
STATUTORY INSTRUMENTS

2013 No. 376

The Universal Credit Regulations 2013

PART 4

ELEMENTS OF AN AWARD

Particular needs or circumstances - childcare costs

Meaning of “relevant childcare”

35.—(1) “Relevant childcare” means any of the care described in paragraphs (2) to (5) other than care excluded by paragraph (7) or (8).

(2) Care provided in England for a child—

(a) by a person registered under Part 3 of the Childcare Act 2006 ^{M1}; or

[^{F1}(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]

[^{F2}(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 ^{M2}.]

(3) Care provided in Scotland for a child—

(a) by a person in circumstances in which the care service provided by the person consists of child minding or of day care of children within the meaning of [^{F3} schedule 12 to the Public Services Reform (Scotland) Act 2010 ^{M3} and is registered under Part 5 of that Act; or]

(b) by a childcare agency where the care service consists of or includes supplying, or introducing to persons who use the service, childcarers within the meaning of [^{F4} paragraph 5 of schedule 12 to the Public Services Reform (Scotland) Act 2010; or]

(c) by a local authority in circumstances in which the care service provided by the local authority consists of child minding or of day care of children within the meaning of [^{F5} schedule 12 to the Public Services Reform (Scotland) Act 2010 and is registered under Part 5 of that Act]

(4) Care provided in Wales for a child—

(a) by a person registered under Part 2 of the Children and Families (Wales) Measure 2010 ^{M4};

(b) in circumstances in which, but for article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010 ^{M5}, the care would be day care for the purposes of Part 2 of the Children and Families (Wales) Measure 2010;

(c) by a childcare provider approved in accordance with a scheme made by the National Assembly for Wales under section 12(5) of the Tax Credits Act 2002 ^{M6}[^{F6} or made by the

Welsh Ministers under section 60 (promotion etc. of well-being) of the Government of Wales Act 2006];

[^{F7}(d) out of school hours, by a school on school premises or by a local authority;]

[^{F8}(e) by a person who is employed, or engaged under a contract for services, to provide care and support by the provider of a domiciliary support service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016; or]

(f) by a foster parent in relation to the child (other than one whom the foster parent is fostering) in circumstances in which the care would be child minding or day care for the purposes of Part 2 of the Children and Families (Wales) Measure 2010 but for the fact that the child is over the age of the children to whom that Measure applies.

(5) Care provided anywhere outside Great Britain by a childcare provider approved by an organisation accredited by the Secretary of State.

[^{F9}(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.]

(6) In paragraphs (2)(b) and (4)(d)—

(a) “proprietor”, in relation to a school, means—

- (i) the governing body incorporated under section 19 of the Education Act 2002 ^{M7}, or
- (ii) if there is no such governing body, the person or body of persons responsible for the management of the school; and

(b) “school premises” means premises that may be inspected as part of an inspection of the school.

(7) The following are not relevant childcare—

- (a) care provided for a child by a close relative of the child, wholly or mainly in the child’s home; and
- (b) care provided by a person who is a foster parent of the child.

(8) Care is not within paragraph (2)(a) if it is provided in breach of a requirement to register under Part 3 of the Childcare Act 2006.

(9) In this regulation “child” includes a qualifying young person mentioned in regulation 33(1)(a)(ii).

Textual Amendments

- F1** Reg. 35(2)(b) substituted (29.7.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(a), **3(6)(a)**
- F2** Reg. 35(2)(c) inserted (29.7.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(a), **3(6)(b)**
- F3** Words in reg. 35(3)(a) substituted (29.7.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(a), **3(6)(c)**
- F4** Words in reg. 35(3)(b) substituted (29.7.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(a), **3(6)(d)**
- F5** Words in reg. 35(3)(c) substituted (29.7.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(a), **3(6)(e)**
- F6** Words in reg. 35(4)(c) inserted (25.3.2021) by [The Universal Credit \(Childcare in Wales\) \(Amendment\) Regulations 2021 \(S.I. 2021/228\)](#), regs. 1, **2**
- F7** Reg. 35(4)(d) substituted (29.7.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(a), **3(6)(f)**

- F8** Reg. 35(4)(e) substituted (2.4.2018) by The Social Security and Child Support (Regulation and Inspection of Social Care (Wales) Act 2016) (Consequential Provision) Regulations 2018 (S.I. 2018/228), regs. 1, **14(2)**
- F9** Reg. 35(5A) inserted (29.7.2013) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2013 (S.I. 2013/1508, regs. 1(2)(a), **3(6)(g)**)

Marginal Citations

- M1** 2006 c.21.
- M2** 2008 c.14.
- M3** 2010 asp.8.
- M4** 2010 nawm. 1.
- M5** S.I. 2010/2839 (W 233).
- M6** 2002 c.21.
- M7** 2002 c. 32. Section 19 has been amended by S.I. 2010/1158.

Changes to legislation:

There are currently no known outstanding effects for the The Universal Credit Regulations 2013, Section 35.