
STATUTORY INSTRUMENTS

2013 No. 630

**The Universal Credit (Consequential, Supplementary,
Incidental and Miscellaneous Provisions) Regulations 2013**

PART 3

AMENDMENTS OF SECONDARY LEGISLATION

CHAPTER 1

SOCIAL SECURITY BENEFITS

Amendment of the Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations 1974

20.—(1) The Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations 1974(1) are amended as follows.

(2) In regulation 1(2) (interpretation)(2)—

- (a) omit the definition of “contributory employment and support allowance”; and
- (b) after the definition of “the determining authority”, insert—

““employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;”.

(3) In the title of regulation 3 (modifications in relation to widows, of provisions with respect to unemployment and short-term incapacity benefit, contributory employment and support allowance, maternity allowance and Category A retirement pension) and in paragraphs (1)(a) and (b) and (5)(a) and (b) of that regulation, omit “contributory” in all places where it occurs.

Amendment of the Social Security (Benefit) (Members of the Forces) Regulations 1975

21.—(1) The Social Security (Benefit) (Members of the Forces) Regulations 1975(3) are amended as follows.

(2) In regulation 3 (unemployment benefit)(4) —

- (a) in paragraph (1)—
 - (i) after “for the purposes of” insert “section 6J,”; and
 - (ii) after “(circumstances in which a jobseeker’s allowance is not payable)” insert “or section 26 of the Welfare Reform Act 2012 (higher-level sanctions)”;

(1) [S.I. 1974/2010](#).

(2) Regulation 1(2) was amended by [S.I. 1984/458](#) and [2008/1544](#).

(3) [S.I. 1975/493](#). Regulation 3 was amended by [S.I. 1996/207](#), [2000/1982](#) and [2009/2054](#).

(4) Regulation 3 was amended by [S.I. 1996/207](#), [2000/1982](#) and [2009/2054](#).

(b) in paragraph (3), after “a jobseeker’s allowance” insert “or universal credit under Part 1 of the Welfare Reform Act 2012”.

(3) In regulation 5 (application of the Act, the Northern Ireland Act and regulations)(**5**), after “or of the Jobseekers Act 1995 and regulations made under it,” insert “or Part 1 of the Welfare Reform Act 2012 and regulations made under it,”.

Amendment of the Social Security (Mariners’ Benefits) Regulations 1975

22.—(1) The Social Security (Mariners’ Benefits) Regulations 1975(**6**) are amended as follows.

(2) In regulation 1(2) (interpretation)(**7**)—

(a) after the definition of “British ship” insert—

““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers Act 1995 as amended by the provisions of Part 1 of Schedule 14 to the Welfare Reform Act 2012 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Act 1995 as that Act has effect apart from those provisions;”;

(b) for the definition of “contributory employment and support allowance” substitute—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”;

(c) after the definition of “mariner”, insert—

““new style JSA” means a jobseeker’s allowance under the Jobseekers Act 1995 as amended by the provisions of Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based allowance;”.

(3) In regulation 2 (days in periods of paid leave not to be treated as days of unemployment)(**8**), after “that period of leave” insert “and, in relation to new style JSA, shall not be regarded as entitled to a jobseeker’s allowance for any day in that period”.

(4) In regulation 6 (special provisions relating to days of unemployment etc.)(**9**), after paragraph (1), insert—

“(1A) In relation to new style JSA, a mariner or share fisherman employed as such on board any ship or vessel shall be treated as complying with the work-related requirements referred to in section 6(2) of the Jobseekers Act 1995 during any period when he is absent from Great Britain if he would comply with those requirements but for the fact that he is absent from Great Britain.”.

Amendment of the Social Security Benefit (Persons Abroad) Regulations 1975

23.—(1) The Social Security Benefit (Persons Abroad) Regulations 1975(**10**) are amended as follows.

(2) In regulation 1(2) (interpretation), after the definition of “the Industrial Injuries Employment Regulations” insert—

(5) Regulation 5 was amended by [S.I. 1996/1345](#).

(6) [S.I. 1975/529](#).

(7) Regulation 1(2) was amended by [S.I. 2008/1554](#).

(8) Regulation 2 was amended by [S.I. 1996/207](#) and [1996/1516](#).

(9) Regulation 6 was amended by [S.I. 1984/1303](#), [1995/829](#), [1996/207](#), [1997/563](#) and [2008/1554](#).

(10) [S.I. 1975/563](#); regulation 1(2) has been amended in ways not relevant to these Regulations.

““jobseeker’s allowance” means an allowance under the Jobseekers Act 1995 as amended by the provisions of Part 1 of Schedule 14 to the Welfare Reform Act 2012 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Act 1995 as that Act has effect apart from those provisions;”.

(3) In regulation 11(1A) (Modification of the Act in relation to employment on the Continental Shelf)(11) omit “contribution-based” in both places where it occurs.

