
STATUTORY INSTRUMENTS

2013 No. 630

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

PART 3

AMENDMENTS OF SECONDARY LEGISLATION

CHAPTER 10

NATIONAL INSURANCE CONTRIBUTIONS AND CREDITS

Amendment of the Additional Pension and Social Security Pensions (Home Responsibilities) (Amendment) Regulations 2001

73.—(1) The Additional Pension and Social Security Pensions (Home Responsibilities) (Amendment) Regulations 2001(1) are amended as follows.

(2) After regulation 5A (earnings factor credits eligibility for pensioners to whom employment and support allowance was payable) insert—

“Earnings factor credits eligibility for certain persons entitled to universal credit

5B.—(1) For the purposes of subsection (3) of section 44C (earnings factor credits) of the Contributions and Benefits Act, a pensioner is eligible for earnings factor enhancement in respect of a week if that pensioner was a person entitled to an award of universal credit under Part 1 of the Welfare Reform Act 2012 in respect of any part of that week which includes—

- (a) if the person satisfies the condition in paragraph (2), an amount under regulation 27(1)(a) of the Universal Credit Regulations 2013 in respect of the fact that the person has limited capability for work;
- (b) an amount under regulation 27(1)(b) of those Regulations in respect of the fact that the person has limited capability for work and work-related activity; or
- (c) an amount under regulation 29(1) of those Regulations where the person has regular and substantial caring responsibilities for a severely disabled person,

or would include any of those amounts but for regulation 27(4) or 29(4) of those Regulations.

(2) The condition referred to in paragraph (1)(a) is that for each of the 52 weeks immediately prior to that week—

- (a) the person was entitled to universal credit in respect of the fact that the person had limited capability for work or would have included an amount in respect of the fact that the person had limited capability for work but for regulation 27(4) or 29(4) of the Universal Credit Regulations 2013; or

- (b) employment and support allowance under Part 1 (employment and support allowance) of the Welfare Reform Act 2007 (“the 2007 Act”)—
 - (i) was payable to the person;
 - (ii) would have been payable to the person but for the fact that the person did not satisfy the contribution condition in paragraph 1 or paragraph 2 of Schedule 1 to the 2007 Act;
 - (iii) would have been payable to the person but for the fact that the person had been entitled to it for the relevant maximum number of days under section 1A of the 2007 Act; or
 - (iv) would have been payable to the person but for the fact that under regulations the amount was reduced to nil because of—
 - (aa) receipt of other benefits; or
 - (bb) receipt of payments from an occupational pension scheme or personal pension scheme.

(3) Paragraph (2)(b) of this regulation is satisfied in respect of a week which falls between periods which are linked by virtue of regulations under paragraph 4 (linking periods) of Schedule 2 to the 2007 Act.”.