENT OF THE JOBSEEKER'S ALLOWANCE REGULATIONS 1996

1. In regulation 1 (citation, commencement and interpretation)—

- (a) in paragraph (3)—
 - (i) omit the definitions of “nursing home”, “residential accommodation” and “residential care home”; and
 - (ii) at the appropriate places insert the following definitions—

Changes to legislation: There are currently no known outstanding effects for the *The Social Security (Care Homes and Independent Hospitals) Regulations 2005*. (See end of Document for details)

““Abbeyfield Home” means an establishment run by the Abbeyfield Society including all bodies corporate or incorporate which are affiliated to that Society;

“care home” in England and Wales has the meaning assigned to it by section 3 of the Care Standards Act 2000, and in Scotland means a care home service within the meaning assigned to it by section 2(3) of the Regulation of Care (Scotland) Act 2001;

“independent hospital” in England and Wales has the meaning assigned to it by section 2 of the Care Standards Act 2000, and in Scotland means an independent healthcare service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;”;

- (b) in paragraph (3F) ^{M28} from “residential care home” to “reside in that home” substitute “care home, an Abbeyfield Home or an independent hospital and he is temporarily absent from that home or hospital, he shall be regarded as continuing to reside in that home or hospital ”.

Marginal Citations

M28 Paragraph (3F) was inserted by [S.I. 2001/3767](#) and amended by [S.I. 2003/1195](#).

2. For paragraph (c) of regulation 53 (persons treated as not engaged in remunerative work) ^{M29} substitute—

- “(c) a person who—
- (i) is in employment;
 - (ii) lives in, or is temporarily absent from a care home, an Abbeyfield Home or an independent hospital; and
 - (iii) requires personal care by reason of old age, disablement, past or present dependence on alcohol or drugs, past or present mental disorder or a terminal illness.”.

Marginal Citations

M29 Paragraph (c) was substituted by [S.I. 2001/3767](#).

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

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Care Homes and Independent Hospitals) Regulations 2005. (See end of Document for details)

- (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;”.

4. In regulation 85 (special cases)—
- (a) in paragraph (3) ^{M30} for—
 - (i) “paragraphs 1 and 17” substitute “ paragraph 1 ”;
 - (ii) “residential care or nursing homes” substitute “ care homes, Abbeyfield Homes or independent hospitals ”;
 - (b) in paragraph (4) omit the definition of “residential accommodation”; and
 - (c) omit paragraphs (5) and (6).

Marginal Citations

M30 Paragraph (3) was amended by [S.I. 2003/455](#).

5. In paragraph (11) of regulation 105 (notional income) ^{M31} for “lives in a residential care home or a nursing home, or is temporarily absent from such a home” substitute “ resides in a care home, an Abbeyfield Home or an independent hospital, or is temporarily absent from such a home or hospital ”.

Marginal Citations

M31 Paragraph (11) was amended by [S.I. 2003/455](#).

6. In regulation 116 (calculation of tariff income from capital)—
- (a) in paragraph (1B) ^{M32}—
 - (i) for sub-paragraphs (a) and (b) substitute—
 - “(a) a care home or an independent hospital;
 - (b) an Abbeyfield Home;”;
 - (ii) omit sub-paragraph (d);
 - (b) in paragraph (1C) ^{M33}—
 - (i) after “home” in both places insert “ , hospital ”;
 - (ii) in sub-paragraph (a) for “, (b) or (d)” substitute “ or (b) ”;
 - (c) omit paragraph (4) ^{M34}.

Marginal Citations

M32 Paragraph (1B) was inserted by [S.I. 1996/1516](#) and amended by [S.I. 1997/65](#) and 1997/2197.

M33 Paragraph (1C) was inserted by [S.I. 1996/1516](#) and amended by [S.I. 2001/3767](#).

M34 Paragraph (4) was inserted by [S.I. 1996/1516](#).

7. In paragraph (4) of regulation 140 (meaning of “person in hardship”) for “residential care home or nursing home” substitute “ care home, an Abbeyfield Home or an independent hospital ”.

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Care Homes and Independent Hospitals) Regulations 2005. (See end of Document for details)

8. In paragraph (4) of regulation 146A (meaning of “couple in hardship”) ^{M35} for “residential care or nursing home” substitute “ care home, an Abbeyfield Home or an independent hospital ”.

Marginal Citations

M35 Regulation 146A was inserted by [S.I. 2000/1978](#).