Amendment of the Social Security (Medical Evidence) Regulations 1976

24. In regulation 1 of the Social Security (Medical Evidence) Regulations 1976 (interpretation)(12)—

(a) in paragraph (2)—

(i) for the definition of “limited capability for work” substitute—

““limited capability for work” has the meaning—

(a) for the purposes of employment and support allowance, given in section 1(4) of the Welfare Reform Act 2007; and

(b) for the purposes of universal credit, given in section 37 of the Welfare Reform Act 2012;”;

(ii) for the definition of “limited capability for work assessment” substitute—

““limited capability for work assessment” means the assessment of whether a person has limited capability for work—

(a) for the purposes of old style ESA, under Part 5 of the Employment and Support Allowance Regulations;

(b) for the purposes of new style ESA, under Part 4 of the Employment and Support Allowance Regulations 2013;

(c) for the purposes of universal credit, under Part 5 of the Universal Credit Regulations 2013;”;

(b) after paragraph (4), insert—

“(5) For the purposes of the definition of “limited capability for work assessment” in paragraph (2)—

(a) “old style ESA” means an allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from the amendments made by Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance; and

(b) “new style ESA” means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance.”.

Amendment of the Social Security (Overlapping Benefits) Regulations 1979

25. In regulation 2(1) of the Social Security (Overlapping Benefits) Regulations 1979 (interpretation)(13)—

(a) after the definition of “child benefit” insert—

(11) Regulation 11(1A) was inserted by [S.I.1996/207](#).

(12) [S.I. 1976/615](#); regulation 1(2) has been amended in ways that are not relevant to these Regulations.

(13) [S.I. 1979/597](#). Regulation 2(1) has been amended by [S.I 2013/388](#); there are other amendments that are not relevant to these Regulations.

““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers Act as amended by the provisions of Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Act as that Act has effect apart from those provisions;”;

(b) after the definition of “contributory benefit” insert—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”;

(c) after the definition of “disablement pension” insert—

““income-based jobseeker’s allowance” means an income-based allowance under the Jobseekers Act;

““income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act;”;

(d) in the definition of “personal benefit”, after the words “dependency benefit” insert “ or universal credit under Part 1 of the 2012 Act”.

Amendment of the Social Security (Widow’s Benefit and Retirement Pensions) Regulations 1979

26. Regulation 4 of the Social Security (Widow’s Benefit and Retirement Pensions) Regulations 1979 (days to be treated as days of increment)(**14**)—

(a) in paragraph (1)(e), omit “or” after paragraph (iii) and after paragraph (iv) insert—

“or

(v) universal credit under Part 1 of the Welfare Reform Act 2012;”;

(b) in paragraph (2)(b)(ii), omit “contribution-based”; and

(c) for paragraph (5), substitute—

“(5) In this regulation—

(a) in paragraph (1), “couple” has the meaning—

(i) apart from in relation to universal credit, given by section 137(1) of the Social Security Contributions and Benefits Act 1992 (interpretation of Part VII and supplementary provisions);

(ii) in relation to universal credit, given by section 39 of the Welfare Reform Act 2012 (couples);

(b) in paragraph (2), “jobseeker’s allowance” means an allowance under the Jobseekers Act 1995 as amended by the provisions of Part 1 of Schedule 14 to the Welfare Reform Act 2012 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Act 1995 as that Act has effect apart from those provisions; and

(c) “universal credit” means universal credit under Part 1 of the Welfare Reform Act 2012.”.

(14) S.I. 1979/642. Regulation 4(1)(e) was inserted by S.I. 2011/634, regulation 4(2)(b) was amended by S.I. 1996/1345 and regulation 4(5) was inserted by S.I. 1996/1345.

Amendment of the Social Security (General Benefit) Regulations 1982

27. In regulation 9 of the Social Security (General Benefit) Regulations 1982 (payments of benefit and suspension of payments pending a decision on appeals or references, arrears and repayments)(**15**)—

- (a) in paragraph (5A), in sub-paragraphs (a), (b) and (c), omit “contribution-based” in each place where it occurs;
- (b) in paragraph (5B), in sub-paragraphs (a) and (c), omit “contribution-based” in each place where it occurs;
- (c) in paragraphs (5C) and (5D), omit “contribution-based” in each place where it occurs; and
- (d) after paragraph (5D), insert—

“(5E) In this regulation, “jobseeker’s allowance” means an allowance under the Jobseekers Act 1995 as amended by the provisions of Part 1 of Schedule 14 to the Welfare Reform Act 2012 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Act 1995 as that Act has effect apart from those provisions.”.

Amendment of the Income Support (General) Regulations 1987

28.—(1) The Income Support (General) Regulations 1987(**16**) are amended as follows.

(2) In regulation 2(1) (interpretation)(**17**)—

- (a) after the definition of “the Contributions and Benefits Act” insert—

““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers Act 1995 as amended by the provisions of Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Act 1995 as that Act has effect apart from those provisions;”;

- (b) for the definition of “contributory employment and support allowance” substitute—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”;

- (c) after the definition of “training allowance”, insert—

““universal credit” means universal credit under Part 1 of the 2012 Act;”.

