

SCHEDULE 1

Regulation 7(1)

Consequential amendments to secondary legislation

PART 1

Employment and Support Allowance: amendments to secondary legislation consequential on removal of work-related activity component

Amendments to the Income Support (General) Regulations 1987

- 1.—(1) The Income Support (General) Regulations 1987(1) are amended as follows.
- (2) In regulation 2 (interpretation), in paragraph (1) in the appropriate place insert—
 - ““member of the support group” means a claimant who has or is treated as having limited capability for work-related activity under either—
 - (a) Part 6 of the Employment and Support Allowance Regulations 2008; or
 - (b) Part 5 of the Employment and Support Allowance Regulations 2013;”;
 - ““member of the work-related activity group” means a claimant who has or is treated as having limited capability for work under either—
 - (a) Part 5 of the Employment and Support Allowance Regulations 2008 other than by virtue of regulation 30 of those Regulations; or
 - (b) Part 4 of the Employment and Support Allowance Regulations 2013 other than by virtue of regulation 26 of those Regulations;”.
- (3) In Schedule 3 (housing costs)—
 - (a) in paragraph 1 (housing costs)—
 - (i) in sub-paragraph (3)(d)(i)—
 - (aa) omit “or (3)”, “or (5)” and “(components)”;
 - (bb) after “Welfare Reform Act” insert “(component) or is a member of the work-related activity group”;
 - (ii) in sub-paragraph (3)(d)(ii) omit “including an amount of a work-related activity component under section 2(3) of that Act (amount of contributory allowance: work-related activity component)”;
 - (b) in paragraph 18 (non-dependant deductions), in sub-paragraph (7)(i) for the words from “which does not include” to the end substitute “and is not a member of the work-related activity group or a member of the support group; or”.

Amendments to the Social Fund (Cold Weather Payments) (General) Regulations 1988

- 2.—(1) The Social Fund (Cold Weather Payments) (General) Regulations 1988(2) are amended as follows.
- (2) In regulation 1 (interpretation), in paragraph (2) in the appropriate place insert—
 - ““member of the support group” means a claimant who has or is treated as having limited capability for work-related activity under either—

(1) S.I. 1987/1967; relevant amending instruments are S.I. 1995/1613, 2008/1554, 2008/2428, 2012/913 and 2013/443.

(2) S.I. 1988/1724; relevant amending instruments are S.I. 1991/2448 and 2013/248.

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- (a) Part 6 of the Employment and Support Allowance Regulations 2008; or
 - (b) Part 5 of the Employment and Support Allowance Regulations 2013;”;
- ““member of the work-related activity group” means a claimant who has or is treated as having limited capability for work under either—
- (a) Part 5 of the Employment and Support Allowance Regulations 2008 other than by virtue of regulation 30 of those Regulations; or
 - (b) Part 4 of the Employment and Support Allowance Regulations 2013 other than by virtue of regulation 26 of those Regulations;”.
- (3) In regulation 1A (prescribed description of persons), in paragraph (3)(e)—
- (a) for “, P’s applicable amount includes” substitute “and”;
 - (b) in paragraph (i) before “one or more” insert “P’s applicable amount includes”;
 - (c) for paragraph (ii) substitute—
 - “(ii) P is a member of the work-related activity group or is a member of the support group; or”.

Amendments to the Jobseeker’s Allowance Regulations 1996

- 3.—**(1) The Jobseeker’s Allowance Regulations 1996(3) are amended as follows.
- (2) In regulation 1 (interpretation), in paragraph (3) in the appropriate place insert—
- ““member of the work-related activity group” means a claimant who has or is treated as having limited capability for work under either—
- (a) Part 5 of the Employment and Support Allowance Regulations 2008 other than by virtue of regulation 30 of those Regulations; or
 - (b) Part 4 of the Employment and Support Allowance Regulations 2013 other than by virtue of regulation 26 of those Regulations;”.
- (3) In Schedule 2 (housing costs)—
- (a) in paragraph 1 (housing costs), in sub-paragraph (3)(e) —
 - (i) in sub-paragraph (i)—
 - (aa) omit “or (3)” and “or (5)”;
 - (bb) for “(components)” substitute “(component)”;
 - (ii) in sub-paragraph (ii) omit “including an amount of a work-related activity component under section 2(3) of that Act (amount of contributory allowance: work-related activity component)”;
 - (b) in paragraph 17 (non-dependant deductions), in sub-paragraph (7)(i)—
 - (i) omit “or (5)” and “(components)”;
 - (ii) after “Welfare Reform Act” insert “(component) and is not a member of the work-related activity group”.

