
STATUTORY INSTRUMENTS

2020 No. 409

SOCIAL SECURITY

The Social Security (Coronavirus) (Prisoners) Regulations 2020

<i>Made</i>	- - - -	<i>at 10.23 a.m. on 7th April 2020</i>
<i>Laid before Parliament</i>		<i>at 3.00 p.m. on 7th April 2020</i>
<i>Coming into force</i>	- -	<i>8th April 2020</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 123(1)(a) and (d), 124, 130, 135(1), 137(1) and (2)(h) and (l), 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992⁽¹⁾, sections 4(5) and (12), 6(4), 7(4), 35 and 36(2) and (4) of, and paragraph 12 of Schedule 1 to, the Jobseekers Act 1995⁽²⁾, sections 2(3), (4), (6) and (9), 3(8) and 17(1) and (2)(a) of the State Pension Credit Act 2002⁽³⁾, sections 4(2) and (3), 24(1) and 25(2), (3) and (5) of, and paragraph 6(8) of Schedule 1 to, the Welfare Reform Act 2007⁽⁴⁾ and sections 2(2), 6(1), 8(1), 40, 42(1) to (3) of, and paragraph 5(1) of Schedule 1 to, the Welfare Reform Act 2012⁽⁵⁾.

In accordance with section 173(1)(a) of the Social Security Administration Act 1992⁽⁶⁾, 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.

In accordance with section 176(2)(a) of the Social Security Administration Act 1992 it appears to the Secretary of State that by reason of the urgency of this matter it is inexpedient to consult with representative bodies.

Citation and commencement

1. These Regulations may be cited as the Social Security (Coronavirus) (Prisoners) Regulations 2020 and come into force on 8th April 2020.

(1) 1992 c.4. Section 137(1) is cited for the meaning of “prescribed”. Section 175 is applied to provisions of the State Pension Credit Act 2002 by section 19(1) of the Act.
(2) 1995 c.18. Section 6 is substituted by the Welfare Reform Act 2012 (c.5). Section 35 is cited for the meaning of “prescribed” and “regulations”.
(3) 2002 c.16. Section 17(1) is cited for the meaning of “prescribed” and “regulations”.
(4) 2007 c.5. Section 4 and paragraph 6(8) of Schedule 12 were repealed for certain purposes by the Welfare Reform Act 2012 (c.5). Section 24(1) is cited for the meaning of “prescribed” and “regulations”.
(5) 2012 c.5. Section 40 is cited for the meaning of “prescribed”.
(6) 1992 c.5.

Income Support, Jobseeker's Allowance, State Pension Credit, Employment and Support Allowance and Universal Credit – definition of prisoner

2.—(1) The Regulations in paragraph (2) are to be read as if the definition of “prisoner” did not include a person on temporary release in accordance with the provisions of the Prison Act 1952.

(2) The Regulations are—

- (a) the Income Support (General) Regulations 1987(7);
- (b) the Jobseeker's Allowance Regulations 1996(8);
- (c) the State Pension Credit Regulations 2002(9);
- (d) the Employment and Support Allowance Regulations 2008(10); and
- (e) the Universal Credit Regulations 2013(11).

Income Support, Jobseeker's Allowance, State Pension Credit and Employment and Support Allowance – persons treated as being or not being members of the same household

3.—(1) The following provisions are to be read as if the words “the Prison Act 1952 or” were omitted—

- (a) regulation 16(3)(b)(ii) of the Income Support (General) Regulations 1987(12);
- (b) regulation 5(1)(c)(iii) of the State Pension Credit Regulations 2002; and
- (c) regulation 156(4)(b)(ii) of the Employment and Support Allowance Regulations 2008.

(2) Regulation 78(3)(b)(ii) of the Jobseeker's Allowance Regulations 1996(13) is to be read as if the words “the provisions of the Prison Act 1952 or” were omitted.

Jobseeker's Allowance – availability for employment

4. Regulation 15(1)(b) of the Jobseeker's Allowance Regulations 1996 is to be read as if the words “the provisions of the Prison Act 1952 or” were omitted.

Housing Benefit – modification of the rule on whether a person is or is not to be treated as occupying a dwelling as their home

5. For the purposes of entitlement to housing benefit, the following provisions are to be read as if the words “the Prison Act 1952 or” were omitted—

- (a) regulation 7(14) of the Housing Benefit Regulations 2006(14); and
- (b) regulation 7(14) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(15).

Expiry

6.—(1) The Secretary of State must keep the operation of these Regulations under review.

(2) These Regulations cease to have effect at the end of the period of eight months beginning on 13th March 2020.

(7) [S.I. 1987/1967](#). See regulation 21. Relevant amending instruments are [S.I. 1995/516](#), [1998/563](#) and [2005/2078](#).

(8) [S.I. 1996/207](#). See regulation 85. Relevant amending instruments are [S.I. 1996/1517](#), [1998/563](#), [2005/2078](#) and [2006/1402](#).

(9) [S.I. 2002/1792](#). See regulation 1. Relevant amending instruments are [S.I. 2005/2078](#) and [2018/676](#).

(10) [S.I. 2008/794](#). See regulation 69. There are no relevant amending instruments.

(11) [S.I. 2013/376](#). See regulation 2. There are no relevant amending instruments.

(12) Regulation 16(3)(b)(ii) was substituted by [S.I. 1996/1944](#).

(13) Regulation 78(3)(b)(ii) was substituted by [S.I. 1996/1517](#).

(14) [S.I. 2006/213](#). There are no relevant amending instruments.

(15) [S.I. 2006/214](#). There are no relevant amending instruments.

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

At 10.23 a.m. on 7th April 2020

Will Quince
Minister for Welfare Delivery
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for individuals on temporary release from prison due to the outbreak of COVID-19 in Great Britain to access means tested benefits during the period of that release.

Regulation 2 requires the definition of prisoner in various means tested benefits to be read so that individuals temporarily released from a prison in England and Wales are no longer included within that definition. This means those individuals will be entitled to make a claim, or their presence in a household claiming means tested benefits will be taken into account in calculating entitlement.

Regulation 3 enables a person temporarily released from a prison in England and Wales to be included as a member of a claimant's household in a number of means tested benefits.

Regulation 4 enables a person temporarily released from a prison in England and Wales to be treated as available for employment in a claim for jobseeker's allowance.

Regulation 5 provides entitlement to housing benefit for individuals temporarily released from a prison in England and Wales.

Under regulation 6 the Secretary of State must keep the operation of the Regulations under review. Regulations 2 to 5 expire on the same day as the Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020 ([S.I. 2020/289](#)) and the Social Security (Coronavirus) (Further Measures) Regulations 2020 ([S.I. 2020/371](#)).

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.