
STATUTORY INSTRUMENTS

2001 No. 3074

CHILDREN AND YOUNG PERSONS
SOCIAL SECURITY

**The Children (Leaving Care) Social
Security Benefits Regulations 2001**

Made - - - - 10th September 2001
Laid before Parliament 10th September 2001
Coming into force - - 1st October 2001

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by section 6(3), (5), (6) and (7) of the Children (Leaving Care) Act 2000^{M1} and of all other powers enabling him in that behalf, by this Instrument, which is made before the end of the period of 6 months beginning with the coming into force of the said section 6^{M2}, hereby makes the following Regulations:

Modifications etc. (not altering text)

- C1** Regulations applied (with modifications) (1.10.2010) by [Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No.2\) Regulations 2010 \(S.I. 2010/1907\)](#), regs. 1(2), **16(2)(e)(iii)** (with reg. 3)

Marginal Citations

- M1** 2000 c. 35.
M2 See section 173(5)(a) of the [Social Security Administration Act 1992 \(c. 5\)](#).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Children (Leaving Care) Social Security Benefits Regulations 2001 and shall come into force on 1st October 2001.

(2) In these Regulations, unless the context otherwise requires, a reference to a numbered section is to the section of the Children (Leaving Care) Act 2000 bearing that number.

Entitlement to benefits

2.—(1) Section 6 (exclusion from benefits) shall not apply for the purposes of entitlement to income support^{F1}, income-based jobseeker’s allowance or income-related employment and support allowance] where a person—

- (a) falls within subsection (2)(a) or (b) of that section; and
- (b) falls within a category of person prescribed in—
 - (i) provided the person is a lone parent, regulation 13(2)(a) (circumstances in which persons in relevant education may be entitled to income support) of; ^{F2}or]
 - ^{F3}(ii)
 - (iii) paragraph 1, 2, 7, 8, ^{F4}... 11, ^{F4}... 24 or 25 of Schedule 1B (prescribed categories of person) to,

the Income Support (General) Regulations 1987^{M3} (“the Income Support Regulations”).

(2) Section 6 shall not apply to a person who falls within subsection (2)(a) or (b) of that section who has not been looked after by a local authority for the purposes of paragraph 19B of Schedule 2 to the Children Act 1989^{M4} on or after 1st October 2001.

(3) Where a person who falls within subsection (2)(a) or (b) of section 6 is residing in Scotland but is not supported by a local authority in England or Wales then, notwithstanding that he has been looked after by such a local authority for the purposes of paragraph 19B of Schedule 2 to the 1989 Act on or after 1st October 2001, section 6 shall not apply to that person [^{F5}provided that he ceased to be so looked after before 1st April 2004].

(4) In paragraph (1)(b)(i) above, “lone parent” has the meaning it bears in regulation 2(1) of the Income Support Regulations.

- F1** Words in reg. 2(1) substituted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008](#) (S.I. 2008/1554), regs. 1(2)(b), **70**
- F2** Word in reg. 2(1)(b)(i) added (30.12.2009) by [The Income Support \(Prescribed Categories of Person\) Regulations 2009](#) (S.I. 2009/3152), regs. 1, **3(3)(a)** (with reg. 3(7))
- F3** Reg. 2(1)(b)(ii) omitted (30.12.2009) by virtue of [The Income Support \(Prescribed Categories of Person\) Regulations 2009](#) (S.I. 2009/3152), regs. 1, **3(3)(b)** (with reg. 3(7))
- F4** Words in reg. 2(1)(b)(iii) omitted (30.12.2009) by virtue of [The Income Support \(Prescribed Categories of Person\) Regulations 2009](#) (S.I. 2009/3152), regs. 1, **3(3)(c)** (with reg. 3(7))
- F5** Words in reg. 2(3) added (1.4.2004) by [Social Security \(Miscellaneous Amendments\) Regulations 2004](#) (S.I. 2004/565), regs. 1(2)(a), **12**

Marginal Citations

- M3** [S.I. 1987/1967](#); Schedule 1B was inserted by Schedule 1 to [S.I. 1996/206](#); relevant amending instruments are [S.I. 1999/2422](#), 1999/3109, 2000/681, 2000/1922 and 2000/1981.
- M4** [1989 c. 41](#).

Signed by authority of the Secretary of State for Work and Pensions.

7th September 2001

Ian McCartney
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the categories of cases where section 6 (exclusion from benefits) of the Children (Leaving Care) Act 2000 (c. 35) does not apply in England and Wales.

These Regulations are made before the expiry of 6 months from the commencement of the provisions under which they are made and are accordingly exempt under section 173(5)(a) of the Social Security Administration Act 1992 (c. 5) from reference to the Social Security Advisory Committee and have not been so referred.

These Regulations do not impose a charge on business.

Changes to legislation:

There are currently no known outstanding effects for the The Children (Leaving Care) Social Security Benefits Regulations 2001.