
STATUTORY INSTRUMENTS

2013 No. 1139

SOCIAL SECURITY

The Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013

<i>Made</i>	- - - -	<i>14th May 2013</i>
<i>Laid before Parliament</i>		<i>20th May 2013</i>
<i>Coming into force</i>	- -	<i>10th June 2013</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by section 32 of the Welfare Reform Act 2012⁽¹⁾.

This instrument contains only regulations made by virtue of section 32 of the Welfare Reform Act 2012 and is made before the end of the period of 6 months beginning with the coming into force of that section.

In accordance with section 176(2)(b) of the Social Security Administration Act 1992⁽²⁾, the Secretary of State has obtained the agreement of organisations appearing to him to be representative of the authorities concerned that proposals in respect of these Regulations should not be referred to them.

Citation and commencement

1. These Regulations may be cited as the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013 and come into force on 10th June 2013.

Amendment of the Discretionary Financial Assistance Regulations 2001

2.—(1) The Discretionary Financial Assistance Regulations 2001⁽³⁾ are amended as follows.

(2) In regulation 1(2)⁽⁴⁾ (interpretation) after the definition of “the Housing Benefit (State Pension Credit) Regulations” add—

““the Universal Credit Regulations” means the Universal Credit Regulations 2013⁽⁵⁾;

“relevant award of universal credit” means an award of universal credit the calculation of which includes an amount under section 11 of the Welfare Reform Act 2012, calculated in accordance

(1) 2012 c.5.
(2) 1992 c.5.
(3) S.I. 2001/1167.
(4) Regulation 1(2) was amended by S.I. 2006/217.
(5) S.I. 2013/376.

with Schedule 4 to the Universal Credit Regulations, or would include such an amount but for paragraph 3(e) of Schedule 1 to those Regulations;

“universal credit” means universal credit under Part 1 of the Welfare Reform Act 2012.”.

(3) In regulation 2(6) (discretionary housing payments)—

(a) in paragraph (1)(a) after “housing benefit or” insert “a relevant award of universal credit”;

(b) in paragraph (3)(b) after “housing benefit” insert “or a relevant award of universal credit”.

(4) In regulation 3 (circumstances in which discretionary housing payments may be made)—

(a) after paragraph (a) insert—

“(aa) a liability to meet any payment in respect of service charges other than a payment listed in paragraph 7 of Schedule 1 to the Universal Credit Regulations;”;

(b) after paragraph (n)(7) add—

“(o) a reduction in the amount of universal credit due to recovery of an overpayment pursuant to section 71ZB of the Social Security Administration Act 1992(8);

(p) a reduction in the amount of universal credit pursuant to a decision made under section 26 or 27 of the Welfare Reform Act 2012.”.

(5) For regulation 4(9) (limit on the amount of the discretionary housing payment that may be made) substitute—

“4.—(1) Where a person is entitled to housing benefit the amount of the discretionary housing payment (if calculated as a weekly sum) shall not exceed—

(a) the aggregate of the payments specified in regulation 12(1) of the Housing Benefit Regulations less the aggregate of the amounts referred to in regulation 12B(2) of those Regulations calculated on a weekly basis in accordance with regulations 80 and 81 of those Regulations; or

(b) the aggregate of the payments specified in regulation 12(1) of the Housing Benefit (State Pension Credit) Regulations less the aggregate of the amounts referred to in regulation 12B(2) of those Regulations, calculated on a weekly basis in accordance with regulations 61 and 62 of those Regulations.

(2) Where a person is entitled to a relevant award of universal credit the amount of the discretionary housing payment (if calculated as a monthly sum) shall not exceed—

(a) the amount calculated in accordance with Schedule 4 to the Universal Credit Regulations; or

(b) where paragraph 3(e) of Schedule 1 to the Universal Credit Regulations applies, the aggregate of the payments referred to in paragraph 3 of Schedule 4 to those Regulations, calculated on a monthly basis.”.

(6) In regulation 5(10) (period for, or in respect of which, discretionary housing payments may be made) in paragraph (2) after “housing benefit or” insert “relevant award of universal credit”.

(7) In regulation 6(11) (form, manner and procedure for claims)—

(a) in paragraph (1)(b)(i) after “housing benefit or” insert “relevant award of universal credit”;

(6) Regulation 2 was amended by S.I. 2013/458.

(7) Paragraph (n) was added by S.I. 2008/637.

(8) Section 71ZB was inserted by section 105 of the Welfare Reform Act 2012.

(9) Regulation 4 was amended by S.I. 2006/217, 2007/2870 and 2013/458.

(10) Regulation 5 was substituted by S.I. 2008/637 and amended by S.I. 2013/458.

(11) Regulation 6 was amended by S.I. 2013/458.

(b) in paragraph (2) after “housing benefit or” insert “relevant award of universal credit”.

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

14th May 2013

Freud
Parliamentary Under-Secretary of State
Department for Work and Pensions

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Discretionary Financial Assistance Regulations 2001 which are consequential upon the introduction of universal credit.

The amendments ensure that a local authority may make discretionary housing payments to a person who is entitled to universal credit which has been calculated to include an amount in respect of housing costs relating to rent (or analogous payments). The amendment in regulation 2(5) sets a monthly limit on the amount of such a payment to the amount of housing costs included in the calculation of universal credit.

They also ensure that a discretionary housing payment may be made where a person is entitled to universal credit that has not been calculated to include an amount in respect of housing costs because the person is in exempt accommodation (defined in paragraph 1 of Schedule 1 to the Universal Credit Regulations 2013). In these cases the monthly limit will be the aggregate of the payments the claimant is liable to make that would otherwise be eligible to be met by way of universal credit.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.