

SCHEDULE 8 **E+W+S**

SUMS TO BE DISREGARDED IN THE CALCULATION OF INCOME OTHER THAN EARNINGS

26.—(1) Any payment made to the claimant in respect of a child or young person who is a member of the claimant's family—

- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 ^{F1} or in accordance with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978 ^{F2} (schemes for payment of allowances to adopters);
- (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 ^{F3} (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) ^{F4}, or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
- (c) which is a payment made by an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995 ^{F5}, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contributions by an authority to child's maintenance);
- (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989 ^{F6} (special guardianship support services).

(2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the claimant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 ^{F7}.

Textual Amendments

F1 2002 c. 38.

F2 1978 c. 28.

F3 1989 c. 41. Section 15(1) was amended by the [Courts and Legal Services Act 1990 \(c. 41\)](#), [section 116](#) and Schedule 16, paragraph 10 and paragraph 15 of Schedule 1 was amended by the [Civil Partnership Act 2004 \(c. 33\)](#), [section 78\(1\)](#) and (3).

F4 Words in Sch. 8 para. 26(1)(b) inserted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2009 \(S.I. 2009/2655\)](#), regs. 1(2)(d), [11\(19\)\(c\)](#)

F5 [S.I. 1995/755 \(N.I. 2\)](#).

F6 Section 14F was inserted by the [Adoption and Children Act 2002 \(c. 38\)](#), [section 115\(1\)](#).

F7 2002 c. 38.

Status:

Point in time view as at 02/10/2009.

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, Paragraph 26.