
STATUTORY INSTRUMENTS

2012 No. 794

INCOME TAX

The Qualifying Care Relief (Specified Social Care Schemes) (Amendment) Order 2012

<i>Made</i>	- - - -	<i>12th March 2012</i>
<i>Laid before the House of Commons</i>	- - - -	<i>13th March 2012</i>
<i>Coming into force</i>	- -	<i>5th April 2012</i>

The Treasury make the following Order in exercise of powers conferred by section 806A(4) and (5) of the Income Tax (Trading and Other Income) Act 2005⁽¹⁾.

Citation, commencement and effect

1.—(1) This Order may be cited as the Qualifying Care Relief (Specified Social Care Schemes) (Amendment) Order 2012.

(2) This Order comes into force on 5th April 2012.

(3) This Order has effect for the tax year 2011-2012 and subsequent tax years.

Amendment to the Qualifying Care Relief (Specified Social Care Schemes) Order 2011

2.—(1) The Qualifying Care Relief (Specified Social Care Schemes) Order 2011⁽²⁾ is amended as follows.

(2) For article 2(b) substitute—

“(b) in Scotland, to whom section 17(6) of the Children (Scotland) Act 1995⁽³⁾ applies, and”.

(3) In article 2 in the appropriate place insert—

““school age” has the meaning given in section 31 of the Education (Scotland) Act 1980⁽⁴⁾.”.

(4) For article 3 substitute —

(1) 2005 c. 5. Section 806A was inserted by paragraph 7 of Schedule 1 to the Finance (No. 3) Act 2010 (c. 33).

(2) S.I. 2011/712.

(3) 1995 c. 36. Section 17(6)(e) was added by paragraph 9(4)(b) of Schedule 2 to the Adoption and Children (Scotland) Act 2007 (asp 4).

(4) c. 44.

“3. For the purposes of paragraph (c) of subsection (2) of section 806A, a specified social care scheme means a scheme, service or arrangement that provides—

- (a) adult placement care (article 4),
- (b) kinship care (article 5),
- (c) staying put care (article 6), or
- (d) for a parent and his or her child to live with Y (article 7).”.

(5) For article 6 substitute—

“6.—(1) A specified social care scheme in relation to staying put care must meet Conditions A to D.

(2) Condition A is that X—

- (a) has reached the age of 18 but is under 21, or
- (b) is—
 - (i) in further education,
 - (ii) in higher education, or
 - (iii) pursuing vocational training.

(3) In Scotland, Condition A is also met where X—

- (a) is over school age but under 19 years, and
- (b) was, at the time when he ceased to be of school age or at any subsequent time, a looked after child.

(4) Condition B is that, if X is aged 18 years or over, immediately before reaching 18 years X was a looked after child.

(5) In Scotland, where Condition A is met as described in paragraph (3), Condition B need not be met.

(6) Condition C is that Y receives payment from L for providing staying put care to X.

(7) Condition D is that X has a pathway plan.”

(6) After article 6 insert—

“Specified social care schemes providing for a parent and his or her child to live with Y

7.—(1) A specified social care scheme providing for a parent and his or her child to live with Y must meet Conditions A to C in this regulation.

(2) Condition A is that L has arranged for the parent and child to live with Y.

(3) Condition B is that Y provides care for the parent and child.

(4) Condition C is that Y receives payment from L for providing the accommodation and care for the parent and child.”.

12th March 2012

*Angela Watkinson
Michael Fabricant*
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Qualifying Care Relief (Specified Social Care Schemes) Order 2011 ([S.I. 2011/712](#)) (“the 2011 Order”).

Section 806A of the Income (Trading and Other Income) Act 2005 ([c. 5](#)) (“ITTOIA 2005”) sets out the conditions to be met for an individual to be providing shared lives care for the purposes of qualifying care relief from income tax. One of these conditions is that the shared lives care is provided under a “specified social care scheme” (section 806A(2)(c)). The 2011 Order specified three types of scheme (adult placement schemes, kinship care schemes and staying put care schemes) and set out the conditions to be met in relation to each.

Article 2, paragraphs (2) and (3), amends the interpretation provisions in the 2011 Order, including changing the definition of a “looked after child” as it applies to Scotland.

Article 2(5) substitutes a new article 6 on staying put care so as to amend Conditions A and B. New article 6(3) (Condition A) removes the requirement that a young person under 21 must be in full time education or training in order for the care to be given under this kind of specified social care scheme. It also brings within the scope of the relief those individuals providing staying put care to young people in Scotland over school age and under 19 who ceased to be looked after children on or after reaching school age.

Article 2(6) amends the 2011 Order to specify a further type of social care scheme, providing accommodation and care for a parent and his or her child.

This Order has effect for the tax year 2011-2012, as permitted by section 806A(5) of ITTOIA 2005, and to this extent has retrospective effect. It also has effect for subsequent tax years.

A Tax Information and Impact Note has not been prepared for this Instrument as it gives effect to previously announced policy.