

SCHEDULE

Amendments consequential on the Care Act 2014

Employment and Support (Allowance) Regulations 2008

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

(2) In regulation 156(9) (circumstances in which a person is to be treated as being or not being a member of the household), in the definition of “accommodation”, after paragraph (a), insert—

“(aa) under Part 1 of the Care Act 2014 (care and support);”.

(3) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 29—

(i) in sub-paragraph (db), omit “or”;

(ii) at the end of sub-paragraph (f), insert—

“or

(g) the person concerned where the payment is for the provision of accommodation in respect of the meeting of that person’s needs under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support).”;

(b) in paragraph 32(1)(e), at the end, insert “or Part 1 of the Care Act 2014 (care and support).”;

(c) in paragraph 34(2)—

(i) the text after “is provided by” becomes paragraph (a);

(ii) at the end of that paragraph, insert—

“or

(b) a person other than a local authority under arrangements made with the person by a local authority in the exercise of the local authority’s functions under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support).”;

(d) in paragraph 53, after “for healthcare”, insert “or under sections 31 to 33 of the Care Act 2014 (direct payments)”;

(e) in paragraph 56, after “Social Work (Scotland) Act 1968 refers”, insert “or the provision of care and support under Part 1 of the Care Act 2014 (care and support).”.

(4) In paragraph 56 of Schedule 9 (capital to be disregarded), after “Any payment”, insert “made as a direct payment under Part 1 of the Care Act 2014 (care and support) or”.

(1) [S.I. 2008/794](#). There are amendments not relevant to this instrument.