(3) S.I. 1996/207; relevant amending instruments are S.I. 2008/1554, 2008/2428, 2012/913 and 2013/443.

Amendment to the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001

4. In regulation 7 (decisions superseding earlier decisions) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(4), in paragraph (2)(o)(iv)(bb) omit “or the work-related activity component”.

Amendments to the State Pension Credit Regulations 2002

5.—(1) The State Pension Credit Regulations 2002(5) are amended as follows.

(2) In regulation 1 (interpretation), in paragraph (2) in the appropriate place insert—

““member of the work-related activity group” means a claimant who has or is treated as having limited capability for work under either—

- (a) Part 5 of the Employment and Support Allowance Regulations 2008 other than by virtue of regulation 30 of those Regulations; or
- (b) Part 4 of the Employment and Support Allowance Regulations 2013 other than by virtue of regulation 26 of those Regulations;”.

(3) In Schedule 2 (housing costs)—

- (a) in paragraph 1 (housing costs), in sub-paragraph (2)(a)(iii)(dd) for “or (3) or 4(4) or (5) of the Welfare Reform Act (components) [or would be entitled to an employment and support allowance including an amount of a work-related activity component under section 2(3) of that Act (amount of contributory allowance: work-related activity component)” substitute “or 4(4) of the Welfare Reform Act “(component) or is a member of the work-related activity group or they would have been a member of the work-related activity group”;
- (b) in paragraph 14 (persons residing with the claimant), in sub-paragraph (7)(g)—
 - (i) omit “or (5)”;
 - (ii) for “(components)” substitute “(component) or is not a member of the work-related activity group”.

Amendments to the Housing Benefit Regulations 2006

6.—(1) The Housing Benefit Regulations 2006(6) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1) in the appropriate place insert—

““member of the work-related activity group” means a claimant who has or is treated as having limited capability for work under either—

- (a) Part 5 of the Employment and Support Allowance Regulations 2008 other than by virtue of regulation 30 of those Regulations; or
- (b) Part 4 of the Employment and Support Allowance Regulations 2013 other than by virtue of regulation 26 of those Regulations;”.

(3) In regulation 22 (applicable amounts) for paragraph (e) substitute—

“(e) the amount of the support component which may be applicable to him in accordance with Part 5 of Schedule 3 (the component);”.

(4) In regulation 23 (polygamous marriages) for paragraph (f) substitute—

“(f) the amount of the support component which may be applicable to him in accordance with Part 5 of Schedule 3 (the component);”.

(4) S.I. 2001/1002; relevant amending instruments are S.I. 2008/1082 and 2008/2428.

(5) S.I. 2002/1792; relevant amending instruments are S.I. 2008/1554, 2008/2428, 2012/913 and 2013/443.

(6) S.I. 2006/213; relevant amending instruments are S.I. 2008/1042, 2008/1082, 2008/2428, 2013/443, 2013/630 and 2015/457.

