

*These notes refer to the Children (Leaving Care) Act (Northern Ireland)
2002 (c.11) which received Royal Assent on 22 November 2002*

Children (Leaving Care) Act (Northern Ireland) 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 6 – Exclusion from benefits

Section 6 deals with changes to social security legislation. It removes entitlement to income-based Jobseeker's Allowance, Income Support and Housing Benefit from those young people who will be supported by authorities under the new after care arrangements until they reach the age of 18.

Subsection (1) provides that no person to whom this section applies will be entitled to income-based Jobseeker's Allowance, Income Support or Housing Benefit.

Subsection (2) provides that, subject to subsection (3), this section applies to eligible and relevant children. In the relation to both eligible and relevant children, the responsible authority will have a duty to meet their maintenance and accommodation needs until they reach the age of 18.

Subsection (3) gives the Department for Social Development the power to make regulations to provide for certain eligible or relevant children to be exempted from the provisions of this section. It is envisaged that this provision will be used to ensure that Income Support and Jobseeker's Allowance will still be available to care leavers who would otherwise be relevant children but who are lone parents or disabled.

Subsection (4) enables the Department for Social Development to make regulations to make transitional, consequential and saving provisions in connection with the commencement of this section.

Subsection (5) provides that section 171(3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 applies to the regulation-making powers in this section. As with other social security legislation, this makes it clear that regulations may make different provisions for different cases and for different purposes and provides powers for discretion to be exercised in dealing with various matters.

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Subsection (6) provides that regulations made under this section shall be subject to negative resolution procedure.