
STATUTORY INSTRUMENTS

2017 No. 901

**The Social Services and Well-being (Wales) Act 2014
and the Regulation and Inspection of Social Care (Wales)
Act 2016 (Consequential Amendments) Order 2017**

PART 4

Other miscellaneous amendments

Amendment of the Income Support (General) Regulations 1987

20.—(1) The Income Support (General) Regulations 1987(1) are amended as follows.

(2) In regulation 16 (circumstances in which a person is to be treated as being or not being a member of the household), in paragraph (4)(a) for “section 23(2)(a)” substitute “section 22C(2)”.

(3) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings), in paragraph 26(a), for paragraph (i) substitute—

“(i) section 22C(2) of the Children Act 1989 (ways in which looked after children are to be accommodated and maintained),”.

Commencement Information

II [Art. 20](#) in force at 3.11.2017, see [art. 1](#)

Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992

21. In regulation 27A (child in care who is allowed to live with their parent) of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992(2), in paragraph (1) omit “or 23(5)”.

Commencement Information

I2 [Art. 21](#) in force at 3.11.2017, see [art. 1](#)

Amendment of the Jobseeker’s Allowance Regulations 1996

22.—(1) The Jobseeker’s Allowance Regulations 1996(3) are amended as follows.

(1) [S.I. 1987/1967](#); relevant amending instruments are [S.I. 1992/468](#) and [2010/2429](#).
(2) [S.I. 1992/1815](#); relevant amending instruments are [S.I. 1993/913](#), [2001/155](#), [2012/2785](#), [2014/1386](#) and [2014/1621](#). These regulations are revoked in relation to particular cases.
(3) [S.I. 1996/207](#), amended by [S.I. 2010/2429](#).

(2) In regulation 78 (circumstances in which a person is to be treated as being or not being a member of the household), in paragraph (4), in sub-paragraph (a), for “section 23(2)(a)” substitute “section 22C(2)”.

(3) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings), in paragraph 27(a), for paragraph (i) substitute—

“(i) section 22C(2) of the Children Act 1989 (ways in which looked after children are to be accommodated and maintained),”.

Commencement Information

I3 [Art. 22](#) in force at 3.11.2017, see [art. 1](#)

Amendment of the Child Support (Maintenance Calculations and Special Cases) Regulations 2001

23. In regulation 13 (child in care who is allowed to live with their parent) of the Child Support (Maintenance Calculations and Special Cases) Regulations 2001(4), in paragraph (1) omit “or 23(5)”.

Commencement Information

I4 [Art. 23](#) in force at 3.11.2017, see [art. 1](#)

Amendment of the State Pension Credit Regulations 2002

24. In regulation 17B (earnings of self-employed earners) of the State Pension Credit Regulations 2002(5), in paragraph (4)(b), in the text of the inserted paragraph (2)(b), for sub-paragraph (i) substitute—

“(i) section 22C(2) of the Children Act 1989 (ways in which looked after children are to be accommodated and maintained),”.

Commencement Information

I5 [Art. 24](#) in force at 3.11.2017, see [art. 1](#)

Amendment of the Housing Benefit Regulations 2006

25.—(1) The Housing Benefit Regulations 2006(6) are amended as follows.

(2) In regulation 21 (circumstances in which a person is to be treated as being or not being a member of the household), in paragraph (3)(a) for “section 23(2)(a)” substitute “section 22C(2)”.

(3) In regulation 56 (full-time students to be treated as not liable to make payments in respect of a dwelling), in paragraph (2)(g)(i) for “section 23(2)(a)” substitute “section 22C(2)”.

(4) In Schedule 4 (sums to be disregarded in the calculation of earnings), in paragraph 17(2)(b), for sub-paragraph (iv) substitute—

(4) [S.I. 2001/155](#); relevant amending instruments are [S.I. 2012/2785](#), [2014/1386](#) and [2014/1621](#). These regulations are revoked in relation to particular cases.

(5) [S.I. 2002/1792](#); relevant amending instruments are [S.I. 2010/2429](#) and [2016/732](#).

(6) [S.I. 2006/213](#); relevant amending instruments are [S.I. 2008/1082](#), [2010/2429](#), [2013/1465](#), [2017/204](#) and [2017/581](#).

“(iv) not being a member of a couple, is engaged in remunerative work for on average not less than 16 hours per week and—

(aa) the claimant’s applicable amount includes a disability premium under paragraph 12, or the support component under paragraph 24, of Schedule 3; or

(bb) the claimant is a member of the work-related activity group; or

(v) is a member of a couple and at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week and that member of the couple—

(aa) satisfies the qualifying conditions for the disability premium under paragraph 12 or the support component under paragraph 24 of Schedule 3; or

(bb) is a member of the work-related activity group; or”.

(5) In Schedule 5 (sums to be disregarded in the calculation of income other than earnings), in paragraph 26(a), for paragraph (i) substitute—

“(i) section 22C(2) of the Children Act 1989 (ways in which looked after children are to be accommodated and maintained),”.

Commencement Information

I6 [Art. 25](#) in force at 3.11.2017, see [art. 1](#)

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

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

(2) In regulation 21 (circumstances in which a person is to be treated as being or not being a member of the household), in paragraph (3)(a) for “section 23(2)(a)” substitute “section 22C(2)”.

(3) In regulation 38 (earnings of self-employed earners), in paragraph (2)(b)(i), for “section 23(2) (a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after)” substitute “section 22C(2) of the Children Act 1989 (ways in which looked after children are to be accommodated and maintained)”.

Commencement Information

I7 [Art. 26](#) in force at 3.11.2017, see [art. 1](#)

Amendment of the Employment and Support Allowance Regulations 2008

27.—(1) The Employment and Support Allowance Regulations 2008(8) are amended as follows.

(2) In regulation 156 (circumstances in which a person is to be treated as being or not being a member of the household), in paragraph (5)(a), for “section 23(2)(a)” substitute “section 22C(2)”.

(3) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings), in paragraph 28(a), for paragraph (i) substitute—

“(i) section 22C(2) of the Children Act 1989 (ways in which looked after children are to be accommodated and maintained),”.

(7) [S.I. 2006/214](#); relevant amending instruments are [S.I. 2013/1465](#) and [2016/732](#).

(8) [S.I. 2008/794](#), amended by [S.I. 2010/2429](#).

Changes to legislation: There are currently no known outstanding effects for the The Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Order 2017, PART 4. (See end of Document for details)

Commencement Information

18 [Art. 27](#) in force at 3.11.2017, see [art. 1](#)

Amendment of the Child Support Maintenance Calculation Regulations 2012⁽⁹⁾

28.—(1) The Child Support Maintenance Calculation Regulations 2012⁽⁹⁾ are amended as follows.

(2) In regulation 51 (child in care who is allowed to live with their parent), in paragraph (1) omit “or 23(5)”.

(3) In regulation 78 (persons who are not persons with care), in paragraph (1)(b) omit “or 23(5)”.

Commencement Information

19 [Art. 28](#) in force at 3.11.2017, see [art. 1](#)

⁽⁹⁾ [S.I. 2012/2677](#).

Changes to legislation:

There are currently no known outstanding effects for the The Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Order 2017, PART 4.