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STATUTORY INSTRUMENTS

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**1998 No. 563**

**The Social Security (Miscellaneous  
Amendments) Regulations 1998**

**PART III**

**AMENDMENTS WITH RESPECT TO INCOME-  
RELATED BENEFITS AND JOBSEEKER'S ALLOWANCE**

**Income Support and Jobseeker's Allowance: Income treated as capital**

**14.**—(1) For regulation 48(8) of the Income Support Regulations (income treated as capital), as it has effect in England and Wales and as it has effect in Scotland <sup>M1</sup>, there shall be substituted the following paragraphs—

“(8) Any payment made by a local authority, which represents arrears of payments under—

- (a) paragraph 15 of Schedule 1 to the Children Act 1989 (power of a local authority to make contributions to a person with whom a child lives as a result of a residence order); or
- (b) section 34(6) or as the case may be, section 50 of the Children Act 1975 <sup>M2</sup> (payments towards maintenance for children),

shall be treated as capital.

(8A) Any payment made by an authority, as defined in Article 2 of the Children Order <sup>M3</sup> which represents arrears of payments under Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance), shall be treated as capital.”.

(2) In regulation 110(8) of the Jobseeker's Allowance Regulations (income treated as capital), after the words “maintenance of a child)” there shall be inserted the words “ or any payment, made by an authority, as defined in Article 2 of the Children Order, which represents arrears of payments under Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance), ”.

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**Marginal Citations**

**M1** Regulation 48(8) as it has effect in England and Wales was substituted by [S.I.1992/468](#); paragraph (8) as it has effect in Scotland was saved by [S.I.1992/468](#), [Schedule](#) paragraph 11.

**M2** [1975 c.72](#); as amended by section 64 of the [Domestic Proceedings and Magistrates Courts Act 1978 \(c.22\)](#).

**M3** See regulation 5(1) above.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) Regulations 1998, Section 14.