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STATUTORY INSTRUMENTS

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**2013 No. 376**

**The Universal Credit Regulations 2013**

**PART 2**

**ENTITLEMENT**

*Restrictions on entitlement*

**Restrictions on entitlement – prisoners etc.**

- 19.**—(1) Entitlement to universal credit does not arise where a person is—
- (a) a member of a religious order who is fully maintained by their order;
  - (b) a prisoner; or
  - (c) serving a sentence of imprisonment detained in hospital.
- (2) Paragraph (1)(b) does not apply during the first 6 months when the person is a prisoner where—
- (a) the person was entitled to universal credit immediately before becoming a prisoner, and the calculation of their award included an amount for the housing costs element; and
  - (b) the person has not been sentenced to a term in custody that is expected to extend beyond that 6 months.
- (3) In the case of a prisoner to whom paragraph (2) applies, an award of universal credit is not to include any element other than the housing costs element.
- (4) In paragraph (1)(c) a person serving a sentence of imprisonment detained in hospital is a person who is—
- (a) being detained—
    - (i) under section 45A or 47 of the Mental Health Act 1983<sup>(1)</sup> (power of higher courts to direct hospital admission; removal to hospital of persons serving sentence of imprisonment etc), and
    - (ii) before the day which the Secretary of State certifies to be that person’s release date within the meaning of section 50(3) of that Act (in any case where there is such a release date); or
  - (b) being detained under—
    - (i) section 59A of the Criminal Procedure (Scotland) Act 1995<sup>(2)</sup> (hospital direction), or
    - (ii) section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003<sup>(3)</sup> (transfer of prisoners for treatment of mental disorder).

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<sup>(1)</sup> 1983 c.20. Section 45A was inserted by section 45A was inserted by section 46 of the Crime (Sentences) Act 1997.

<sup>(2)</sup> 1995 c.46. Section 59A was inserted by section 133 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

<sup>(3)</sup> 2003 asp13.

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**Status:** *This is the original version (as it was originally made).*

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