

SCHEDULE 9

CAPITAL TO BE DISREGARDED

22.—(1) Any payment made by a local authority in accordance with—

- (a) section 17, 23B, 23C or 24A of the Children Act 1989 ^{F1};
- (b) section 12 of the Social Work (Scotland) Act 1968 ^{F2}; or
- (c) section 29 or 30 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care).

(2) Subject to paragraph (3), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person (“A”) which A passes on to the claimant.

(3) Sub-paragraph (2) applies only where A—

- (a) was formerly in the claimant's care; and
- (b) is aged 18 or over; and
- (c) continues to live with the claimant.

Textual Amendments

F1 1989 c. 41. Sections 23B, 23C and 24A were substituted by the [Children \(Leaving Care\) Act 2000 \(c. 35\)](#), [sections 2](#) and 4.

F2 1968 c. 49.

Status:

Point in time view as at 27/10/2014.

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, Paragraph 22.