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STATUTORY INSTRUMENTS

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**2015 No. 1754**

**The Universal Credit and Miscellaneous  
Amendments Regulations 2015**

**PART 2**

**PREVENTION OF DUAL PROVISION OF BENEFIT FOR CARE**

**CHAPTER 1**

**The carer element of universal credit and carer's allowance**

**11.**—(1) Section 70 (carer's allowance) of the Social Security Contributions and Benefits Act 1992 is amended as follows.

(2) In subsection (7)—

- (a) for “be entitled for the same day to such an allowance” substitute “have a relevant entitlement for the same day”; and
- (b) for “shall be entitled” substitute “shall have that entitlement”.

(3) After subsection (7) insert—

“(7A) For the purposes of subsection (7) a person has a “relevant entitlement” if—

- (a) the person is entitled to a carer's allowance, or
- (b) the person is entitled under section 12 of the Welfare Reform Act 2012 to the inclusion in an award of universal credit of an amount in respect of the fact that the person has regular and substantial caring responsibilities for a severely disabled person.”.

**12.**—(1) Regulation 7 (manner of electing the person entitled to a carer's allowance in respect of a severely disabled person where, but for section 70(7) of the Contributions and Benefits Act, more than one person would be entitled to an invalid care allowance in respect of that severely disabled person) of the Social Security (Invalid Care Allowance) Regulations 1976<sup>(1)</sup> is amended as follows.

(2) In paragraph (1)—

- (a) for “be entitled for the same day to a carer's allowance” substitute “have a relevant entitlement for the same day”;
- (b) for “shall be entitled” substitute “shall have that entitlement”;
- (c) for “be entitled to a carer's allowance” substitute “have a relevant entitlement”; and
- (d) for “to be entitled” substitute “to have that entitlement”.

(3) In paragraph (2)—

- (a) for “entitlement to carer's allowance” substitute “a relevant entitlement”; and

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<sup>(1)</sup> S.I. 1976/409; relevant amending instruments are S.I. 1996/2744 and 2002/2497.

(b) for “a carer’s allowance” substitute “a carer’s allowance or the carer element of universal credit”.

(4) After paragraph (2) insert—

“(3) In paragraph (2) “the carer element of universal credit” means an amount included in an award of universal credit in respect of the fact that a person has regular and substantial caring responsibilities for a severely disabled person.”.

**13.** In regulation 29 (award to include the carer element) of the Universal Credit Regulations 2013, at the end of paragraph (1) insert “and section 70(7) of the Contributions and Benefits Act (entitlement by different persons to the carer element and to carer’s allowance in respect of the same severely disabled person”.

## CHAPTER 2

### **The carer element of universal credit and income support**

**14.**—(1) Paragraph 13 (severe disability premium) of Schedule 2 (applicable amounts) to the Income Support (General) Regulations 1987(2) is amended as follows.

(2) In sub-paragraph (2)(a)(iii), after “the Contributions and Benefits Act” insert “or has an award of universal credit which includes the carer element”.

(3) In the closing words of sub-paragraph (2)(b)—

(a) after “carer’s allowance” insert “or has an award of universal credit which includes the carer element”; and

(b) after “such an allowance” insert “or has such an award of universal credit”.

(4) In sub-paragraph (3A)(b)—

(a) after “carer’s allowance” insert “or having an award of universal credit which includes the carer element”; and

(b) after “be so entitled and in receipt” insert “of carer’s allowance or have such an award of universal credit”.

(5) In sub-paragraph (3ZA), after “carer’s allowance” insert “or universal credit which includes the carer element”.

(6) In sub-paragraph (5)—

(a) after “carer’s allowance” insert “or as having an award of universal credit which includes the carer element”; and

(b) after “that allowance” insert “or had such an award”.

(7) After sub-paragraph (5) insert—

“(6) For the purposes of this paragraph, a person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 29 of the Universal Credit Regulations 2013.”.

### **The carer element of universal credit and jobseeker’s allowance**

**15.**—(1) Schedule 1 (applicable amounts) to the Jobseeker’s Allowance Regulations 1996(3) is amended as follows.

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(2) *S.I. 1987/1967*; relevant amending instruments are *S.I. 1988/663, 1994/2139, 2000/681, 2002/490* and *2497, 2007/719* and *2010/1160*.

