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STATUTORY INSTRUMENTS

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**1996 No. 207**

**The Jobseeker's Allowance Regulations 1996**

PART VIII

INCOME AND CAPITAL

*Chapter V*

*Other Income*

**Modifications in respect of children and young persons**

**106.**—<sup>F1</sup>(1) Any capital of a child or young person payable by instalments which are outstanding on the first day in respect of which an income-based jobseeker's allowance is payable or, in the case of a <sup>F2</sup>suppression], the date of that <sup>F2</sup>suppression], shall, if the aggregate of the instalments outstanding and the amount of that child or young person's other capital calculated in accordance with Chapter VI of this Part in like manner as for the claimant would exceed £3,000, be treated as income.

(2) In the case of a child or young person who is residing at an educational establishment at which he is receiving relevant education—

- (a) any payment made to the educational establishment, in respect of that child's or young person's maintenance, by or on behalf of a person who is not a member of the family or by a member of the family out of funds contributed for that purpose by a person who is not a member of the family, shall be treated as income of that child or young person but it shall only be taken into account over periods during which that child or young person is present at that educational establishment; and
  - (b) if a payment has been so made, for any period in a benefit week in term-time during which that child or young person returns home, he shall be treated as possessing an amount of income in that week calculated by multiplying the amount of <sup>F3</sup>personal allowance, any disabled child premium and any enhanced disability premium] applicable in respect of that child or young person by the number equal to the number of days in that week in which he was present at his educational establishment and dividing the product by seven; but this sub-paragraph shall not apply where the educational establishment is provided under section 8 of the Education Act 1944 <sup>F4</sup> (duty of local authority to secure primary and secondary schools) by a local education authority or where the payment is made under section 49 or 50 of the Education (Scotland) Act 1980 <sup>F5</sup> (power of education authority to assist persons).
- (3) Where a child or young person—
- (a) is resident at an educational establishment and he is wholly or partly maintained at that establishment by a local education authority under section 8 of the Education Act 1944; or
  - (b) is maintained at an educational establishment under section 49 or 50 of the Education (Scotland) Act 1980, he shall for each day he is present at that establishment be treated

as possessing an amount of income equal to the sum obtained by dividing the amount of [<sup>F3</sup>personal allowance, any disabled child premium and any enhanced disability premium] applicable in respect of him by seven.

(4) Where the income of a child or young person who is a member of the claimant's family calculated in accordance with Chapters I to V of this Part exceeds the amount of the [<sup>F3</sup>personal allowance, any disabled child premium and any enhanced disability premium] applicable in respect of that child or young person, the excess shall not be treated as the income of the claimant.

(5) Where the capital of a child or young person if calculated in accordance with Chapter VI of this Part in like manner as for the claimant, except as provided in paragraph (1), would exceed £3,000, any income of that child or young person shall not be treated as the income of the claimant.

(6) In calculating the net earnings or net profit of a child or young person there shall be disregarded (in addition to any sum which falls to be disregarded under paragraphs 14 to 16), any sum specified in paragraphs 17 and 18 of Schedule 6 (earnings to be disregarded).

(7) Any income of a child or young person which is to be disregarded under Schedule 7 (income other than earnings to be disregarded) shall be disregarded in such manner as to produce the result most favourable to the claimant.

(8) Where a child or young person is treated as possessing any income under paragraphs (2) or (3) the foregoing provisions of this Part shall apply for the purposes of calculating that income as if a payment had actually been made and as if it were actual income which he does possess.

(9) For the purposes of this regulation, a child or young person shall not be treated as present at his educational establishment on any day if on that day he spends the night with the claimant or a member of his household.]

