
STATUTORY INSTRUMENTS

2013 No. 1508

**The Social Security (Miscellaneous
Amendments) (No. 2) Regulations 2013**

Amendment of the Universal Credit Regulations 2013

- 3.**—(1) The Universal Credit Regulations 2013⁽¹⁾ are amended as follows.
- (2) In regulation 2 (interpretation) in the definition of “attendance allowance”, omit paragraph (c).
- (3) In regulation 4(6) (when a person is responsible for a child or qualifying young person)—
- (a) at the beginning, insert “Subject to regulation 4A,”; and
- (b) omit the words after sub-paragraph (b) (the full-out words).
- (4) After regulation 4, insert—

“Responsibility for children looked after by a local authority

- 4A.**—(1) There is excluded from regulation 4(6)(a)—
- (a) any period which is in the nature of a planned short term break, or is one of a series of such breaks, for the purpose of providing respite for the person who normally cares for the child or qualifying young person;
- (b) any period during which the child or qualifying young person is placed with, or continues to live with, their parent or a person who has parental responsibility for them.
- (2) For the purposes of this regulation, a person has parental responsibility if they are not a foster parent and—
- (a) in England and Wales, they have parental responsibility within the meaning of section 3 of the Children Act 1989⁽²⁾; or
- (b) in Scotland, they have any or all of the legal responsibilities or rights described in sections 1 or 2 of the Children (Scotland) Act 1995⁽³⁾.”
- (5) In regulation 9(4) (persons treated as not being in Great Britain), for sub-paragraph (e) substitute—
- “(e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971⁽⁴⁾ where that leave is—
- (i) discretionary leave to enter or remain in the United Kingdom,
- (ii) leave to remain under the Destitution Domestic Violence concession⁽⁵⁾, or

(1) S.I. 2013/376.

(2) 1989 c.41.

(3) 1995 c.36.

(4) 1971 c.77.

(5) The Destitution Domestic Violence concession is published by the Home Office at: <http://www.ukba.homeoffice.gov.uk/>.

- (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005(6);”.
- (6) In regulation 35 (meaning of “relevant childcare”)—
- (a) for paragraph (2)(b), substitute—
- “(b) by or under the direction of the proprietor of a school as part of the school’s activities—
- (i) out of school hours, where a child has reached compulsory school age, or
- (ii) at any time, where a child has not yet reached compulsory school age; or”;
- (b) after paragraph (2)(b), insert—
- “(c) by a domiciliary care provider registered with the Care Quality Commission in accordance with the requirements of the Health and Social Care Act 2008(7).”;
- (c) in paragraph (3)(a) for the words from “section 2” to the end, substitute “schedule 12 to the Public Services Reform (Scotland) Act 2010(8) and is registered under Part 5 of that Act; or”;
- (d) in paragraph (3)(b) for the words from “section 2(7) and (8)” to the end, substitute “paragraph 5 of schedule 12 to the Public Services Reform (Scotland) Act 2010; or”;
- (e) in paragraph (3)(c) for the words from “section 2 of the Regulation” to the end, substitute “schedule 12 to the Public Services Reform (Scotland) Act 2010 and is registered under Part 5 of that Act”;
- (f) for paragraph (4)(d) substitute—
- “(d) out of school hours, by a school on school premises or by a local authority;”;
- and
- (g) after paragraph (5), insert—
- “(5A) In paragraph (2)(b), “school” means a school that Her Majesty’s Chief Inspector of Education, Children’s Services and Skills is, or may be, required to inspect.”.
- (7) In regulation 58 (permitted expenses)—
- (a) in paragraph (3)(c), omit “or payment of interest”; and
- (b) after paragraph (3), insert—
- “(3A) A deduction for a payment of interest in relation to a loan taken out for the purposes of the trade, profession or vocation may not exceed £41.”.
- (8) In regulation 59(2) (flat rate deductions for mileage and use of home and adjustment for personal use of business premises), in the full-out words after sub-paragraph (b) omit “or motorcycle”.
- (9) In regulation 98(4) (victims of domestic violence), for the definition of “domestic violence” substitute—
- ““coercive behaviour” means an act of assault, humiliation or intimidation or other abuse that is used to harm, punish or frighten the victim;
- “controlling behaviour” means an act designed to make a person subordinate or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance or escape or regulating their everyday behaviour;

(6) [S.I. 2005/1379](#) as amended by [S.I. 2013/630](#) and other amending instruments which are not relevant for this amendment.

(7) [2008 c.14](#).

(8) [2010 asp.8](#).

“domestic violence” means any incident, or pattern of incidents, of controlling behaviour, coercive behaviour, violence or abuse, including but not limited to—

- (a) psychological abuse;
- (b) physical abuse;
- (c) sexual abuse;
- (d) emotional abuse;
- (e) financial abuse,

regardless of the gender or sexuality of the victim;”.

(10) In Schedule 4 in paragraph 24(4) (core rent for joint tenants) and paragraph 35(4) (determining the amount from which HCC deductions are to be made: joint tenants), after ““C” is the number of listed persons” insert “liable to make relevant payments”.

(11) In paragraph 2(3) of Schedule 8 (circumstances in which a claimant is to be treated as having limited capability for work – in hospital), for “overnight or for a longer period” substitute “for a period of 24 hours or longer”.