

2001 No. 3070 (C. 98)

**CHILDREN AND YOUNG PERSONS
SOCIAL SECURITY**

**The Children (Leaving Care) Act 2000 (Commencement
No. 2 and Consequential Provisions) Order 2001**

Made - - - - - 7th September 2001

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by section 8(2), (3)(a), (4) and (5) of the Children (Leaving Care) Act 2000^(a) hereby makes the following Order:

Citation

1. This Order may be cited as the Children (Leaving Care) Act 2000 (Commencement No. 2 and Consequential Provisions) Order 2001.

Appointed day

2. Section 6 (exclusion from benefits) of the Children (Leaving Care) Act 2000 shall come into force on—

- (a) 10th September 2001 for the purpose only of making Regulations; and
- (b) 1st October 2001 for all other purposes.

Consequential amendments

3.—(1) The consequential amendments effected by this Order shall take effect as from 1st October 2001.

(2) The Income Support (General) Regulations 1987^(b) shall be amended in accordance with Schedule 1 to this Order.

(3) The Housing Benefit (General) Regulations 1987^(c) shall be amended in accordance with Schedule 2 to this Order.

(4) The Council Tax Benefit (General) Regulations 1992^(d) shall be amended in accordance with Schedule 3 to this Order.

(5) The Jobseeker's Allowance Regulations 1996^(e) shall be amended in accordance with Schedule 4 to this Order.

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

Ian McCartney
Parliamentary Under-Secretary of State
Department for Work and Pensions

7th September 2001

(a) 2000 c. 35.
(b) S.I. 1987/1967.
(c) S.I. 1987/1971.
(d) S.I. 1992/1814.
(e) S.I. 1996/207.

Amendment of the Income Support (General) Regulations 1987

In the Income Support (General) Regulations 1987—

- (a) after paragraph (3) of regulation 4ZA(a) (prescribed categories of person) there shall be inserted the following paragraph—
 - “(3A) Paragraph (1) does not apply to a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies.”;
- (b) for paragraph (2)(b) of regulation 14 (persons of a prescribed description) there shall be substituted the following paragraph—
 - “(2) Paragraph (1) shall not apply to a person who is—
 - (a) receiving advanced education within the meaning of regulation 12(2)(c) (relevant education);
 - (b) entitled to income support or would, but for section 134(2) (provision against dual entitlement of members of family) of the Contributions and Benefits Act, be so entitled; or
 - (c) a person to whom section 6 of the Children (Leaving Care) Act 2000(d) (exclusion from benefits) applies.”;
- (c) for the references to “section 17 or 24 of the Children Act 1989” in—
 - (i) regulation 41(3)(e) (capital treated as income);
 - (ii) paragraph 28(f) of Schedule 9 (sums to be disregarded in the calculation of income other than earnings); and
 - (iii) in paragraph 17(g) of Schedule 10 (capital to be disregarded),
 there shall be substituted references to “section 17, 23B, 23C or 24A of the Children Act 1989”(h).

Amendment of the Housing Benefit (General) Regulations 1987

In the Housing Benefit (General) Regulations 1987—

- (a) for paragraph (2)(i) of regulation 13 (persons of a prescribed description) there shall be substituted the following paragraph—
 - “(2) Paragraph (1) shall not apply to a person who is—
 - (a) on income support or an income-based jobseeker’s allowance;
 - (b) receiving advanced education within the meaning of regulation 12(2) of the Income Support (General) Regulations 1987 (relevant education); or
 - (c) a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies.”;
- (b) for the references to “section 17 or 24 of the Children Act 1989” in—
 - (i) paragraph 26(j) of Schedule 4 (sums to be disregarded in the calculation of income other than earnings); and
 - (ii) paragraph 18(k) of Schedule 5 (capital to be disregarded),
 there shall be substituted references to “section 17, 23C or 24A of the Children Act 1989”.

(a) Regulation 4ZA was inserted by S.I. 1996/206 and was amended by S.I. 1997/2197 and 2000/636.

