STATUTORY INSTRUMENTS

2016 No. 732

CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
SOCIAL SECURITY

The Children and Young People (Scotland) Act 2014 (Consequential Modifications) Order 2016

Made - - - -	*11th July 2016*
Laid before Parliament	*13th July 2016*
Coming into force - -	*5th August 2016*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(5) of the Scotland Act 1998(**1**):

Citation, commencement and extent

1.—(1) This Order may be cited as the Children and Young People (Scotland) Act 2014 (Consequential Modifications) Order 2016 and shall come into force on 5th August 2016.

(2) This Order extends to England and Wales and Scotland.

Amendment of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987(**2**) are amended as follows.

(2) In paragraph 28 of Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—

(a) in sub-paragraph (1)(c), for "29" substitute "26A, 29";

(b) in sub-paragraph (2), for the words from "or 29" to "their care)" substitute ", 26A or 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children, duty to provide continuing care and provision of advice and assistance for certain young persons)"(**3**); and

(c) for sub-paragraph (5)(b) substitute—

(**1**) 1998 c.46.
(**2**) S.I. 1987/1967; relevant amending instruments are S.I. 2008/698 and 2010/2429.
(**3**) 1995 c.36; Section 26A was inserted by section 67(1) of the Children and Young People (Scotland) Act 2014 (asp 8).

"(b) is aged 18 or over or, in the case of a payment or part of a payment made in accordance with section 26A of the Children (Scotland) Act 1995, aged 16 or over, and".

(3) In paragraph 17 of Schedule 10 (capital to be disregarded)—

(a) in sub-paragraph (1)(c), after "section" insert "26A,";

(b) in sub-paragraph (2), for the words from "or section 29" to "their care)" substitute "or section 26A or 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children, duty to provide continuing care and provision of advice and assistance for certain young persons)"; and

(c) for sub-paragraph (5)(b) substitute—

"(b) is aged 18 or over or, in the case of a payment or part of a payment made in accordance with section 26A of the Children (Scotland) Act 1995, aged 16 or over, and".

Amendment of the Jobseeker's Allowance Regulations 1996

3.—(1) The Jobseeker's Allowance Regulations 1996(**4**) are amended as follows.

(2) In paragraph 29 of Schedule 7 (sums to be disregarded in the calculation of income other than earnings)—

(a) in sub-paragraph (1)(c), for "29" substitute "26A, 29";

(b) in sub-paragraph (2), for the words from "or 29" to "their care)" substitute ", 26A or 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children, duty to provide continuing care and provision of advice and assistance for certain young persons)"; and

(c) for sub-paragraph (5)(b) substitute—

"(b) is aged 18 or over or, in the case of a payment or part of a payment made in accordance with section 26A of the Children (Scotland) Act 1995, aged 16 or over, and".

(3) In paragraph 22 of Schedule 8 (capital to be disregarded)—

(a) in sub-paragraph (1)(c), after "section" insert "26A,";

(b) in sub-paragraph (2), for the words from "or section 29" to "their care)" substitute "or section 26A or 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children, duty to provide continuing care and provision of advice and assistance for certain young persons)"; and

(c) for sub-paragraph (5)(b) substitute—

"(b) is aged 18 or over or, in the case of a payment or part of a payment made in accordance with section 26A of the Children (Scotland) Act 1995, aged 16 or over, and".

Amendment of the State Pension Credit Regulations 2002

4.—(1) The State Pension Credit Regulations 2002(**5**) are amended as follows.

(2) In regulation 17B(4)(b) (earnings of self-employed earners), in the inserted paragraph (2)—

(a) for sub-paragraph (b)(ii) substitute—

(**4**) S.I. 1996/207; relevant amending instruments are S.I. 2008/698 and 2010/2429.
(**5**) S.I. 2002/1792; relevant amending instruments are S.I. 2002/3019 and 2010/2429.

"(ii) section 26 or 26A of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority and duty to provide continuing care), or"; and

(b) after sub-paragraph (d) insert—

"(da) any payment or part of a payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care) to a person ("A") which A passes on to the claimant where A—

(i) was formerly in the claimant's care;

(ii) is aged 16 or over; and

(iii) continues to live with the claimant;".

(3) In Part 1 of Schedule 5 (income from capital: capital disregarded for the purpose of calculating income) after paragraph 23C insert—

"**23D.**—(1) Any payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995.

(2) Subject to sub-paragraph (3), any payment or part of a payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 to a person ("A") which A passes on to the claimant.

(3) Sub-paragraph (2) only applies where A—

(a) was formerly in the claimant's care;

(b) is aged 16 or over; and

(c) continues to live with the claimant.".

Amendment of the Children (Leaving Care) Social Security Benefits (Scotland) Regulations 2004

5. Regulation 2 of the Children (Leaving Care) Social Security Benefits (Scotland) Regulations 2004 (entitlement to benefits (Scotland))(**6**) is amended as follows—

(a) for paragraph (2)(b) substitute—

"(b) to whom a local authority in Scotland is obliged to provide—

(i) continuing care in accordance with section 26A of the Children (Scotland) Act 1995 (duty of local authorities to provide accommodation and assistance to persons who were, but are no longer, looked after by a local authority), or

(ii) advice, guidance and assistance in accordance with section 29(1) of the Children (Scotland) Act 1995 (duty of local authorities to provide after-care to persons who were, but are no longer, looked after by a local authority),"; and

(b) in paragraph (2)(d)(ii), for "in terms of that section" substitute "under that section 29(1)".

Amendment of the Housing Benefit Regulations 2006

6.—(1) The Housing Benefit Regulations 2006(**7**) are amended as follows.

(**6**) S.I. 2004/747, amended by S.I. 2009/3152 and 2013/1465.
(**7**) S.I. 2006/213; relevant amending instruments are S.I. 2008/698, 2008/2767 and 2010/2429.