(3) In regulation 14(2) (persons of a prescribed description)(**18**)—

- (a) after sub-paragraph (c), omit “or”; and
- (b) after sub-paragraph (d), insert—

“; or

(e) entitled to universal credit”.

(4) In regulation 31(2) (date on which income is treated as paid)—

(15) [S.I. 1982/1408](#). Paragraphs (5A) to (5D) of regulation 9 were inserted by [S.I. 1996/2538](#).

(16) [S.I. 1987/1967](#).

(17) Regulation 2(1) was amended by [S.I. 2008/1554](#) and [S.I. 2013/388](#); there are other amendments that are not relevant to these Regulations.

(18) Regulation 14 was amended by [S.I. 2001/3070](#), [2006/718](#) and [2008/1554](#).

- (a) for “or employment and support allowance” substitute “, employment and support allowance or universal credit”; and
- (b) for “on the day of the benefit week” substitute “on any day”.
- (5) In regulation 40(6)(c) (calculation of income other than earnings)(**19**), after “Employment and Support Allowance Regulations” insert “or section 11J of the Welfare Reform Act(**20**) as the case may be”.
- (6) In regulation 75 (modifications in the calculation of income)(**21**), in paragraph (b), for “or employment and support allowance” substitute “, employment and support allowance or universal credit”.
- (7) In Schedule 3 (housing costs)(**22**)—
- (a) in paragraph 1, after sub-paragraph (3)(d) insert—
- “; or
- (e) who is entitled to an award of universal credit the calculation of which includes an amount under regulation 27(1) of the Universal Credit Regulations 2013 in respect of the fact that he has limited capability for work or limited capability for work and work-related activity, or would include such an amount but for regulation 27(4) or 29(4) of those Regulations”; and
- (b) in paragraph 18—
- (i) after sub-paragraph (7)(i) insert—
- “(j) if he is aged less than 25 and is entitled to an award of universal credit where the award is calculated on the basis that he does not have any earned income”; and
- (ii) after sub-paragraph (8) insert—
- “(9) For the purposes of sub-paragraph (7)(j), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013(**23**).”.
- (8) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings), paragraph 7(**24**)—
- (a) omit “or” after sub-paragraph (c); and
- (b) after sub-paragraph (d), insert—
- “; or
- (e) universal credit”.
- (9) In Schedule 10 (capital to be disregarded)(**25**), in paragraph 7—
- (a) in sub-paragraph (1), after paragraph (d), insert—
- “;
- (e) universal credit”;
- (b) in sub-paragraph (3)—

(19) Section 40(6) was inserted by [S.I. 2008/1554](#).

(20) Section 11J was inserted by section 57 of the Welfare Reform Act 2012 (c.5).

(21) Regulation 75(b) was amended by [S.I. 1988/1445](#), [1995/482](#), [1996/206](#) and [2008/1554](#).

(22) In Schedule 3, paragraph 1(3) was amended by [S.I. 1995/2927](#), [2006/2378](#), [2008/1554](#) and [2012/913](#); paragraph 18(7) was amended by [S.I. 2004/2327](#) and [2008/1554](#). There are other amendments to paragraph 18(7) that are not relevant to these Regulations.

(23) [SI 2013/376](#).

(24) Schedule 9 paragraph 7 was amended by [S.I.2008/3157](#); there are other amendments not relevant to these Regulations.

(25) Paragraph 7(1) of Schedule 10 was amended by [S.I.1991/2742](#), [2002/2380](#), [2008/698](#) and [2008/1554](#); paragraph 7(3) was amended by [S.I. 2008/1554](#). There are other amendments that are not relevant to these Regulations.

- (i) for “or of an income-based jobseeker’s allowance”, in both places where it occurs, substitute “, an income-based jobseeker’s allowance or universal credit”;
- (ii) in paragraph (a), for “either of” substitute “of any of”;
- (iii) in paragraph (b), for “either” substitute “any”; and
- (iv) after paragraph (b)(iii), insert—
 - “, or
 - (iv) in a case where universal credit is awarded to the claimant and another person as joint claimants, either the claimant or the other person, or both of them, received the relevant sum”.

Amendment of the Social Security (Claims and Payments) Regulations 1987

29.—(1) The Social Security (Claims and Payments) Regulations 1987(26) are amended as follows.

(2) In regulation 2(1) (interpretation)(27), after the definition of “State Pension Credit Regulations” insert—

““universal credit” means universal credit under Part 1 of the Welfare Reform Act 2012;”.

(3) In regulation 16A(2) (date of entitlement under an award of state pension credit for the purpose of payability and effective date of change of rate)(28)—

- (a) in sub-paragraph (a), after “income support,” insert “universal credit;” and
- (b) in sub-paragraph (b), after “income-based jobseeker’s allowance” insert “or universal credit”.