#### Textual Amendments

- F1** Reg. 106 omitted (for specified purposes and with effect in accordance with reg. 1(6)(7)(8) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 2 para. 11**
- F2** Words in reg. 106(1) substituted (18.10.1999) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), art. 3(1), **Sch. 12 para. 5**
- F3** Words in reg. 106 substituted (9.4.2001) by [The Social Security Amendment \(Enhanced Disability Premium\) Regulations 2000 \(S.I. 2000/2629\)](#), regs. 1(c), **5(a)**
- F4** 1944 c.31; section 8 was amended by the [Education Act 1980 \(c.20\)](#), **section 38(6)** and Schedule 7; the [Further and Higher Education Act 1992 \(c.13\)](#), **sections 12(1)** and 93 and Schedule 8; and the [Education Act 1993 \(c.35\)](#), **section 307** and Schedules 19 and 21.
- F5** 1980 c.44; section 50 was amended by the [Education \(Scotland\) Act 1981 \(c.58\)](#), **section 2**.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseeker's Allowance Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 8(1)(c) inserted by [S.I. 2023/1218 art. 8\(9\)\(a\)\(iii\)](#)
- Sch. 1 para. 20D(1)(c) inserted by [S.I. 2023/1218 art. 8\(9\)\(e\)\(iii\)](#)
- Sch. 1 para. 4(1)(a) sum substituted by [S.I. 2014/516 art. 19\(1\)art. 19\(4\)\(a\)](#)
- Sch. 1 para. 4(1)(b) sum substituted by [S.I. 2014/516 art. 19\(1\)art. 19\(4\)\(b\)](#)
- Sch. 1 para. 20(3) sum substituted by [S.I. 2014/516 art. 19\(1\)\(5\)Sch. 10](#)
- Sch. 1 para. 20(7) sum substituted by [S.I. 2014/516 art. 19\(1\)\(5\)Sch. 10](#)
- Sch. 1 para. 20(8) sum substituted by [S.I. 2014/516 art. 19\(1\)\(5\)Sch. 10](#)
- Sch. 1 para. 20M(2) sum substituted by [S.I. 2014/516 art. 19\(1\)\(6\)Sch. 11](#)
- Sch. 1 para. 20M(3) sum substituted by [S.I. 2014/516 art. 19\(1\)\(6\)Sch. 11](#)
- Sch. 1 para. 20M(5) sum substituted by [S.I. 2014/516 art. 19\(1\)\(6\)Sch. 11](#)
- Sch. 1 para. 20M(6) sum substituted by [S.I. 2014/516 art. 19\(1\)\(6\)Sch. 11](#)
- Sch. 1 para. 2(1)(a) sum substituted by [S.I. 2022/292 art. 27\(3\)\(b\)](#)
- Sch. 1 para. 2(1)(b) sum substituted by [S.I. 2022/292 art. 27\(3\)\(b\)](#)
- Sch. 1 para. 4(1)(a) sum substituted by [S.I. 2022/292 art. 27\(4\)\(a\)](#)
- Sch. 1 para. 4(1)(b) sum substituted by [S.I. 2022/292 art. 27\(4\)\(b\)](#)
- Sch. 1 para. 2(1)(a) sum substituted by [S.I. 2023/316 art. 27\(3\)\(b\)](#)
- Sch. 1 para. 2(1)(b) sum substituted by [S.I. 2023/316 art. 27\(3\)\(b\)](#)
- Sch. 1 para. 4(1)(a) sum substituted by [S.I. 2023/316 art. 27\(4\)\(a\)](#)
- Sch. 1 para. 4(1)(b) sum substituted by [S.I. 2023/316 art. 27\(4\)\(b\)](#)
- Sch. 1 para. 2(1)(a) sum substituted by [S.I. 2024/242 art. 26\(3\)\(b\)](#)
- Sch. 1 para. 2(1)(b) sum substituted by [S.I. 2024/242 art. 26\(3\)\(b\)](#)
- Sch. 1 para. 4(1)(a) sum substituted by [S.I. 2024/242 art. 26\(4\)\(a\)](#)
- Sch. 1 para. 4(1)(b) sum substituted by [S.I. 2024/242 art. 26\(4\)\(b\)](#)
- Sch. 1 para. 20(4) sums substituted by [S.I. 2014/516 art. 19\(1\)\(5\)Sch. 10](#)
- Sch. 1 para. 20(5) sums substituted by [S.I. 2014/516 art. 19\(1\)\(5\)Sch. 10](#)
- Sch. 1 para. 20(6) sums substituted by [S.I. 2014/516 art. 19\(1\)\(5\)Sch. 10](#)
- Sch. 1 para. 20(9) sums substituted by [S.I. 2014/516 art. 19\(1\)\(5\)Sch. 10](#)
- Sch. 1 para. 20M(4) sums substituted by [S.I. 2014/516 art. 19\(1\)\(6\)Sch. 11](#)
- Sch. 1 para. 20(6)(b)(i) words inserted by [S.I. 2023/1218 art. 8\(9\)\(d\)\(i\)](#)
- Sch. 1 para. 20(6)(b)(ii) words inserted by [S.I. 2023/1218 art. 8\(9\)\(d\)\(ii\)](#)
- Sch. 1 para. 20M(4)(i) words inserted by [S.I. 2023/1218 art. 8\(9\)\(h\)\(i\)](#)
- Sch. 1 para. 20M(4)(ii) words inserted by [S.I. 2023/1218 art. 8\(9\)\(h\)\(ii\)](#)
- Sch. 1 para. 20I(4)(d) words substituted by [S.I. 2022/530 art. 3\(2\)\(a\)](#)
- Sch. 1 Pt. 4B table substituted by [S.I. 2022/292 art. 27\(6\)Sch. 10](#)
- Sch. 1 Pt. 4B table substituted by [S.I. 2023/316 art. 27\(6\)Sch. 10](#)
- Sch. 1 Pt. 4B table substituted by [S.I. 2024/242 art. 26\(6\)Sch. 10](#)
- Sch. 2 para. 14(c)(iv) words omitted by [S.I. 2008/698 reg. 4\(15\)](#)
- Sch. 2 para. 1A(1)(a) words substituted by [S.I. 2017/725 Sch. 5 para. 3\(f\)\(iii\)\(aa\)](#)
- Sch. 2 para. 1A(1)(a) words substituted by [S.I. 2017/725 Sch. 5 para. 3\(f\)\(iii\)\(bb\)](#)
- Sch. 3 para. 1(2) words substituted by [S.I. 2004/2825 reg. 2\(5\)](#)
- Sch. 4 para. 10(1)(a) word substituted by [S.I. 2001/1785 reg. 3\(c\)\(i\)](#)
- Sch. 4 para. 10(1)(b) word substituted by [S.I. 2001/1785 reg. 3\(c\)\(ii\)](#)
- Sch. 7 para. 83 inserted by [S.I. 2023/1218 art. 8\(12\)](#)
- Sch. 7 para. 41(1A)(d) inserted by [S.I. 2023/640 reg. 3\(7\)\(a\)](#)
- Sch. 8 para. 65(1) Sch. 8 para. 65 renumbered as Sch. 8 para. 65(1) by [S.I. 2023/134 Sch. para. 3\(b\)\(i\)](#)
- Sch. 8 para. 12A inserted by [S.I. 2023/134 Sch. para. 3\(a\)](#)

