SCHEDULE

Regulation 16

AMENDMENTS MADE CONSEQUENTIAL UPON THE CHILDREN ACT 1989

1. The provisions of the General Regulations shall be further amended in accordance with the paragraphs below, which make amendments consequential upon the Children Act 1989. 2.In regulation 8 (membership of the same household)—

(a) in paragraph (2), for sub-paragraphs (b) and (c) there shall be substituted the following sub-paragraphs—

"(b) has been placed with the claimant or his partner prior to adoption;

(c) has been placed with the claimant or his partner by a local authority under section 23(2)(a) of the Children Act 1989(**1**) or by a voluntary organisation under section 59(1)(a) of that Act; or";

(b) sub-paragraph (b) of paragraph (3) shall be omitted.

3. In Schedule 2 (sums to be disregarded in the calculation of income other than earnings)—

(a) in sub-paragraph (1) of paragraph 22, for heads (a) and (b) there shall be substituted the following heads—

"(a) in accordance with regulations made pursuant to section 57A of the Adoption Act 1976(**2**)(permitted allowances) or with a scheme approved by the Secretary of State under section 51 of the Adoption (Scotland) Act 1978(**3**)(schemes for payment of allowances to adopters);

(b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order),";

(b) for paragraph 23 there shall be substituted the following paragraph—

"**23.** Any payment made by a local authority to the claimant with whom a person is accommodated by virtue of arrangements made under section 23(2)(a) of the Children Act 1989 or, as the case may be, section 21 of the Social Work (Scotland) Act 1968 or by a voluntary organisation under section 59(1)(a) of the 1989 Act or by a care authority under regulation 9 of the Boarding Out and Fostering of Children (Scotland) Regulations 1985(**4**)(provision of accommodation and maintenance for children by local authorities and voluntary organisations).";

(c) for paragraph 25 there shall be substituted the following paragraph—

"**25.** Any payment made by a local authority in accordance with section 17 or 24 of the Children Act 1989 or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968 (provision of services for children and their families and advice and assistance to certain children).".

4. In Schedule 3 (capital to be disregarded), for paragraph 18, there shall be substituted the following paragraph—

"**18.** Any payment made by a local authority in accordance with section 17 or 24 of the Children Act 1989 or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968 (provision of services for children and their families and advice and assistance to certain children).".

(**1**) 1989 c. 41.
(**2**) 1976 c. 36; section 57A was introduced by the Children Act 1989, Schedule 10, paragraph 25.
(**3**) 1978 c. 28.
(**4**) S.I.1985/1799.

5. In so far as it is necessary to give effect in Scotland to a provision in the General Regulations amended in accordance with paragraph 2 or 3(a) (in so far as it relates to paragraph 22(1)(b) of Schedule 2 to the General Regulations) of this Schedule, that provision shall have effect as if the amendment had not been made.