Amendment of the Jobseeker’s Allowance Regulations 1996

30.—(1) The Jobseeker’s Allowance Regulations 1996(29) are amended as follows.

(2) In regulation 1(citation, commencement and interpretation)(30)—

- (a) for the heading substitute “Citation, commencement, interpretation and application”;
- (b) after paragraph (2) insert—

“(2A) These Regulations do not apply to a particular case on any day on which section 33(1)(a) of the 2012 Act (abolition of income-based jobseeker’s allowance) is in force and applies in relation to that case.”; and

(c) in paragraph (3)—

- (i) after the definition of “the Contributions Regulations” insert—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;” and

- (ii) after the definition of “training allowance” insert—

““universal credit” means universal credit under Part 1 of the 2012 Act;”.

(26) [S.I. 1987/1968](#).

(27) Regulation 2(1) has been amended in ways not relevant to these Regulations.

(28) Regulation 16A was inserted by [S.I. 2002/3019](#) and paragraph (2) of that regulation was amended by [S.I. 2008/1554](#).

(29) [S.I. 1996/207](#); regulation 1(3) was amended by [S.I. 2013/388](#).

(30) Regulation 1(3) was amended by [S.I. 2013/388](#); there are other amendments that are not relevant to these Regulations.

- (3) In regulation 76(2) (persons of a prescribed description)(**31**), after sub-paragraph (e) insert—
“; or
(f) entitled to universal credit”.
- (4) In regulation 96(2) (date on which income is treated as paid)(**32**)—
(a) for “or employment and support allowance” substitute “, employment and support allowance or universal credit”; and
(b) for “on the day of the benefit week” substitute “on any day”.
- (5) In regulation 103(5B) (calculation of income other than earnings)(**33**), after “Employment and Support Allowance Regulations” insert “or section 11J of the Welfare Reform Act as the case may be”.
- (6) In regulation 153(b) (modification in the calculation of income)(**34**), after “the Benefits Act” insert “, universal credit”.
- (7) In Schedule 2 (housing costs)(**35**)—
(a) in paragraph 1(3), after paragraph (e) insert—
“; or
(f) who is entitled to an award of universal credit the calculation of which includes an amount under regulation 27(1) of the Universal Credit Regulations 2013 in respect of the fact that he has limited capability for work or limited capability for work and work-related activity, or would include such an amount but for regulation 27(4) or 29(4) of those Regulations”; and
(b) in paragraph 17—
(i) after sub-paragraph (7)(i) insert—
“; or
(j) if he is aged less than 25 and is entitled to an award of universal credit which is calculated on the basis that he does not have any earned income”; and
(ii) after sub-paragraph (8) insert—
“(9) For the purposes of sub-paragraph (7)(j), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.”.
- (8) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings)(**36**), omit “or” after paragraph 8(c) and after paragraph 8(d) insert—
“; or
(e) universal credit”.
- (9) In Schedule 8, in paragraph 12(1)(b)(capital to be disregarded)(**37**), after “working tax credit” insert “, universal credit”.

(31) Regulation 76(2) was amended by S.I. 2001/3070, 2006/718 and 2008/1554.

(32) Regulation 96(2) was amended by S.I. 2008/1554.

(33) Paragraph (5B) was inserted by S.I. 2008/1554.

(34) Paragraph 153(b) was amended by S.I. 2008/1554.

(35) Paragraph 1(3) was substituted by S.I. 2012/913. Paragraph 17(7) was amended by S.I. 1997/827 and 2008/1554; there are other amendments that are not relevant to these Regulations.

(36) Paragraph 8 was amended by S.I. 2008/3157.

(37) Paragraph 12(1)(b) was amended by S.I. 2003/455, 2005/574, 2008/698, 2008/1554 and 2008/3157.

Amendment of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000

31.—(1) The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000(**38**) are amended as follows.

(2) In regulation 1(3) (interpretation)(**39**), after the definition of “income-related employment and support allowance” insert—

“; “universal credit” means universal credit under Part 1 of the Welfare Reform Act 2012”.

(3) In regulation 2 (persons not excluded from specified benefits under section 115 of the Immigration and Asylum Act 1999)(**40**)—

(a) after paragraph (1) insert—

“(1A) For the purposes of entitlement to universal credit, a person falling within a category or description of persons specified in paragraphs 2, 3 and 4 of Part I of the Schedule is a person to whom section 115 of the Act does not apply.”; and

(b) in paragraph (5)—

(i) after “entitlement to” insert “universal credit.”; and

(ii) for “a jobseeker’s allowance” substitute “an income-based jobseeker’s allowance under the Jobseekers Act 1995”; and

(iii) before “employment and support allowance” insert “income-related”.

(4) In the heading to Part I of the Schedule (persons not excluded from certain benefits under section 115 of the Immigration and Asylum Act 1999)(**41**), after “entitlement to” insert “universal credit.”.

Amendment of the Occupational and Personal Pension Schemes (Bankruptcy) (No.2) Regulations 2002

32.—(1) The Occupational and Personal Pension Schemes (Bankruptcy) (No.2) Regulations 2002(**42**) are amended as follows.