9. In Schedule 2 (housing costs)—

(a) for sub-paragraph (13)(c) of paragraph 3 (circumstances in which a person is to be treated as occupying a dwelling as his home) substitute—

“(c) “residential accommodation” means accommodation which is a care home, an Abbeyfield Home or an independent hospital;”;

(b) in sub-paragraph (1)(b) in paragraph 4 (housing costs not met) ^{M36} for “in accommodation which is a residential care home or a nursing home except where he is in such accommodation” substitute “ living in a care home, an Abbeyfield Home or an independent hospital except where he is living in such a home or hospital ”.

Marginal Citations

M36 Sub-paragraph (1)(b) of paragraph 4 was amended by [S.I. 2000/1978](#).

10. In Schedule 5 (applicable amounts in special cases)—

(a) in paragraph 5 (specified cases of temporarily separated couples) at column (1)—

(i) in sub-paragraph (a), for heads (i) and (ii) substitute—

“(i) not a patient but is residing in a care home, an Abbeyfield Home or an independent hospital, or”;

(ii) in sub-paragraph (b), for heads (iii) and (iv) substitute—

“(iii) residing in a care home, an Abbeyfield Home or an independent hospital.”;

(b) in paragraph 6 (polygamous marriages where one or more partners are temporarily separated) at column (1), for sub-paragraphs (a) and (b) substitute—

“(a) not a patient but is residing in a care home, an Abbeyfield Home or an independent hospital, or”;

11. In Schedule 5A (applicable amounts of joint-claim couples in special cases) ^{M37}—

(a) in paragraph 4 (specified cases of temporarily separated joint-claim couples) at column (1)—

(i) in sub-paragraph (a), for heads (i) and (ii) substitute—

“(i) not a patient but is residing in a care home, an Abbeyfield Home or an independent hospital, or”;

(ii) in sub-paragraph (b), for heads (iii) and (iv) substitute—

“(iii) residing in a care home, an Abbeyfield Home or an independent hospital.”;

(b) in paragraph 5 (polygamous marriages where one or more members of the marriage are temporarily separated) at column (1) for sub-paragraphs (a) and (b) substitute—

“(a) not a patient but is residing in a care home, an Abbeyfield Home or an independent hospital, or”.

Marginal Citations

M37 Schedule 5A was inserted by [S.I. 2000/1978](#).

12. In paragraph 5 of Schedule 6 (sums to be disregarded in the calculation of earnings) ^{M38} in sub-paragraphs (2), (3)(a)(ii) and (4)(a) omit “or in residential accommodation”.

Marginal Citations

M38 Relevant amending instrument is [S.I. 2001/3767](#).

13. In paragraph 1 of Schedule 6A (sums to be disregarded in the calculation of earnings of members of joint-claim couples) ^{M39} in sub-paragraphs (2), (3)(a)(ii) and (4)(a) omit “or in residential accommodation”.

Marginal Citations

M39 Schedule 6A was inserted by [S.I. 2000/1978](#). Paragraph 1 was amended by [S.I. 2000/2545](#) and [2001/3767](#).

14. In Schedule 7 (sums to be disregarded in the calculation of income other than earnings) ^{M40}—

- (a) in paragraph 16—
 - (i) in sub-paragraph (1), for “residential care home or nursing home” substitute “ care home, an Abbeyfield Home or independent hospital ”;
 - (ii) in sub-paragraph (2)(a), for “residential care or nursing home” substitute “ care home, Abbeyfield Home or independent hospital ” and after “ the home” add “ or hospital ”;
- (b) in paragraph 32—
 - (i) in sub-paragraph (1), for “in a residential care home or nursing home” substitute “ residing in a care home, an Abbeyfield Home or an independent hospital ” and after “in that home” add “ or hospital ”;
 - (ii) in sub-paragraph (2), for “residential care home or nursing home” substitute “ care home, an Abbeyfield Home or an independent hospital ”;
- (c) in paragraph 64 for “in a residential care or nursing home” substitute “ residing in a care home, an Abbeyfield Home or an independent hospital ”.

Marginal Citations

M40 Paragraph 16 was amended by [S.I. 2001/3767](#) and [2005/2078](#), paragraph 32 was amended by [S.I. 2001/3767](#) and paragraph 64 was inserted by [S.I. 1998/2117](#).

15. In paragraph 57 of Schedule 8 (capital to be disregarded) ^{M41} in sub-paragraph (5) for “being in residential accommodation, a residential care home or a nursing home” substitute “ residing in a care home, an Abbeyfield Home or an independent hospital ”.