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

- (5) In regulation 28 (treatment of child care charges), in paragraph (11)—
 - (a) in sub-paragraph (a)—
 - (i) omit “the work-related activity component”;
 - (ii) after “support component or” insert “the other member is a member of the work-related activity group”;
 - (b) in sub-paragraph (ba)—
 - (i) omit “the work-related activity component”;
 - (ii) after “support component or” insert “the other member would be a member of the work-related activity group”.
- (6) In regulation 74 (non-dependant deductions) in paragraph (8)(a)—
 - (a) omit “and the work-related activity component”;
 - (b) after “(the support component)” insert “or where the non-dependant is not a member of the work-related activity group”.
- (7) In Schedule 3 (applicable amounts)—
 - (a) in Part 5 (the components)—
 - (i) in the heading, for “components” substitute “component”;
 - (ii) in paragraph 21, in sub-paragraph (1)—
 - (aa) for “one, but not both, of the components in paragraph 23 or” substitute “the component in paragraph”;
 - (bb) for paragraph (b) substitute—
 - “(b) the Secretary of State has determined that the claimant or the claimant’s partner has or is treated as having limited capability for work-related activity; and”;
 - (cc) in paragraph (c)(ii) omit “or the work-related activity component”;
 - (iii) in paragraph 22 in sub-paragraphs (1) and (2) omit “23 or”;
 - (iv) omit paragraph 23;
 - (b) in Part 6 (amount of components)—
 - (i) in the heading, for “components” substitute “component”;
 - (ii) omit paragraph 25.
- (8) In Schedule 4 (sums to be disregarded in the calculation of earnings)—
 - (a) in paragraph 3(2)—
 - (i) omit “, work-related activity component”;
 - (ii) after “Schedule 3 (applicable amounts)” insert “or where the claimant or the claimant’s partner is a member of the work-related activity group”;
 - (b) in paragraph 17, in sub-paragraph (2)(b)(iv)—
 - (i) in paragraph (aa)—
 - (aa) omit “, the work-related activity component under paragraph 23 or”;
 - (bb) after “of Schedule 3” insert “or the claimant or the claimant’s partner is a member of the work-related activity group”;
 - (ii) in paragraph (bb)—
 - (aa) omit “, the work-related activity component”;

(bb) after “sub-head (aa) above,” insert “or at least one of the couple is a member of the work-related activity group”.

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

7.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(7) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1) in the appropriate place insert—

““member of the work-related activity group” means a claimant who has or is treated as having limited capability for work under either—

- (a) Part 5 of the Employment and Support Allowance Regulations 2008 other than by virtue of regulation 30 of those Regulations; or
- (b) Part 4 of the Employment and Support Allowance Regulations 2013 other than by virtue of regulation 26 of those Regulations;”.

(3) In regulation 31 (treatment of child care charges), in paragraph (11)(ba)—

- (a) omit “or the work-related activity component”;
- (b) after “limited capability for work” insert “or the other member of the couple would be a member of the work-related activity group”.

(4) In regulation 55 (non-dependant deductions), in paragraph (8)—

- (a) omit “and the work-related activity component”;
- (b) after “(the support component)” insert “or where the non-dependant is not a member of the work-related activity group”.

(5) In Schedule 4 (sums disregarded from claimant’s earnings), in paragraph 5(1)(d)(ii) omit “or the work-related activity component”.

Amendments to the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

8.—(1) The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012(8) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1) after the definition of “member of a couple” insert—

““member of the work-related activity group” means a claimant who has or is treated as having limited capability for work under either—

- (a) Part 5 of the Employment and Support Allowance Regulations 2008 other than by virtue of regulation 30 of those Regulations; or
- (b) Part 4 of the Employment and Support Allowance Regulations 2013 other than by virtue of regulation 26 of those Regulations;”.

(3) In Schedule 1 (pensioners: matters that must be included in an authority’s scheme), in paragraph 25 (treatment of child care charges), in sub-paragraph (10)(c)—

- (a) omit “or the work-related activity component”;
- (b) after “limited capability for work” insert “or the other member of the couple would be a member of the work-related activity group”.

(7) [S.I. 2006/214](#); relevant amending instruments are [S.I. 2007/2869](#), [2008/1082](#), [2009/583](#) and [2013/630](#).

(8) [S.I. 2012/2885](#), amended by [S.I. 2014/3312](#).

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(4) In Schedule 4 (sums disregarded from the applicant's earnings), in paragraph 5, in sub-paragraph (1)(d)(ii) omit the words "or the work-related activity component".

Amendments to the Welfare Reform Act 2012 (Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions (Amendment)) Order 2013

9.—(1) The Welfare Reform Act 2012 (Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions (Amendment)) Order 2013⁽⁹⁾ is amended as follows.

