# 2014 No. 2887

# SOCIAL SECURITY

# The Universal Credit (Digital Service) Amendment Regulations 2014

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| *Made - - - -* | *29th October 2014* |
| *Laid before Parliament* | *4th November 2014* |
| *Coming into force -* | *26th November 2014* |

The Secretary of State for Work and Pensions, in exercise of the powers conferred by section 1(1) of the Social Security Administration Act 1992**(a)** and sections 4(3), 7(3), 8(3), 9(2), 10(3), 11(4), 12(1) and (3), 19(2)(d), 32(1) and (4), 42(2) and (3) of, and paragraph 3(2) of Schedule 1 to, the Welfare Reform Act 2012**(b)**, makes the following Regulations:

In accordance with section 173(1)(b) of the Social Security Administration Act 1992, the Social Security Advisory Committee has agreed that the proposals for these Regulations need not be referred to it.

### Citation and commencement

**1.** These Regulations may be cited as the Universal Credit (Digital Service) Amendment Regulations 2014 and, subject to regulation 5 (saving), come into force on 26th November 2014.

[Regulation 2 amends regulation 33 and inserts regulation 34A into S.I. 2013/376.]

[Regulation 3(1) amends regulations 15, 21 and inserts regulation 22A into S.I. 2013/376.]

[Regulation 3(2) makes various amendments to S.I. 2013/380.]

[Regulation 3(3) amends regulation 7(1)(a) & (b) of S.I. 2014/1230.]

[Regulation 4 amends regulation 73 of S.I. 2013/376.]

*Reg. 4 modified (18.3.15) by art. 10 of S.I. 2015/634, (substitution of relevant post code areas)*

### Saving

**5.**—(1) These Regulations do not apply to an award of universal credit that has been made by virtue of any of the following orders–

(a) the Welfare Reform Act 2012 (Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions (Amendment)) Order 2013**(c)**;

(b) the Welfare Reform Act 2012 (Commencement No. 11 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2013**(d)**;

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**(a)** 1992 c. 5.
**(b)** 2012 c. 5.
**(c)** S.I. 2013/983 (c. 41).
**(d)** S.I. 2013/1511 (c. 60).

(c) the Welfare Reform Act 2012 (Commencement No. 13 and Transitional and Transitory Provisions) Order 2013**(a)**;

(d) the Welfare Reform Act 2012 (Commencement No. 14 and Transitional and Transitory Provisions) Order 2013**(b)**;

(e) the Welfare Reform Act 2012 (Commencement No. 16 and Transitional and Transitory Provisions) Order 2014**(c)**;

(f) the Welfare Reform Act 2012 (Commencement No. 17 and Transitional and Transitory Provisions) Order 2014**(d)**;

(g) Welfare Reform Act 2012 (Commencement No. 19 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2014**(e)**►[1];

[1]Words in reg. 5(1) inserted by art. 7 of S.I. 2015/1537 (c. 87) as from 21.9.15.

(h) the Welfare Reform Act 2012 (Commencement No. 22 and Transitional and Transitory Provisions) Order 2015 **(f);**

(i) the Welfare Reform Act 2012 (Commencement No. 24 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment) Order 2015 **(g)**.◄

unless it is an award to which paragraph (2) applies.

(2) This paragraph applies to–

(a) an award made to members of a couple jointly as a consequence of a previous award having ended when the couple formed; or

(b) an award made to a single claimant as a consequence of a previous award having ended when the claimant ceased to be a member of couple,

where either member of the couple in question is a digital service claimant.

(3) A "digital service claimant" is a person who has become entitled to an award of universal credit–

(a) by reference to residence in the postcode part-district SM5 2;

(b) by forming a couple with a person who became entitled to an award of universal credit by reference to residence in that postcode;

(c) by forming a couple with a person who became entitled to an award of universal credit by virtue of sub-paragraph (b); or

(d) by forming a couple with a person who became entitled to an award of universal credit by virtue of sub-paragraph (c).

Signed by authority of the Secretary of State for Work and Pensions.

*Freud*
Parliamentary Under Secretary of State,
Department for Work and Pensions.

29th October 2014

**(a)** S.I. 2013/2657 (c. 107).
**(b)** S.I. 2013/2846 (c. 114).
**(c)** S.I. 2014/209 (c. 7).
**(d)** S.I. 2014/1583 (c. 61).
**(e)** S.I. 2014/2321 (c. 99).
**(f)** S.I. 2015/101 (c. 6).
**(g)** S.I. 2015/1537 (c. 87).

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend a number of instruments relating to universal credit, namely the Universal Credit Regulations 2013 (S.I. 2013/376) ("the Universal Credit Regulations"), the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (S.I. 2013/380) ("the Claims and Payments Regulations") and the Universal Credit (Transitional Provisions) Regulations 2014 (S.I. 2014/1230) ("the Transitional Provisions Regulations").

By virtue of the saving provision in regulation 5 the amendments only have effect in relation to particular cases (collectively known as "the digital service") that arise from claims made by persons living in the area specified in that regulation or from such persons subsequently forming new couples or being part of a couple who separate.

Regulation 2 amends the provisions relating to the childcare costs element in the Universal Credit Regulations. The amendments provide for the childcare costs condition in regulation 33 to be met when charges for relevant childcare are paid up to two assessment periods in advance. They also amend the time allowed for reporting charges to the Secretary of State.

Regulation 2(4) inserts a new regulation 34A that provides for the costs that are attributable to an assessment period for the purposes of calculating the amount of the element. This includes a formula for calculating the amount of relevant childcare charges in respect of an assessment period where the payment has been made in advance.

Regulation 3 makes a number of changes to the provisions in the Universal Credit Regulations about assessment periods and about the creation of new awards as a result of couples separating or forming or becoming entitled to universal credit within 6 months of an award ending.

Regulation 3(1) makes amendments to the provisions in regulation 21 that specify the circumstances in which the assessment period for a new award is aligned with the assessment period for a previous award. These are where a new award is made as consequence of joint claimants separating, where single claimants form a new couple, where an existing claimant forms a couple with a person not previously entitled to universal credit and where a new claim is made within 6 months of the end of a previous award.

Regulation (3)(1) also removes provision in regulation 21(5) and (6) for apportioning the amount payable where a claim is backdated.

Regulation 3(1)(d) inserts a new regulation 22A providing for a reduction in the amount of an award of universal credit in the first assessment period where a person becomes entitled to a new award within 6 months of the end of a previous award. This applies if the claim is made more than 7 days after ceasing paid work (or a longer period if the Secretary of State considers there is good reason for the delay).

Regulation 3(2) makes various amendments to the provisions in the Claims and Payments Regulations providing for the circumstances in which a claim may be treated as made or where a new award can be made without a claim. In particular, it revokes regulation 6 of those Regulations (which provides that a former claimant who loses entitlement to universal credit due to receipt of earned income need not make a new claim upon the earned income subsequently being reduced).

Regulation 3(3) makes a consequential amendment to the Transitional Provisions Regulations.

Regulation 4 amends regulation 73 of Universal Credit Regulations to include a provision for calculating the amount of unearned income in respect of an assessment period where such unearned income is paid in respect of a period beginning or ending during an assessment period.

Regulation 5 is a saving provision (see above).

An impact assessment has not been produced for this instrument as it has no impact on business and civil society organisations. The instrument has no impact on the public sector.