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Care Homes and Independent Hospitals) Regulations 2005. (See end of Document for details)

Marginal Citations

M41 Paragraph 57 was inserted by [S.I. 2001/1118](#).

SCHEDULE 3

Regulation 4

AMENDMENT OF THE HOUSING BENEFIT (GENERAL) REGULATIONS 1987

F1F1

Textual Amendments

F1 [Sch. 34](#) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, [Sch. 3](#), 4)

F1F1

Textual Amendments

F1 [Sch. 34](#) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, [Sch. 3](#), 4)

F1F1

Textual Amendments

F1 [Sch. 34](#) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, [Sch. 3](#), 4)

F1F1

Textual Amendments

F1 [Sch. 34](#) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, [Sch. 3](#), 4)

F1F1

Textual Amendments

F1 [Sch. 34](#) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, [Sch. 3](#), 4)

F1F1

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Care Homes and Independent Hospitals) Regulations 2005. (See end of Document for details)

Textual Amendments

F1 Sch. 34 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, 4)

F1F1

Textual Amendments

F1 Sch. 34 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, 4)

F1F1

Textual Amendments

F1 Sch. 34 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, 4)

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Textual Amendments

F1 Sch. 34 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, 4)

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Textual Amendments

F1 Sch. 34 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, 4)

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Textual Amendments

F1 Sch. 34 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, 4)

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Textual Amendments

F1 Sch. 34 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, 4)

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Care Homes and Independent Hospitals) Regulations 2005. (See end of Document for details)

SCHEDULE 4

Regulation 5

AMENDMENT OF THE COUNCIL TAX BENEFIT (GENERAL) REGULATIONS 1992

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Textual Amendments
F1 Sch. 34 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), Sch. 1 (with regs. 2, 3, Sch. 3, 4)

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Textual Amendments
F1 Sch. 34 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), Sch. 1 (with regs. 2, 3, Sch. 3, 4)

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Textual Amendments
F1 Sch. 34 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), Sch. 1 (with regs. 2, 3, Sch. 3, 4)

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Textual Amendments
F1 Sch. 34 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), Sch. 1 (with regs. 2, 3, Sch. 3, 4)

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Textual Amendments
F1 Sch. 34 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), Sch. 1 (with regs. 2, 3, Sch. 3, 4)

SCHEDULE 5

Regulation 6

AMENDMENT OF THE STATE PENSION CREDIT REGULATIONS 2002

1. In paragraph (2) of regulation 1 (citation, commencement and interpretation) at the appropriate place insert the following definition— “independent hospital” in England and Wales has the meaning assigned to it by section 2 of the Care Standards Act 2000, and in Scotland means an independent healthcare service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001; ”.

2. In paragraph (1)(b) of regulation 5 (persons treated as being or not being members of the same household) after “care home” insert “ or an independent hospital ”.
3. In paragraph (c) of regulation 12 (end of assessed income period) after “care home” insert “ or an independent hospital ”.
4. For paragraph (7)(d) of regulation 15 (income for purposes of the Act) ^{M42} substitute—
“(d) in an independent hospital;”.

Marginal Citations

M42 Paragraph (7)(d) of regulation 15 was amended by [S.I. 2005/2078](#).

5. In Schedule 2 (housing costs)—
 - (a) in paragraph 4 (circumstances in which a person is to be treated as occupying a dwelling as his home)—
 - (i) in sub-paragraph (7)(c)(iii), after “care home” insert “ or an independent hospital ”;
 - (ii) for sub-paragraph (8) substitute—

“(8) This sub-paragraph applies to a person who enters a care home or an independent hospital—

 - (a) for the purpose of ascertaining whether that care home or independent hospital suits his needs, and
 - (b) with the intention of returning to the dwelling which he normally occupies as his home should, in the event that, the care home or independent hospital prove not to suit his needs,

and while in the care home or independent hospital, the part of the dwelling which he normally occupies as his home is not let, or as the case may be, sub-let to another person.”.
 - (iii) in sub-paragraph (9) for “accommodation” in both places substitute “ care home or independent hospital ”;
 - (iv) in sub-paragraph (11)(c), at heads (iii), (vii) and (ix) after “care home” insert “ or an independent hospital ”;
 - (b) in paragraph 5(1)(b) after “care home” insert “ or an independent hospital ”.
6. In paragraph 13(5) of Schedule 5 (capital disregarded for the purpose of calculating income) for “being in a care home” substitute “ residing in a care home or an independent hospital ”.

Changes to legislation:

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