- Sch. 8 para. 65(2) inserted by S.I. 2023/134 Sch. para. 3(b)(ii)
- Sch. 8 para. 27(5A) inserted by S.I. 2023/894 reg. 2(1)(b)(2)
- Sch. 8 para. 27(1A) words inserted by S.I. 2023/640 reg. 3(8)(a)
- reg. 85A(4)(zzc)(i) word omitted by S.I. 2022/990 reg. 2(1)(a)reg. 2(2)(b)
- reg. 85A(4)(zzc)(iii) inserted by S.I. 2022/990 reg. 2(1)(c)reg. 2(2)(b)
- reg. 85A(4)(zzc)(ii) word inserted by S.I. 2022/990 reg. 2(1)(b)reg. 2(2)(b)
- reg 85A(4)(zzd) inserted by S.I. 2023/532 reg. 2(1)reg. 2(2)(b)
- reg. 85A(4)(zze) inserted by S.I. 2023/1144 reg. 2(1)reg. 2(2)(b)
- reg. 105(10A)(ae) inserted by S.I. 2023/640 reg. 3(3)
- reg. 110(10)(ad) word omitted by S.I. 2023/640 reg. 3(4)(a)
- reg. 110(10)(ae) inserted by S.I. 2023/640 reg. 3(4)(b)
- reg. 113(3B)(d)(e) inserted by S.I. 2023/640 reg. 3(5)