(2) In regulation 5(3)(b) (exclusion orders: England and Wales), after “an income-related benefit” insert “or universal credit under Part 1 of the Welfare Reform Act 2012”.

(3) In regulation 14(3)(b) (exclusion orders: Scotland), after “an income-related benefit” insert “or universal credit under Part 1 of the Welfare Reform Act 2012”.

Amendment of the State Pension Credit Regulations 2002

33.—(1) The State Pension Credit Regulations 2002(**43**) are amended as follows.

(2) In regulation 1(2) (interpretation)(**44**) —

(a) after the definition of “close relative”, insert—

““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers Act 1995 as amended by the provisions of Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based allowance, and a contribution-

(38) [S.I. 2000/636](#).

(39) Regulation 1(3) has been amended in ways that are not relevant to these Regulations.

(40) Regulation 2 has been amended in ways that are not relevant to these Regulations.

(41) Part 1 of the Schedule was amended by [S.I. 2008/1554](#).

(42) [S.I. 2002/836](#).

(43) [S.I. 2002/1792](#).

(44) Regulation 1(2) was amended by [S.I. 2013/388](#); there are other amendments that are not relevant to these Regulations.

- based allowance under the Jobseekers Act 1995 as that Act has effect apart from those provisions;”;
- (b) after the definition of “the Health Service (Wales) Act”, insert—
 ““income-based jobseeker’s allowance” means an income-based allowance under the Jobseekers Act 1995;”;
- (c) after the definition of “the Skipton Fund”, insert—
 ““universal credit” means universal credit under Part 1 of the 2012 Act;”;
- (d) for the definition of “contributory employment and support allowance” substitute—
 ““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”.
- (3) In regulation 9 (qualifying income for the purposes of savings credits), in paragraph (c), omit “within the meaning of section 1(4) of the Jobseekers Act 1995”.
- (4) In regulation 13A(1)(a) (part-weeks)(45) before “income support” insert “universal credit”.
- (5) In regulation 13B(1)(d) (date on which benefits are treated as paid)(46), omit “within the meaning of section 1(4) of the Jobseekers Act 1995”.
- (6) In Schedule 2 (housing costs)(47) —
- (a) in paragraph 1(2)(a)(iii), after paragraph (ee) insert —
 “; or
 (ff) is entitled to an award of universal credit the calculation of which includes an amount under regulation 27(1) of the Universal Credit Regulations 2013 in respect of the fact that he has limited capability for work or limited capability for work and work-related activity, or would include such an amount but for regulation 27(4) or 29(4) of those Regulations;”;
- (b) in paragraph 14 (persons residing with the claimant)(48)—
- (i) after sub-paragraph (7)(g), insert—
 “; or
 (h) if he is aged less than 25 and is entitled to an award of universal credit which is calculated on the basis that he does not have any earned income;”;
- (ii) after sub-paragraph (8), insert—
 “(9) For the purposes of sub-paragraph (7)(h), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.”.
- (7) In Part 1 of Schedule 5 (capital disregarded for the purpose of calculating income)(49)—
- (a) in paragraph 20(2), after paragraph (o) insert —
 “;.
 (p) universal credit;”;

(45) Regulation 13A was inserted by S.I. 2002/3019.

(46) Regulation 13B was inserted by S.I. 2002/3019 and amended by S.I. 2008/1554.

(47) Paragraph 1(2)(a)(iii) was amended by S.I. 2002/3197, 2005/3360, 2006/718, 2008/1554, 2013/388 and 2013/591.

(48) Paragraph 14(7) was amended by S.I. 2002/3197, 2003/1195, 2004/2327, 2005/3360, 2006/2378, 2008/1554 and 2008/2767.

(49) Paragraph 20(2) was amended by S.I. 2002/3019, 2003/2774, 2008/1554 and 2008/3157. Paragraph 20A(2) was amended by S.I. 2002/2380, 2008/1554 and 2008/3157.

- (b) in paragraph 20A(2), after paragraph (h) omit “or” and after paragraph (i) insert —
“or (j) paragraph 17 of Schedule 10 to the Universal Credit Regulations 2013;”.

Amendment of the Social Security (Deferral of Retirement Pensions) Regulations 2005

34. In regulation 3 of the Social Security (Deferral of Retirement Pensions) Regulations 2005 (amount of retirement pension not included in the calculation of the lump sum)(**50**)—

- (a) in paragraph (1)(aa), at the end of paragraph (iii) omit “or” and after paragraph (iv) insert—
“or
(v) universal credit under Part 1 of the Welfare Reform Act 2012;”; and
- (b) for paragraph (5A) substitute—
“(5A) In paragraph (1), couple has the meaning—
(a) in relation to universal credit, given by section 39 of the Welfare Reform Act 2012; and
(b) in relation to the other benefits referred to in paragraph (1)(a) or (aa), given by section 137(1) of the Act.”.

