

STATUTORY INSTRUMENTS

2013 No. 376

The Universal Credit Regulations 2013

PART 4

ELEMENTS OF AN AWARD

Responsibility for children or young persons

The child element

24.—(1) The amount to be included in an award of universal credit for each child or qualifying young person for whom a claimant is responsible [^{F1}and in respect of whom an amount may be included under section 10] (“the child element”) is given in the table in regulation 36.

(2) An additional amount as shown in that table is to be included in respect of each child or qualifying young person who is disabled and that amount is—

- (a) the lower rate, where the child or qualifying young person is entitled to disability living allowance^[F2], child disability payment^[F3], adult disability payment] or personal independence payment (unless sub-paragraph (b) applies); or
- (b) the higher rate where the child or qualifying young person is—
 - (i) entitled to the care component of disability living allowance at the highest rate^[F4], the care component of child disability payment at the highest rate in accordance with regulation 11(5) of the DACYP Regulations^[F5], the daily living component of adult disability payment at the enhanced rate in accordance with regulation 5(3) of the Disability Assistance for Working Age People (Scotland) Regulations 2022] or the daily living component of personal independence payment at the enhanced rate, or
 - (ii) ^{F6}... blind.

Textual Amendments

- F1** Words in reg. 24(1) inserted (6.4.2017) by [Welfare Reform and Work Act 2016 \(c. 7\), ss. 14\(5\)\(a\), 36\(6\)](#); S.I. 2017/111, reg. 4
- F2** Words in reg. 24(2)(a) inserted (26.7.2021) by [The Social Security \(Scotland\) Act 2018 \(Disability Assistance for Children and Young People\) \(Consequential Modifications\) Order 2021 \(S.I. 2021/786\), art. 1\(2\), Sch. 11 para. 4\(a\)](#)
- F3** Words in reg. 24(2)(a) inserted (21.3.2022) by [The Social Security \(Disability Assistance for Working Age People\) \(Consequential Amendments\) Order 2022 \(S.I. 2022/177\), arts. 1\(2\), 13\(4\)\(a\)](#)
- F4** Words in reg. 24(2)(b)(i) inserted (26.7.2021) by [The Social Security \(Scotland\) Act 2018 \(Disability Assistance for Children and Young People\) \(Consequential Modifications\) Order 2021 \(S.I. 2021/786\), art. 1\(2\), Sch. 11 para. 4\(b\)](#)
- F5** Words in reg. 24(2)(b)(i) inserted (21.3.2022) by [The Social Security \(Disability Assistance for Working Age People\) \(Consequential Amendments\) Order 2022 \(S.I. 2022/177\), arts. 1\(2\), 13\(4\)\(b\)](#)

F6 Words in reg. 24(2)(b)(ii) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014 \(S.I. 2014/2888\)](#), regs. 1(1), **3(1)(b)**

[^{F7} Availability of the child element where maximum exceeded

24A.—(1) Where a claimant is responsible for more than two children or qualifying young persons, the amount mentioned in section 10(1) of the Act is to be available in respect of—

[any child or qualifying young person in relation to whom an exception applies in the ^{F8}(za) circumstances set out in—

(i) paragraph 3 (adoptions) or paragraph 4 (non-parental caring arrangements) of Schedule 12; or

(ii) paragraph 6 of Schedule 12 by virtue of an exception under paragraph 3 of that Schedule having applied in relation to a previous award;]

(a) the first and second children or qualifying young persons in the claimant’s household; and

(b) the third and any subsequent child or qualifying young person in the claimant’s household if—

(i) the child or qualifying young person is transitionally protected; or

(ii) an exception applies in relation to that child or qualifying young person [^{F9}in the circumstances set out in paragraph 2 (multiple births), paragraph 5 (non-consensual conception) or, except where sub-paragraph (za)(ii) applies, paragraph 6 (continuation of existing exception in a subsequent award) of Schedule 12].

(2) A reference in paragraph (1) to a child or qualifying young person being the first, second, third or subsequent child or qualifying young person in the claimant’s household is a reference to the position of that child or qualifying young person in the order determined in accordance with regulation 24B.

(3) A child or qualifying young person is transitionally protected [^{F10}if the child or qualifying young person was born before 6th April 2017.]

^{F11}(4)]

Textual Amendments

F7 Regs. 24A-24B inserted (6.4.2017) by [The Social Security \(Restrictions on Amounts for Children and Qualifying Young Persons\) Amendment Regulations 2017 \(S.I. 2017/376\)](#), regs. 1, **2(3)**

F8 Reg. 24A(1)(za) inserted (28.11.2018) by [The Universal Credit and Jobseeker's Allowance \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1129\)](#), regs. 1(2), **3(3)(a)(i)**

F9 Words in reg. 24A(1)(b)(ii) inserted (28.11.2018) by [The Universal Credit and Jobseeker's Allowance \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1129\)](#), regs. 1(2), **3(3)(a)(ii)**

F10 Words in reg. 24A(3) substituted (1.2.2019) by [The Universal Credit \(Restriction on Amounts for Children and Qualifying Young Persons\) \(Transitional Provisions\) Amendment Regulations 2019 \(S.I. 2019/27\)](#), regs. 1(2), **3**

F11 Reg. 24A(4) omitted (28.11.2018) by virtue of [The Universal Credit and Jobseeker's Allowance \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1129\)](#), regs. 1(2), **3(3)(b)**

[^{F7} Order of children and qualifying young persons

24B.—(1) Subject to [^{F12}paragraphs (2) and (2A)], the order of children or qualifying young persons in a claimant’s household is to be determined by reference to [^{F13}the date of birth of each child or qualifying young person for whom the claimant is responsible, taking the earliest date first.]

(2) In a case where—

(a) the date in relation to two or more children or qualifying young persons for whom the claimant is responsible (as determined under paragraph (1)) is the same date,^{F14} ...

(b)^{F14}

the order of those children or qualifying young persons (as between themselves only) in the claimant’s household is the order determined by the Secretary of State that ensures that the amount mentioned in section 10(1) of the Act is available in respect of the greatest number of children or qualifying young persons.

[^{F15}(2A) Any child or qualifying young person to whom regulation 24A(1)(za) applies is to be disregarded when determining the order of children and qualifying young persons under this regulation.]

(3) In this regulation and Schedule 12, “claimant” means a single claimant or either of joint claimants.]

Textual Amendments	
F7	Regs. 24A-24B inserted (6.4.2017) by The Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) Amendment Regulations 2017 (S.I. 2017/376), regs. 1, 2(3)
F12	Words in reg. 24B(1) substituted (28.11.2018) by The Universal Credit and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 2018 (S.I. 2018/1129), regs. 1(2), 3(4)(a)(i)
F13	Words in reg. 24B(1) substituted (28.11.2018) by The Universal Credit and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 2018 (S.I. 2018/1129), regs. 1(2), 3(4)(a)(ii)
F14	Reg. 24B(2)(b) and word omitted (28.11.2018) by virtue of The Universal Credit and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 2018 (S.I. 2018/1129), regs. 1(2), 3(4)(b)
F15	Reg. 24B(2A) inserted (28.11.2018) by The Universal Credit and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 2018 (S.I. 2018/1129), regs. 1(2), 3(4)(c)

Changes to legislation:

There are currently no known outstanding effects for the The Universal Credit Regulations 2013,
Cross Heading: Responsibility for children or young persons.