



# Children and Young Persons Act 2008

## 2008 CHAPTER 23

### PART 2

#### FUNCTIONS IN RELATION TO CHILDREN AND YOUNG PERSONS

##### *Education and training*

#### **21 Entitlement to payment in respect of higher education**

- (1) Section 23C of the 1989 Act (continuing functions of local authorities in respect of former relevant children) is amended in accordance with subsections (2) and (3).
- (2) After subsection (5) insert—
  - “(5A) It is the duty of the local authority to pay the relevant amount to a former relevant child who pursues higher education in accordance with a pathway plan prepared for that person.
  - (5B) The appropriate national authority may by regulations—
    - (a) prescribe the relevant amount for the purposes of subsection (5A);
    - (b) prescribe the meaning of “higher education” for those purposes;
    - (c) make provision as to the payment of the relevant amount;
    - (d) make provision as to the circumstances in which the relevant amount (or any part of it) may be recovered by the local authority from a former relevant child to whom a payment has been made.
  - (5C) The duty set out in subsection (5A) is without prejudice to that set out in subsection (4)(b).”
- (3) In subsection (9) after “subsection (4)(b)” insert “ or who is in receipt of a payment under subsection (5A) ”.
- (4) In section 776 of the Income Tax (Trading and Other Income) Act 2005 (c. 5) (scholarship income) after subsection (2) insert—

---

*Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 2008, Section 21. (See end of Document for details)*

---

“(2A) No liability to income tax arises in respect of income from a payment made under section 23C(5A) of the Children Act 1989 (duty to make payments to former relevant children who pursue higher education).”

**Commencement Information**

- I1** S. 21(1) in force at 22.8.2009 for E. by [S.I. 2009/2273](#), **art. 2(1)**
- I2** S. 21(1)(3)(4) in force at 18.3.2011 for specified purposes for W. by [S.I. 2011/824](#), **art. 2(a)**
- I3** S. 21(2) in force at 12.2.2009 for specified purposes for E. by [S.I. 2009/268](#), **art. 3(1)(d)**
- I4** S. 21(2) in force at 22.8.2009 for E. so far as not already in force by [S.I. 2009/2273](#), **art. 2(1)**
- I5** S. 21(2) in force at 26.4.2010 for specified purposes for W. by [S.I. 2010/1329](#), **art. 2(g)**
- I6** S. 21(2) in force at 18.3.2011 for W. so far as not already in force by [S.I. 2011/824](#), **art. 2(b)**
- I7** S. 21(3)(4) in force at 22.8.2009 for E. by [S.I. 2009/2273](#), **art. 2(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the Children and Young Persons Act 2008, Section 21.