Amendment of the Housing Benefit Regulations 2006

- 35.**—(1) The Housing Benefit Regulations 2006(**51**) are amended as follows.
- (2) In regulation 2(1) (interpretation)(**52**)—
- (a) for the definition of “contributory employment and support allowance”, substitute—
““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”; and
- (b) after the definition of “training allowance”, insert—
““universal credit” means universal credit under Part 1 of the 2012 Act;”.
- (3) In regulation 19 (persons of a prescribed description)(**53**), omit “or” after paragraph (2)(a) and after paragraph (2)(c) insert—
“; or
(d) entitled to an award of universal credit”.
- (4) In regulation 28(11) (treatment of child care charges)(**54**), in sub-paragraphs (ba) and (ca), after “Employment and Support Allowance Regulations” insert “or the Employment and Support Allowance Regulations 2013(**55**)”.
- (5) In regulation 40(5A) (calculation of income other than earnings)(**56**), after “Employment and Support Allowance Regulations” insert “or section 11J of the Welfare Reform Act(**57**)”.

(50) [S.I. 2005/453](#). Paragraph (1)(aa) of regulation 3 was amended by [S.I. 2011/634](#); paragraph (5A) was inserted by [S.I. 2011/634](#).

(51) [S.I. 2006/213](#).

(52) Regulation 2(1) was amended by [S.I. 2013/388](#); there are other amendments that are not relevant to these Regulations.

(53) Regulation 19(2) was amended by [S.I. 2006/718](#) and [2008/1082](#).

(54) Regulation 28(11)(ba) and (ca) were inserted by [S.I. 2008/1082](#).

(55) [S.I. 2013/379](#).

(56) Paragraph (5A) was inserted by [S.I. 2008/1082](#); section 11J was inserted by section 57(2) of the Welfare Reform Act 2012 (c.5).

(57) Section 11J was inserted by 57(2) of the Welfare Reform Act 2012 (c.5).

(6) In regulation 56(2)(ea) (full-time students to be treated as not liable to make payments)(**58**), after “Employment and Support Allowance Regulations” insert “or the Employment and Support Allowance Regulations 2013”.

(7) In regulation 74 (non-dependant deductions)—

(a) for paragraph (8), substitute—

“(8) No deduction shall be made in calculating the amount of a rent rebate or allowance in respect of a non-dependant aged less than 25 who is—

(a) on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance which does not include an amount under section 4(2)(b) of the Welfare Reform Act (the support component and the work-related activity component); or

(b) entitled to an award of universal credit where the award is calculated on the basis that the non-dependant does not have any earned income.”; and

(b) after paragraph (10) insert—

“(11) For the purposes of paragraph (8), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.”.

(8) In regulation 102(4) (method of recovery)(**59**), after “Employment and Support Allowance Regulations” insert “, regulation 39(1)(a) of the Employment and Support Allowance Regulations 2013”.

(9) In Schedule 3 (applicable amounts)—

(a) in Part 5 (the components), in paragraph 21(c)(ii), after “Employment and Support Allowance Regulations” insert “or regulation 7 of the Employment and Support Allowance Regulations 2013”; and

(b) in Part 7 (transitional addition)—

(i) in paragraph 27(1)(b)(i), after “Employment and Support Allowance Regulations” insert “or regulation 26 of the Employment and Support Allowance Regulations 2013, in either case”; and

(ii) in paragraph 29(1)(c), after “Employment and Support Allowance Regulations” insert “or regulation 86 of the Employment and Support Allowance Regulations 2013”.

(10) In Schedule 4 (sums to be disregarded in the calculation of earnings)(**60**), paragraph 10A(6) (a), after “Employment and Support Allowance Regulations” insert “or regulation 39(1)(a), (b) or (c) of the Employment and Support Allowance Regulations 2013”.

(11) In Schedule 5 (sums to be disregarded in the calculation of income other than earnings)(**61**), in paragraph 7, after sub-paragraph (d) insert—

“(e) universal credit”.

(12) In Schedule 6 (capital to be disregarded), in paragraph 9(1), after paragraph (f) insert—

“(g) universal credit.”.

(58) Sub-paragraph (ea) was inserted by [S.I. 2008/1082](#).

(59) Paragraph (4) was amended by [S.I. 2009/2608](#).

(60) Paragraph 10A was inserted by [S.I. 2009/2608](#).

(61) Paragraph 7 was amended by [S.I.2005/2502](#), [2008/698](#) and [2008/1082](#).

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

36.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**62**) are amended as follows.

(2) In regulation 2 (interpretation)(**63**)—

(a) for the definition of “contributory employment and support allowance”, substitute—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;” and

(b) after the definition of “training allowance”, insert—

““universal credit” means universal credit under Part I of the 2012 Act;”.

(3) In regulation 19 (persons of a prescribed description)(**64**), omit “or” after paragraph (2)(a) and after paragraph (2)(c), insert—

“; or

(d) entitled to an award of universal credit”.

