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STATUTORY INSTRUMENTS

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**2017 No. 995**

**The Social Security and Child Support (Care Payments and Tenant Incentive Scheme) (Amendment) Regulations 2017**

**PART 3**

**AMENDMENTS RELATING TO THE TREATMENT OF  
CONTINUING CARE PAYMENTS IN SOCIAL SECURITY BENEFITS**

**Amendment of the Employment and Support Allowance Regulations 2008**

**13.**—(1) The Employment and Support Allowance Regulations 2008 are amended as follows.

(2) In regulation 40 (a claimant who works to be treated as not entitled to an employment and support allowance), in paragraph (2), after sub-paragraph (d) insert—

“(da) duties undertaken in caring for another person who is provided with continuing care by a local authority by virtue of arrangements made under section 26A of the Children (Scotland) Act 1995 and is in receipt of a payment made under that section of that Act;”.

(3) In regulation 97 (earnings of self-employed earners)—

(a) in paragraph (2), after sub-paragraph (b) insert—

“(ba) any payment made in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care)—

(i) to a claimant; or

(ii) where paragraph (3) applies, to another person (“A”) which A passes on to the claimant;”;

(b) after paragraph (2) insert—

“(3) This paragraph applies only where A—

(a) was formerly in the claimant’s care;

(b) is aged 16 or over; and

(c) continues to live with the claimant.”.