(2) In article 10 (limited capability for work or work-related activity: transition from old style ESA), in paragraph (2)(c) omit "or the work-related activity component".

(3) In article 11 (limited capability for work or work-related activity: transition from new style ESA), in paragraph (2)(c) omit "or the work-related activity component".

PART 2

Universal Credit: amendments to secondary legislation
consequential on removal of limited capability for work element

Amendment to the Income Support (General) Regulations 1987

10. In Schedule 3 (housing costs) to the Income Support (General) Regulations 1987⁽¹⁰⁾, in paragraph 1 (housing costs), in sub-paragraph (3)(e) for the words from "the calculation of which" to the end substitute "and has limited capability for work or limited capability for work and work-related activity as construed in accordance with regulations 39 and 40 of the Universal Credit Regulations 2013⁽¹¹⁾".

Amendment to the Social Fund Cold Weather Payments (General) Regulations 1988

11. In regulation 1A (prescribed description of persons) of the Social Fund Cold Weather Payments (General) Regulations 1988⁽¹²⁾, for paragraph (3)(f)(ii) substitute—

"(ii) P has limited capability for work or limited capability for work and work-related activity as construed in accordance with regulations 39 and 40 of the Universal Credit Regulations 2013."

Amendment to the Jobseeker's Allowance Regulations 1996

12. In Schedule 2 (housing costs) to the Jobseeker's Allowance Regulations 1996⁽¹³⁾, in paragraph 1 (housing costs), in sub-paragraph (3)(f) for the words from "the calculation of which" to the end substitute "and has limited capability for work or limited capability for work and work-related activity as construed in accordance with regulations 39 and 40 of the Universal Credit Regulations 2013".

⁽⁹⁾ S.I. 2013/983, relevant amending instruments are S.I. 2013/1511 and S.I. 2014/1452.

⁽¹⁰⁾ S.I. 1987/1967, amended by S.I. 2013/630.

⁽¹¹⁾ S.I. 2013/376.

⁽¹²⁾ S.I. 1988/1724, relevant amending instruments are S.I. 1991/2448, 2010/2442 and 2013/248.

⁽¹³⁾ S.I. 1996/207, amended by S.I. 2013/630.

Amendment to the Education (Student Loans) Regulations 1998

13. In Schedule 2 (terms of loans) to the Education (Student Loans) Regulations 1998(14), in paragraph 1, in sub-paragraph (e) of the definition of “disability related benefits” omit “limited capability for work or”.

Amendment to the State Pension Credit Regulations 2002

14. In Schedule 2 (housing costs) to the State Pension Credit Regulations 2002(15), in paragraph 1 (housing costs), in sub-paragraph (2)(a)(iii)(ff) for the words from “the calculation of which” to the end substitute “and has limited capability for work or limited capability for work and work-related activity as construed in accordance with regulations 39 and 40 of the Universal Credit Regulations 2013;”.

Amendment to the Employment and Support Allowance Regulations 2008

15. In Schedule 6 (housing costs) to the Employment and Support Allowance Regulations 2008(16), in paragraph 1 (housing costs), in sub-paragraph (3)(e) for the words from “the calculation of which” to the end substitute “and has limited capability for work or limited capability for work and work-related activity as construed in accordance with regulations 39 and 40 of the Universal Credit Regulations 2013;”.

Amendment to the Education (Student Support) (European University Institute) Regulations 2010

16. In regulation 27 (interpretation) of the Education (Student Support) (European University Institute) Regulations 2010(17), in paragraph (2)(h)(i) omit “limited capability for work or”.

Amendment to the Education (Student Support) Regulations 2011

17. In regulation 42 (interpretation) of the Education (Student Support) Regulations 2011(18), in paragraph (2)(i)(i) omit “limited capability for work or”.

(14) S.I. 1998/211, amended by S.I. 2013/630.

(15) S.I. 2002/1792, amended by S.I. 2013/630.

(16) S.I. 2008/794, amended by S.I. 2013/630.

(17) S.I. 2010/447, amended by S.I. 2013/630.

(18) S.I. 2011/1986; relevant amending instruments are S.I. 2009/2655, 2013/458, 2013/630 and 2016/544.