(b) Paragraph (2) was amended by S.I. 1990/547.

(c) Regulation 12 was substituted by S.I. 1990/547 and amended by S.I. 1992/2155 and 1993/2119.

(d) 2000 c. 35.

(e) Regulation 41(3) was amended by S.I. 1988/663, 1989/1043 and 1992/468.

(f) Paragraph 28 was amended by S.I. 1988/663, 1989/1034 and 1992/468.

(g) Paragraph 17 was amended by S.I. 1988/1034 and 1992/468.

(h) Sections 23B and 23C were inserted into the Children Act 1989 (c. 41) by the Children (Leaving Care) Act 2000, section 2(4), and section 24A was inserted by section 4(1) of that Act.

(i) Paragraph (2) was amended by S.I. 1990/546 and 1996/1510.

(j) Paragraph 26 was substituted by S.I. 1992/432.

(k) Paragraph 18 was substituted by S.I. 1992/432.

SCHEDULE 3

Article 3(4)

Amendment of the Council Tax Benefit (General) Regulations 1992

In the Council Tax Benefit (General) Regulations 1992—

- (a) for paragraph (2)(a) of regulation 5 (persons of a prescribed description) there shall be substituted the following paragraph—
 - “(2) Paragraph (1) shall not apply to a person who is—
 - (a) on income support or an income-based jobseeker’s allowance;
 - (b) receiving advanced education within the meaning of regulation 12(2) of the Income Support (General) Regulations 1987 (relevant education); or
 - (c) a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies.”;
- (b) for references to “section 17 or 24 of the Children Act 1989” in—
 - (i) paragraph 27 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings); and
 - (ii) paragraph 18 of Schedule 5 (capital to be disregarded),there shall be substituted references to “section 17, 23C or 24A of the Children Act 1989”.

SCHEDULE 4

Article 3(5)

Amendment of the Jobseeker’s Allowance Regulations 1996

In the Jobseeker’s Allowance Regulations 1996—

- (a) in regulation 57 (interpretation of Part IV), in paragraph (1), for the definition of “young person” there shall be substituted the following definition—
 - ““young person”(b) means a person—
 - (a) who has reached the age of 16 but not the age of 18;
 - (b) who does not satisfy the conditions in section 2 or whose entitlement to a contribution-based jobseeker’s allowance has ceased as a result of section 5(1); and
 - (c) who is not a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies;
- (b) in regulation 76(2)(c) (persons of a prescribed description), for the words “so entitled.” there shall be substituted the words—
 - “so entitled; or
 - (d) a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies.”;
- (c) for the references to “section 17 or 24 of the Children Act 1989” in—
 - (i) regulation 104(3) (capital treated as income);
 - (ii) paragraph 29 of Schedule 7 (sums to be disregarded in the calculation of income other than earnings);
 - (iii) paragraph 22 of Schedule 8 (capital to be disregarded),there shall be substituted references to “section 17, 23B, 23C or 24A of the Children Act 1989”.

(a) Paragraph (2) is amended by S.I. 1996/1510.

(b) The definition of “young person” was substituted by S.I. 1996/1516.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that section 6 (exclusion from benefits) of the Children (Leaving Care) Act 2000 shall come into force on 10th September 2001 for the purpose of making regulations and on 1st October 2001 for all other purposes.

Article 3 and Schedules 1 to 4 make consequential amendments to the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) and the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207). Those amendments take effect from 1st October 2001.

This Order does not impose a charge on business.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Sections 1 to 5 and 7(1) to (4) have been brought into force in Wales by the Children (Leaving Care) Act 2000 (Commencement No. 1) (Wales) Order 2001 (S.I. 2001/2191) (W. 153) (C.71).

The Children (Leaving Care) Act 2000 (Commencement No. 1) (England) Order 2001 (S.I. 2001/2878) (C.96) brings into force sections 1 to 5 and 7(1) to (4) of the Act in England on 1st October 2001.

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