
STATUTORY INSTRUMENTS

2016 No. 732

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

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

7.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006⁽¹⁾ are amended as follows.

(2) In regulation 38(2) (earnings of self-employed earners)—

(a) in sub-paragraph (b)(i), for the words from “section 26(1)” to the end substitute “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 Schedule 6 (capital to be disregarded), after paragraph 26F insert—

“**26G.**—(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 care of the claimant;

(b) is aged 16 or over; and

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