
STATUTORY INSTRUMENTS

2016 No. 732

**The Children and Young People (Scotland) Act
2014 (Consequential Modifications) Order 2016**

Amendment of the State Pension Credit Regulations 2002

- 4.—(1) The State Pension Credit Regulations 2002⁽¹⁾ are amended as follows.
- (2) In regulation 17B(4)(b) (earnings of self-employed earners), in the inserted paragraph (2)—
- (a) for sub-paragraph (b)(ii) substitute—
- “(ii) section 26 or 26A of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority and duty to provide continuing care), or”; and
- (b) after sub-paragraph (d) insert—
- “(da) any payment or part of a payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care) to a person (“A”) which A passes on to the claimant where A—
- (i) was formerly in the claimant’s care;
- (ii) is aged 16 or over; and
- (iii) continues to live with the claimant.”.
- (3) In Part 1 of Schedule 5 (income from capital: capital disregarded for the purpose of calculating income) after paragraph 23C insert—
- “**23D.**—(1) Any payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995.
- (2) Subject to sub-paragraph (3), any payment or part of a payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 to a person (“A”) which A passes on to the claimant.
- (3) Sub-paragraph (2) only applies where A—
- (a) was formerly in the claimant’s care;
- (b) is aged 16 or over; and
- (c) continues to live with the claimant.”.