



# Children (Leaving Care) Act 2000

## 2000 CHAPTER 35

### 6 Exclusion from benefits.

- (1) No person is entitled to income-based jobseekers allowance under the <sup>M1</sup>Jobseekers Act 1995, or to income support or housing benefit under the <sup>M2</sup>Social Security Contributions and Benefits Act 1992, while he is a person to whom this section applies.
- (2) Subject to subsection (3), this section applies to—
  - (a) an eligible child for the purposes of paragraph 19B of Schedule 2 to the <sup>M3</sup>Children Act 1989;
  - (b) a relevant child for the purposes of section 23A of that Act; and
  - [<sup>F1</sup>(ba) a category 1 young person within the meaning of section 104 of the Social Services and Well-being (Wales) Act 2014;
  - (bb) a category 2 young person within the meaning of section 104 of the Social Services and Well-being (Wales) Act 2014;]
  - (c) any person of a description prescribed in regulations under subsection (4).
- (3) The Secretary of State may by regulations provide that this section does not apply to a person who falls within subsection (2)(a) or (b) but who also falls within such category or description, or satisfies such conditions, as may be prescribed in the regulations.
- (4) The Secretary of State may make regulations prescribing descriptions of person who do not fall within subsection (2)(a) or (b) but who—
  - (a) have been looked after by a local authority in Scotland (within the meaning of section 17(6) of the <sup>M4</sup>Children (Scotland) Act 1995); and
  - (b) otherwise correspond (whether or not exactly) to eligible or relevant children.
- (5) The Secretary of State may in regulations make such transitional, consequential and saving provision as he considers necessary or expedient in connection with the coming into force of this section.
- (6) Section 175(3) to (5) of the <sup>M5</sup>Social Security Contributions and Benefits Act 1992 (supplemental power in relation to regulations) applies to regulations made under this section as it applies to regulations made under that Act.

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**Changes to legislation:** Children (Leaving Care) Act 2000, Section 6 is up to date with all changes known to be in force on or before 26 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (7) Powers to make regulations under this section include power to make different provision for different areas.
- (8) Powers to make regulations under this section are exercisable by statutory instrument.
- (9) No statutory instrument containing regulations under subsection (4) is to be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament.
- (10) A statutory instrument containing regulations under subsection (3) or (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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#### Textual Amendments

- F1** S. 6(2)(ba)(bb) inserted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(No. 413\)](#), regs. 2(1), **178**

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#### Commencement Information

- I1** S. 6 wholly in force at 1.10.2001; s. 6 not in force at Royal Assent see s. 8(2); s. 6 in force for specified purposes at 10.9.2001 and for all other purposes at 1.10.2001 by [S.I. 2001/3070](#), **art. 2**

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#### Marginal Citations

- M1** 1995 c. 18.  
**M2** 1992 c. 4.  
**M3** 1989 c. 41.  
**M4** 1995 c. 36.  
**M5** 1992 c. 4.

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**Changes and effects yet to be applied to :**

- s. 6(1) words repealed by [2009 c. 24 Sch. 7 Pt. 1](#)