
STATUTORY INSTRUMENTS

2017 No. 995

The Social Security and Child Support (Care Payments and Tenant Incentive Scheme) (Amendment) Regulations 2017

PART 2

AMENDMENTS RELATING TO THE TREATMENT OF KINSHIP CARE ASSISTANCE IN SOCIAL SECURITY BENEFITS

Amendment of the Income Support (General) Regulations 1987

- 2.**—(1) The Income Support (General) Regulations 1987(1) are amended as follows.
- (2) In regulation 37(2)(b) (earnings of self-employed earners)—
- (a) for “26 or 27” substitute “26, 27 or 27A”;
 - (b) for “and payments” substitute “, payments”;
 - (c) after “claimant’s care” insert “and any payments made to a claimant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (2) (kinship care assistance)”.
- (3) After paragraph 27 of Schedule 9 (sums to be disregarded in the calculation of income other than earnings) insert—
- “**27A.** Any payment made to a claimant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance).”.
- (4) At the end of Schedule 10 (capital to be disregarded) insert—
- “**74.** Any payment made to a claimant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance).”.

Amendment of the Jobseeker’s Allowance Regulations 1996

- 3.**—(1) The Jobseeker’s Allowance Regulations 1996(3) are amended as follows.
- (2) In regulation 100(2)(b) (earnings of self-employed earners)—
- (a) for “27 or 28” substitute “27, 28 or 28A”;
 - (b) for “and payments” substitute “, payments”;
 - (c) after “claimant’s care” insert “and any payments made to a claimant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance)”.
- (3) After paragraph 28 of Schedule 7 (sums to be disregarded in the calculation of income other than earnings) insert—

(1) [S.I. 1987/1967](#). Relevant amending instruments are [S.I. 1994/2139](#), [2008/698](#) and [2017/870](#).
(2) [2014 asp 8](#).
(3) [S.I. 1996/207](#). Relevant amending instrument is [S.I. 2017/422](#).

“**28A.** Any payment made to a claimant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance).”.

(4) At the end of Schedule 8 (capital to be disregarded) insert—

“**67.** Any payments made to a claimant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance).”.

Amendment of the State Pension Credit Regulations 2002

4.—(1) The State Pension Credit Regulations 2002(4) are amended as follows.

(2) In regulation 17B(4)(b) (earnings of self-employed earners), in the text of the inserted paragraph (2), after paragraph (da) insert—

“(db) any payment made to a claimant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance).”.

Amendment of the Housing Benefit Regulations 2006

5.—(1) The Housing Benefit Regulations 2006(5) are amended as follows.

(2) In regulation 37(2) (earnings of self-employed earners)—

(a) for “26 or 27” substitute “26, 27 or 27A”;

(b) for “and payments” substitute “, payments”;

(c) after “claimant’s care” insert “and any payments made to a claimant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance)”.

(3) After paragraph 27 of Schedule 5 (sums to be disregarded in the calculation of income other than earnings) insert—

“**27A.** Any payment made to a claimant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance).”.

(4) At the end of Schedule 6 (sums to be disregarded in the calculation of capital) insert—

“**64.** Any payment made to a claimant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance).”.

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

6.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(6) are amended as follows.

(2) After regulation 38(2)(da) (earnings of self-employed earners) insert—

“(db) any payment made to a claimant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance).”.

Amendment of the Employment and Support Allowance Regulations 2008

7.—(1) The Employment and Support Allowance Regulations 2008(7) are amended as follows.

(2) In regulation 40(2)(d) (a claimant who works to be treated as not entitled to an employment and support allowance), for “28 or 29” substitute “28, 29 or 29A”.

(4) S.I. 2002/1792. Relevant amending instruments are S.I. 2002/3019 and 2017/870.

(5) S.I. 2006/213. Relevant amending instrument is S.I. 2017/870.

(6) S.I. 2006/214. Relevant amending instrument is S.I. 2016/732.

(7) S.I. 2008/794. Relevant amending instrument is S.I. 2017/870.

- (3) In regulation 97(2)(b) (earnings of self-employed earners)—
 - (a) for “28 or 29” substitute “28, 29 or 29A”;
 - (b) for “and payments” substitute “, payments”;
 - (c) after “claimant’s care)” insert “and any payments made to a claimant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance)”.
- (4) After paragraph 29 of Schedule 8 (sums to be disregarded in the calculation of income other than earnings) insert—
 - “**29A.** Any payment made to a claimant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance).”.
- (5) At the end of Schedule 9 (sums to be disregarded in the calculation of capital) insert—
 - “**61.** Any payment made to a claimant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance).”.

Amendment of the Jobseeker’s Allowance Regulations 2013

- 8.**—(1) The Jobseeker’s Allowance Regulations 2013(**8**) are amended as follows.
- (2) In regulation 60(2) (earnings of self-employed earners), after paragraph (b) insert—
 - “(ba) any payment made to the claimant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance);”.

Amendment of the Employment and Support Allowance Regulations 2013

- 9.**—(1) The Employment and Support Allowance Regulations 2013(**9**) are amended as follows.
- (2) In regulation 37(7) (a claimant who works to be treated as not entitled to an employment and support allowance), after paragraph (a) insert—
 - “(aa) any payment made to the claimant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance);”.

(8) [S.I. 2013/378](#) to which there are amendments which are not relevant to these Regulations.

(9) [S.I. 2013/379](#) to which there are amendments which are not relevant to these Regulations.