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STATUTORY INSTRUMENTS

2020 No. 827

SOCIAL SECURITY

The Universal Credit (Exceptions to the Requirement not to be receiving Education) (Amendment) Regulations 2020

<i>Made</i>	- - - -	<i>3rd August 2020</i>
<i>Laid before Parliament</i>		<i>4th August 2020</i>
<i>Coming into force</i>	- -	<i>5th August 2020</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 4(2) and 42(1) to (3) of the Welfare Reform Act 2012⁽¹⁾.

In accordance with section 173(1)(a) of the Social Security Administration Act 1992⁽²⁾, it appears to the Secretary of State that by reason of the urgency of this matter it is inexpedient to refer the proposals in respect of these Regulations to the Social Security Advisory Committee.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Universal Credit (Exceptions to the Requirement not to be receiving Education) (Amendment) Regulations 2020 and come into force on 5th August 2020.

(2) These Regulations do not apply in relation to a claim for universal credit, or an award of universal credit without a claim, made before 5th August 2020.

Amendment of the Universal Credit Regulations 2013

2.—(1) In regulation 14 (exceptions to the requirement not to be receiving education) of the Universal Credit Regulations 2013⁽³⁾—

- (a) regulation 14 shall stand as paragraph (1);
- (b) for paragraph (1)(b) substitute—

(1) [2012 c. 5](#).
(2) [1992 c. 5](#).
(3) [S.I. 2013/376](#).

- “(b) the person is entitled to attendance allowance, disability living allowance or personal independence payment and it has been determined—
- (i) that the person has limited capability for work or limited capability for work and work-related activity on the basis of an assessment under Part 5 of these Regulations⁽⁴⁾ or Part 4 or 5 of the ESA Regulations⁽⁵⁾;
 - (ii) that the person is to be treated as having limited capability for work under Schedule 8⁽⁶⁾ or limited capability for work and work-related activity under Schedule 9;
 - (iii) that the person is to be treated as having limited capability for work or limited capability for work and work-related activity under regulation 19(2) (b) or (4)(b) of the Universal Credit (Transitional Provisions) Regulations 2014⁽⁷⁾,

and that determination was made on or before the date of claim to universal credit, where the person is receiving education on the date the claim is made, or the date on which the person starts receiving education, where the person starts receiving education after the date of claim to universal credit;”;

- (c) after paragraph (1)(f) insert—

“(2) Where regulation 9(6)(a) or 9(10) of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013⁽⁸⁾ (award of universal credit without a claim) applies to a person who is receiving education, paragraph (1)(b) is to be read as if each reference to “date of claim” was a reference to “date of award”.”.

Signed by authority of the Secretary of State for Work and Pensions

3rd August 2020

Justin Tomlinson
Minister of State
Department for Work and Pensions

(4) Amended by S.I. 2014/597, 2015/1754 and 2016/678.

(5) Part 4 is amended by S.I. 2013/1508, 2014/884 and 2015/437.

(6) Amended by S.I. 2013/630 and 1508.

(7) S.I. 2014/1230, amended by S.I. 2017/204.

(8) S.I. 2013/380, amended by S.I. 2014/287; there is another amending instrument which is not relevant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Universal Credit Regulations 2013 ([S.I. 2013/376](#)) (“the UC Regulations”).

Regulation 2 amends regulation 14 of the UC Regulations, which sets out the exceptions to the requirement to meet the basic condition not to be receiving education. Regulation 14(1)(b) is amended to clarify that a person entitled to attendance allowance, disability living allowance or personal independence payment will only be entitled to universal credit if they have been determined to have limited capability for work and that determination was made on or before the date of claim to universal credit, where the person is already receiving education on the date the claim is made, or before the date that the person starts receiving education, where the person starts receiving education after the date of claim to universal credit.

Provision is also made to read the reference to “date of claim” in regulation 14(1)(b) of the UC Regulations as a reference to “date of award” where a couple separates and an award is made without a claim to each of them as a single person and one of those persons is receiving education. The same applies where one member of a couple dies and the surviving member is receiving education.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sectors is foreseen.