(4) In regulation 31(11) (treatment of child care charges)(**65**), in sub-paragraphs (ba) and (ca), after “Employment and Support Allowance Regulations” insert “or the Employment and Support Allowance Regulations 2013”.

(5) In regulation 55 (non-dependant deductions)(**66**)—

(a) in paragraph (8), after “work-related activity component” insert “or who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income”; and

(b) after paragraph (10) insert—

“(11) For the purposes of paragraph (8), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.”.

(6) In regulation 83(4) (method of recovery)(**67**), after “Employment and Support Allowance Regulations” insert “, regulation 39(1)(a) of the Employment and Support Allowance Regulations 2013”.

(7) In Schedule 4 (sums disregarded from claimant’s earnings)(**68**)—

(a) in paragraph 5(1)(d)(ii), after “Employment and Support Allowance Regulations” insert “or regulation 7 of the Employment and Support Allowance Regulations 2013”; and

(b) in paragraph 5A(6)(a), after “Employment and Support Allowance Regulations” insert “or regulation 39(1)(a), (b) or (c) of the Employment and Support Allowance Regulations 2013”.

(8) In Schedule 6 (capital to be disregarded)(**69**), in paragraph 21(2), omit “or” after sub-paragraph (m) and after sub-paragraph (n) insert—

(62) [S.I. 2006/214](#); regulation 2 was amended by [S.I. 2013/388](#) and paragraph 21(2) was amended by [S.I. 2013/443](#), [2013/388](#) and [2013/591](#).

(63) Regulation 2 was amended by [S.I. 2013/388](#); there are other amendments that are not relevant to these Regulations.

(64) Regulation 19(2) was amended by [S.I. 2006/718](#) and [2008/1082](#).

(65) Regulation 31(11)(ba) and (ca) were inserted by [S.I. 2008/1082](#).

(66) Paragraph (8) was amended by [S.I. 2008/1082](#).

(67) Paragraph (4) was amended by [S.I. 2008/1042](#) and [2009/2608](#).

(68) Paragraph 5(1)(d) was added by [S.I. 2009/583](#).

(69) Paragraph 21(2) was amended by [S.I. 2005/2502](#), [2008/1082](#), [2013/388](#), [2013/443](#) and [2013/591](#).

“; or

(o) universal credit”.

Amendment of the Employment and Support Allowance Regulations 2008

37.—(1) The Employment and Support Allowance Regulations 2008(**70**) are amended as follows.

(2) In regulation 1—

(a) for the heading substitute “Citation, commencement and application”; and

(b) at the beginning, insert “(1)” and after paragraph (1) insert—

“(2) These Regulations do not apply to a particular case on any day on which section 33(1)(b) of the 2012 Act (abolition of income-related employment and support allowance) is in force and applies in relation to that case.”.

(3) In regulation 2(1) (interpretation)(**71**)—

(a) after the definition of “confinement” insert—

““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers Act as amended by the provisions of Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Act as that Act has effect apart from those provisions;”;

(b) after the definition of “New Deal Options”, insert—

““new style ESA” means an allowance under Part 1 of the Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance;”;

(c) after the definition of “training allowance” insert—

““universal credit” means universal credit under Part 1 of the 2012 Act;”.

(4) In regulation 63(5) (reduction of employment and support allowance)(**72**)—

(a) after “contributory allowance” insert “including new style ESA”; and

(b) after “this regulation”, insert “or section 11J of the Act respectively”.

(5) In regulation 93(2) (date on which income is treated as paid)—

(a) for “or severe disablement allowance” substitute “severe disablement allowance or universal credit”; and

(b) for “the day of the benefit week” substitute “on any day”.

(6) In regulation 167(b) (modification in the calculation of income), after “income support” insert “, universal credit”.

(7) In Schedule 6 (housing costs)—

(a) in paragraph 1(3) (housing costs - meaning of disabled person)(**73**), omit “or” after paragraph (c) and, after paragraph (d), insert—

“; or

(e) who is entitled to an award of universal credit the calculation of which includes an amount under regulation 27(1) of the Universal Credit Regulations 2013 in respect of the fact that that person has limited capability for work or limited

(70) S.I. 2008/794; regulation 2(1) was amended by S.I. 2013/388.

(71) Regulation 2(1) was amended by S.I. 2013/388; there are other amendments that are not relevant to these Regulations.

(72) Section 11J was inserted by the Welfare Reform Act 2012 (c.5), section 57.

(73) Paragraph 1(3) was amended by S.I. 2012/913.

capability for work and work-related activity, or would include such an amount but for regulation 27(4) or 29(4) of those Regulations;” and

(b) in paragraph 19 (non-dependant deductions)(74)—

(i) omit “or” after sub-paragraph (7)(g) and, after sub-paragraph (7)(h), insert—

“or

(ha) if the non-dependant is aged less than 25 and is entitled to an award of universal credit which is calculated on the basis that the non-dependant does not have any earned income;” and

(ii) after sub-paragraph (7) insert—

“(7A) For the purposes of sub-paragraph (7)(ha), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.”