(3) *S.I. 1996/207*; relevant amending instruments are *S.I. 2000/681, 2002/490, 2003/511, 2007/719* and *2010/1160*.

- (2) In paragraph 15 (severe disability premium)—
- (a) in sub-paragraph (1)(c), after “Benefits Act” insert “or has an award of universal credit which includes the carer element”;
  - (b) in sub-paragraph (2)(d), after “Benefits Act”, in both places it occurs, insert “or has an award of universal credit which includes the carer element”;
  - (c) in sub-paragraph (5)(b)—
    - (i) after “carer’s allowance” insert “or having an award of universal credit which includes the carer element”; and
    - (ii) after “be so entitled and in receipt” insert “of carer’s allowance or have such an award of universal credit”;
  - (d) in sub-paragraph (7), after “carer’s allowance” insert “or universal credit which includes the carer element”;
  - (e) in sub-paragraph (9)—
    - (i) after “carer’s allowance” insert “or as having an award of universal credit which includes the carer element”; and
    - (ii) after “that allowance” insert “or had such an award”; and
  - (f) after sub-paragraph (9) insert—

“(10) For the purposes of this paragraph, a person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 29 of the Universal Credit Regulations 2013.”.
- (3) In paragraph 20I (severe disability premium – joint claim couples)—
- (a) in sub-paragraph (1)(d), after “Benefits Act”, in both places it occurs, insert “or has an award of universal credit which includes the carer element”;
  - (b) in sub-paragraph (4)(b)—
    - (i) after “carer’s allowance” insert “or having an award of universal credit which includes the carer element”; and
    - (ii) after “be so entitled and in receipt” insert “of carer’s allowance or have such an award of universal credit”;
  - (c) in sub-paragraph (6), after “carer’s allowance” insert “or universal credit which includes the carer element”;
  - (d) in sub-paragraph (7)—
    - (i) after “carer’s allowance” insert “or as having an award of universal credit which includes the carer element”; and
    - (ii) after “that allowance” insert “or had such an award”; and
  - (e) after sub-paragraph (7) insert—

“(8) For the purposes of this paragraph, a person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 29 of the Universal Credit Regulations 2013.”.

### **The carer element of universal credit and state pension credit**

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

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(4) [S.I. 2002/1792](#); relevant amending instruments are [S.I. 2003/2274](#), [2007/719](#) and [2015/457](#).

(2) In regulation 6(5)(b) (amount of the guarantee credit), after the words “1992 Act” insert “, or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013.”.

(3) In paragraph 1 of Part 1 of Schedule 1 (circumstances in which persons are treated as being or not being severely disabled)—

- (a) in sub-paragraph (1)(a)(iii), after the words “(carer’s allowance)” insert “, or has an award of universal credit which includes the carer element.”;
- (b) in the closing words of sub-paragraph (1)(b)—
  - (i) after the words “under section 70 of the 1992 Act” insert “, or has an award of universal credit which includes the carer element.”; and
  - (ii) after the words “such an allowance” insert “under section 70, or has an award of universal credit which includes the carer element.”;
- (c) in sub-paragraph (1)(c)(iv), after the words “1992 Act” insert “, or has an award of universal credit which includes the carer element, in”;
- (d) in sub-paragraph (2)(c), after the words “1992 Act” insert “, or as having an award of universal credit which includes the carer element.”; and
- (e) after sub-paragraph (3) insert—

“(4) For the purposes of this paragraph, a person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 29 of the Universal Credit Regulations 2013.”.

### **The carer element of universal credit and housing benefit**

17.—(1) Schedule 3 (applicable amounts) to the Housing Benefit Regulations 2006(5) is amended as follows.

