

SCHEDULE 1

Regulation 17

AMENDMENTS TO THE 1987 REGULATIONS MADE CONSEQUENTIAL UPON THE CHILDREN ACT 1989

1. In regulation 15 (circumstances in which a person is to be treated as being or not being a member of the household)—

(a) in paragraph (3) for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs—

“(a) placed with the claimant or his partner by a local authority under section 23(2)(a) of the Children Act 1989⁽¹⁾ or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the claimant or his partner under a relevant enactment; or

(b) placed, or in Scotland boarded out, with the claimant or his partner prior to adoption; or”;

(b) in paragraph (4) for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs—

“(a) is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or

(b) has been placed, or in Scotland boarded out, with a person other than the claimant prior to adoption; or”;

(c) in paragraph (6) the words “the Children Act 1958,” and “and the Foster Children Act 1980” shall be omitted and there shall be added at the end the words “the Family Law Act 1986⁽²⁾ and the Children Act 1989”.

2. In regulation 48A (full-time students to be treated as not liable to make payments in respect of a dwelling)⁽³⁾ in paragraph (2) for sub-paragraph (d) there shall be substituted the following sub-paragraph—

“(d) who is a single claimant with whom a child is—

(i) placed by a local authority or voluntary organisation under section 23(2)(a) or section 59(1)(a) of the Children Act 1989 (provision of accommodation and maintenance); or

(ii) in Scotland boarded out by a local authority or voluntary organisation within the meaning of the Social Work (Scotland) Act 1968⁽⁴⁾.”.

3. In Schedule 4 (sums to be disregarded in the calculation of income other than earnings), in paragraph 23, in sub-paragraph (1) for heads (a) and (b) there shall be substituted the following heads—

“(a) in accordance with regulations made pursuant to section 57A of the Adoption Act 1976⁽⁵⁾(permitted allowances) or with a scheme approved by the Secretary of State under section 51 of the Adoption (Scotland) Act 1978⁽⁶⁾(schemes for payments 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⁽⁷⁾(local authority

(1) 1989 c. 41.

(2) 1986 c. 55.

(3) Regulation 48A was inserted by S.I.1990/1549.

(4) 1968 c. 49.

(5) 1976 c. 36; section 57A was inserted by paragraph 25 of Schedule 10 to the Children Act 1989 (c. 41).

(6) 1978 c. 28.

(7) 1989 c. 41.

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

contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or, as the case may be, section 50 of the Children Act 1975(8)(payment towards maintenance of children);”.

4. In Schedule 4, for paragraph 24 there shall be substituted the following paragraph—

“24. Any payment made by a local authority to the claimant with whom a person is accommodated by virtue of arrangements made under section 23(2)(a) of the Children Act 1989 or, as the case may be, section 21 of the Social Work (Scotland) Act 1968 or by a voluntary organisation under section 59(1)(a) of the Children Act 1989 or by a care authority under regulation 9 of the Boarding Out and Fostering of Children (Scotland) Regulations 1985(9)(provision of accommodation and maintenance for children by local authorities and voluntary organisations).”.

5. In Schedule 4, for paragraph 26, there shall be substituted the following paragraph—

“26. Any payment made by a local authority in accordance with section 17 or 24 of the Children Act 1989 or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968 (provision of services for children and their families and advice and assistance to certain children).”.

6. In Schedule 5 (capital to be disregarded), for paragraph 18 there shall be substituted the following paragraph—

“18. Any payment made by a local authority in accordance with section 17 or 24 of the Children Act 1989 or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968 (provision of services for children and their families and advice and assistance to certain children).”.

SCHEDULE 2

Regulation 34

AMENDMENTS TO THE 1989 REGULATIONS MADE CONSEQUENTIAL UPON THE CHILDREN ACT 1989

1. In regulation 6 (circumstances in which a person is to be treated as being or not being a member of the household)—

(a) in paragraph (2) for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs—

“(a) placed with the claimant or his partner by a local authority under section 23(2)(a) of the Children Act 1989(10) or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the claimant or his partner under a relevant enactment; or

(b) placed, or in Scotland boarded out, with the claimant or his partner prior to adoption; or”;

(b) in paragraph (3) for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs—

“(a) is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or

(8) 1975 c. 72.
(9) S.I. 1985/1799.
(10) 1989 c. 41.

- (b) has been placed, or in Scotland boarded out, with a person other than the claimant prior to adoption; or”;
- (c) in paragraph (5) the words “the Children Act 1958,” and “and the Foster Children Act 1980” shall be omitted and there shall be added at the end the words “the Family Law Act 1986⁽¹¹⁾ and the Children Act 1989”.
2. In Schedule 3 (sums to be disregarded in the calculation of income other than earnings), in paragraph 24, in sub-paragraph (1), for heads (a) and (b) there shall be substituted the following heads—
- “(a) in accordance with regulations made pursuant to section 57A of the Adoption Act 1976⁽¹²⁾(permitted allowances) or with a scheme approved by the Secretary of State under section 51 of the Adoption (Scotland) Act 1978⁽¹³⁾(schemes for payments 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 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or, as the case may be, section 50 of the Children Act 1975⁽¹¹⁾(payment towards maintenance of children);”.
3. In Schedule 3, for paragraph 25 there shall be substituted the following paragraph—
- “25. Any payment made by a local authority to the claimant with whom a person is accommodated by virtue of arrangements made under section 23(2)(a) of the Children Act 1989 or, as the case may be, section 21 of the Social Work (Scotland) Act 1968 or by a voluntary organisation under section 59(1)(a) of the Children Act 1989 or by a care authority under regulation 9 of the Boarding Out and Fostering of Children (Scotland) Regulations 1985⁽¹⁴⁾(provision of accommodation and maintenance for children by local authorities and voluntary organisations).”.
4. In Schedule 3, for paragraph 27, there shall be substituted the following paragraph—
- “27. Any payment made by a local authority in accordance with section 17 or 24 of the Children Act 1989 or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968 (provision of services for children and their families and advice and assistance to certain children).”.
5. In Schedule 4 (capital to be disregarded), for paragraph 18 there shall be substituted the following paragraph—
- “18. Any payment made by a local authority in accordance with section 17 or 24 of the Children Act 1989 or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968 (provision of services for children and their families and advice and assistance to certain children).”.

(11) 1986 c. 55.

(12) 1976 c. 36; section 57A was inserted by paragraph 25 of Schedule 10 to the Children Act 1989 (c. 41).

(13) 1978 c. 28.

(11) 1986 c. 55.

(14) S.I. 1985/1799.