(8) In Schedule 8, paragraph 9(b) (sums to be disregarded in the calculation of income other than earnings)(75), after “income support” insert “, universal credit”.

(9) In Schedule 9 paragraph 11 (capital to be disregarded)—

(a) in sub-paragraph (1)(b), after “income-based jobseeker’s allowance” insert “, universal credit”;

(b) in sub-paragraph (3)(a) and (b), after “income support” insert “, universal credit”; and

(c) in sub-paragraph (3), omit “or” after paragraph (b)(ii) and, after paragraph (b)(iii), insert—

“; or

(iv) in a case where universal credit is awarded to the claimant and another person as joint claimants, either the claimant or the other person, or both of them, received the relevant sum”.

Amendment of the Universal Credit Regulations 2013

38.—(1) The Universal Credit Regulations 2013(76) are amended as follows—

(2) In regulation 3 (couples)—

(a) in paragraph (1) after “whose partner does not meet all the basic conditions” insert “or is otherwise excluded from entitlement to universal credit”; and

(b) in paragraph (3) at the end of sub-paragraph (c) omit “or” and at the end of sub-paragraph (d) insert—

“; or

(e) is a person to whom section 115 of the Immigration and Asylum Act 1999(77) (exclusion from benefits) applies.”

(3) In regulation 13(1) (meaning of “undertaking a course”) after “education” insert “, study”.

(4) In regulation 19(2)(a) (restrictions on entitlement-prisoners etc.) after “universal credit” insert “as a single person”.

(5) In regulation 68(1) (person treated as having a student loan), in the first line, after “course” insert “of education, study or training”.

(6) In regulation 83(1)(h) (exceptions from the benefit cap) for “sub-paragraph (b), (c), (d) or (e)” substitute “sub-paragraphs (b) to (g)”.

(74) Paragraph 19(7) was amended by [S.I. 2008/2428](#).

(75) Paragraph 9(b) was amended by [S.I. 2008/2428](#).

(76) [S.I. 2013/376](#).

(77) [1999 c.33](#).

(7) In regulation 111(4) (daily reduction rate) for “paragraphs (1) to (3)” substitute “paragraphs (1) and (2)”.

(8) For regulation 114 (sanctionable failures under section 26 – work placement) substitute—

“Sanctionable failures under section 26 – work placements

114.—(1) A placement on the Mandatory Work Activity Scheme is a prescribed placement for the purpose of section 26(2)(a) of the Act (sanctionable failure not to comply with a work placement).

(2) In paragraph (1) “the Mandatory Work Activity Scheme” means a scheme provided pursuant to arrangements made by the Secretary of State and known by that name that is designed to provide work or work-related activity for up to 30 hours per week over a period of 4 consecutive weeks with a view to assisting claimants to improve their prospects of obtaining employment.”.

(9) For regulation 117 substitute—

“The period of hardship payments

117.—(1) A hardship payment is to be made in respect of a period which—

- (a) begins with the date on which all the conditions in regulation 116(1) are met; and
- (b) unless paragraph (2) applies, ends with the day before the normal payment date for the assessment period in which those conditions are met.

(2) If the period calculated in accordance with paragraph (1) would be 7 days or less, it does not end on the date referred to in paragraph (1)(b) but instead ends on the normal payment date for the following assessment period or, if earlier, the last day on which the award is to be reduced under section 26 or 27 of the Act or under section 6B(5A), 7(2A) or 9(2A) of the Social Security Fraud Act 2001.

(3) In this regulation “the normal payment date” for an assessment period is the date on which the Secretary of State would normally expect to make a regular payment of universal credit in respect of an assessment period in a case where payments of universal credit are made monthly in arrears.”.

(10) In paragraph 2(1)(a) of Schedule 8 for “an in-patient” substitute “a patient”.

Amendment of the Jobseeker’s Allowance Regulations 2013

39. For paragraphs (1) and (2) of regulation 29 of the Jobseeker’s Allowance Regulations 2013⁽⁷⁸⁾ (sanctionable failures under section 6J of the Act: work placements)⁽⁷⁹⁾ substitute

“29.—(1) A placement on the Mandatory Work Activity Scheme is a prescribed placement for the purpose of section 6J(2)(a) of the Act⁽⁸⁰⁾ (sanctionable failure not to comply with a work placement).

(2) In paragraph (1) “the Mandatory Work Activity Scheme” means a scheme provided pursuant to arrangements made by the Secretary of State and known by that name that is designed to provide work or work-related activity for up to 30 hours per week over a period of 4 consecutive weeks with a view to assisting claimants to improve their prospects of obtaining employment.”.

⁽⁷⁸⁾ 1999 c.33.

⁽⁷⁹⁾ S.I. 2013/378.

⁽⁸⁰⁾ Section 6J was inserted by section 46 of the Welfare Reform Act 2012(c.5).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