(2) In paragraph 14 (severe disability premium)—

- (a) in sub-paragraph (2)(a)(iii), after “section 70 of the Act” insert “or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013”;
- (b) in the closing words of sub-paragraph (2)(b)—
  - (i) after “carer’s allowance” insert “or has an award of universal credit which includes the carer element”; and
  - (ii) after “such an allowance” insert “or has such an award of universal credit”;
- (c) in sub-paragraph (5)(b)—
  - (i) after “carer’s allowance” insert “or having an award of universal credit which includes the carer element”; and
  - (ii) after “be so entitled and in receipt” insert “or have such an award of universal credit”;
- (d) in sub-paragraph (6), after “carer’s allowance” insert “or universal credit which includes the carer element”; and
- (e) in sub-paragraph (7)—
  - (i) after “carer’s allowance” insert “or as having an award of universal credit which includes the carer element”; and
  - (ii) after “that allowance” insert “or had such an award of universal credit”.

- (3) In paragraph 20 (amounts of premiums specified in Part 3)—
  - (a) in sub-paragraph (6)(b)(i), after “carer’s allowance” insert “or who has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013”; and
  - (b) in sub-paragraph (6)(b)(ii), after “such an allowance” insert “or such an award of universal credit”.

**18.**—(1) Schedule 3 (applicable amounts) to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006<sup>(6)</sup> is amended as follows.

- (2) In paragraph 6 (severe disability premium)—
  - (a) in sub-paragraph (2)(a)(iii), after “carer’s allowance” insert “under section 70 of the Act or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013”;
  - (b) in the closing words of sub-paragraph (2)(b)—
    - (i) after “carer’s allowance” insert “or has an award of universal credit that includes the carer element”; and
    - (ii) after “such an allowance” insert “or has such an award of universal credit”;
  - (c) in sub-paragraph (7)(b)—
    - (i) after “carer’s allowance” insert “or having an award of universal credit which includes the carer element”; and
    - (ii) after “be so entitled and in receipt” insert “or have such an award of universal credit”;
  - (d) in sub-paragraph (8)(a), after “carer’s allowance” insert “or an award of universal credit which includes the carer element”; and
  - (e) in sub-paragraph (8)(b)—
    - (i) after “carer’s allowance” insert “or as having an award of universal credit which includes the carer element”; and
    - (ii) after “that allowance” insert “or had such an award of universal credit”.
- (3) In paragraph 12 (amount of premiums specified in Part 3)—
  - (a) in sub-paragraph (1)(b)(i), after “carer’s allowance” insert “or who has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013,”; and
  - (b) in sub-paragraph (1)(b)(ii), after “such an allowance” insert “or such an award of universal credit”.

### **The carer element of universal credit and employment and support allowance**

**19.**—(1) Paragraph 6 (severe disability premium) of Schedule 4 (amounts) to the Employment and Support Allowance Regulations 2008<sup>(7)</sup> is amended as follows.

- (2) In sub-paragraph (2)(a)(iii), for “a carer’s allowance under section 70 of the Contributions and Benefits Act” substitute “a carer’s allowance or has an award of universal credit which includes the carer element”.
- (3) In the closing words of sub-paragraph (2)(b)—
  - (a) after “carer’s allowance” insert “or has an award of universal credit which includes the carer element”; and

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<sup>(6)</sup> S.I. 2006/214; relevant amending instruments are S.I. 2007/719 and 2010/1160.

<sup>(7)</sup> S.I. 2008/794; relevant amending instruments are S.I. 2010/1160 and 2014/2888.

- (b) after “such an allowance” insert “or has such an award of universal credit”.
- (4) In sub-paragraph (5)(b)—
  - (a) after “carer’s allowance” insert “or having an award of universal credit which includes the carer element”; and
  - (b) after “be so entitled and in receipt” insert “of carer’s allowance or have such an award of universal credit”.
- (5) In sub-paragraph (6), after “carer’s allowance” insert “or universal credit which includes the carer element”.
- (6) In sub-paragraph (8)—
  - (a) after “carer’s allowance” insert “or as having an award of universal credit which includes the carer element”; and
  - (b) after “that allowance” insert “or had such an award”.
- (7) In sub-paragraph (9)—
  - (a) the existing provision becomes new sub-paragraph (9)(a); and
  - (b) after new paragraph (a) insert—
    - “(b) A person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 29 of the Universal Credit Regulations 2013.”.