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STATUTORY INSTRUMENTS

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**2014 No. 597**

**The Universal Credit and Miscellaneous  
Amendments Regulations 2014**

**Amendment of the Universal Credit Regulations 2013**

- 2.—(1) The Universal Credit Regulations 2013<sup>(1)</sup> are amended as follows.
- (2) In regulation 2 (interpretation)<sup>(2)</sup> after the definition of “employment and support allowance” insert—
- ““enactment” includes an enactment comprised in, or an instrument made under, an Act of the Scottish Parliament or the National Assembly of Wales;”.
- (3) In regulation 37 (run-on after a death) at the end of sub-paragraph (b) omit “or” and after sub-paragraph (c) insert—
- “; or
- (d) a person who was a non-dependant within the meaning of paragraph 9(2) of Schedule 4,”.
- (4) In regulation 39 (limited capability for work)—
- (a) in paragraph (6), insert at the start “Subject to paragraph (7),”;
- (b) after paragraph (6), insert—
- “(7) Where the circumstances set out in paragraph 4 or 5 of Schedule 8 apply, a claimant may only be treated as having limited capability for work if the claimant does not have limited capability for work as determined in accordance with an assessment under this Part.”.
- (5) In regulation 40 (limited capability for work and work-related activity)—
- (a) in paragraph (5), insert at the start “Subject to paragraph (6),”;
- (b) after paragraph (5), insert—
- “(6) Where the circumstances set out in paragraph 4 of Schedule 9 apply, a claimant may only be treated as having limited capability for work and work-related activity if the claimant does not have limited capability for work and work-related activity as determined in accordance with an assessment under this Part.”.
- (6) In regulation 98(4) (victims of domestic violence)<sup>(3)</sup> for paragraph (a) of the definition of “registered social worker” substitute—
- “(a) The Health and Care Professions Council;”.
- (7) In regulation 99 (circumstances in which requirements must not be imposed)—
- (a) in paragraphs (1) and (2) omit “, (5)” in each place it occurs;
- (b) after paragraph (2), insert—
- “(2A) Where paragraph (5) applies—

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

(2) There are amendments which are not relevant to this instrument.

(3) Regulation 98(4) was amended by [S.I. 2013/1508](#).

- (a) the Secretary of State must not impose a work search requirement on a claimant; and
  - (b) a work search requirement previously applying to the claimant ceases to have effect from the date on which the circumstances set out in paragraph (5) begin to apply.
- (2B) Where paragraph (5A) applies “able and willing to take up work” under a work availability requirement means able and willing to take up paid work, or to attend an interview, immediately once the circumstances set out in paragraph (5A) no longer apply.
- (2C) Where paragraph (5B) applies, “able and willing to take up work” under a work availability requirement means—
- (a) able and willing to take up paid work immediately once the circumstances set out in paragraph (5B) no longer apply; and
  - (b) able and willing to attend an interview before those circumstances no longer apply.”;
- (c) in paragraph (5) omit “or a work availability requirement” and “or 18(3)”; and
  - (d) after paragraph (5), insert—
    - “(5A) This paragraph applies where the Secretary of State is satisfied that it would be unreasonable to require the claimant to comply with a work availability requirement to be able and willing to—
      - (a) take up paid work; and
      - (b) attend an interview,(including if such a requirement were limited in accordance with section 18(3) of the Act) because the claimant falls within sub-paragraph (a), (b), or (c) of paragraph (5).
    - (5B) This paragraph applies where the Secretary of State is satisfied that it would be—
      - (a) unreasonable to require the claimant to comply with a work availability requirement to be able and willing to take up paid work because the claimant falls within sub-paragraph (a), (b) or (c) of paragraph (5); and
      - (b) reasonable to require the claimant to comply with a work availability requirement to be able and willing to attend an interview;including if such requirement were limited in accordance with section 18(3) of the Act.”.
- (8) In regulation 101(4) (general principles for calculating reduction periods), for “14” substitute “13”.
  - (9) In regulation 102(2)(a)(ii) and (iii) and (b)(ii) (higher-level sanction), for “365” substitute “364”.
  - (10) In regulation 103(2)(a)(ii) and (b)(ii) (medium-level sanction), for “365” substitute “364”.
  - (11) In regulation 104(2)(b)(ii) and (iii) and (3)(b) (low-level sanction), for “365” substitute “364”.
  - (12) In regulation 116 (conditions for hardship payments)—
    - (a) at the end of paragraph (1)(f) omit “and”;
    - (b) after paragraph (1)(g), insert—
      - “; and
      - (h) the daily reduction rate in regulation 111(1) applies for the purposes of the reduction in respect of the claimant under section 26 or 27 of the Act.”; and
    - (c) in paragraph (2)(a)(i), for “regulation 111” substitute “regulation 111(1)”.

(13) In Schedule 4 (housing costs element for renters), in paragraph 7 (relevant payments calculated monthly)—

(a) after sub-paragraph (2)(a) insert—

“(aa) two-weekly payments are multiplied by 26 and divided by 12;”;

(b) in sub-paragraph (3) after “rent free periods,” insert “subject to sub-paragraph (3A),”;

(c) after sub-paragraph (3) insert—

“(3A) Where sub-paragraph (3) applies and the relevant payments in question are—

(a) weekly payments, the total number of weekly payments which the renter is liable to make in any 12 month period shall be calculated by reference to the formula—

$$52 - RFP;$$

(b) two-weekly payments, the total number of two-weekly payments which the renter is liable to make in any 12 month period shall be calculated by reference to the formula—

$$26 - RFP;$$

(c) four-weekly payments, the total number of four-weekly payments which the renter is liable to make in any 12 month period shall be calculated by reference to the formula—

$$13 - RFP;$$

where “RFP” is the number of rent free periods in the 12 month period in question.”.

(14) In Schedule 5 (housing costs element for owner-occupiers)—

(a) in paragraph 2 (interpretation)—

(i) before “alternative finance payments” insert—

““alternative finance arrangements” has the meaning given in paragraph 6(2) of Schedule 1;”;

(ii) after “qualifying period” insert—

““relevant date” means, in relation to an owner-occupier, the date on which an amount of housing costs element calculated under this Schedule is first included in the owner-occupier’s award;”;

(b) omit paragraph 10(5);

(c) for paragraph 11(3) (amount in respect of alternative finance arrangements) substitute—

“(3) “Purchase price” means the price paid by a party to the alternative finance arrangements other than the owner-occupier in order to acquire the interest in the accommodation to which those arrangements relate less—

(a) the amount of any initial payment made by the owner-occupier in connection with the acquisition of that interest; and

(b) the amount of any subsequent payments made by the owner-occupier before the relevant date to another party to the alternative finance arrangements which reduce the amount owed by the owner-occupier under the alternative finance arrangements.

(4) Any variation in the amount for the time being owing in connection with alternative finance arrangements is not to be taken into account after the relevant date until such time as the Secretary of State recalculates the amount under this Schedule by reference to the amount that is owing in connection with the alternative finance arrangements—

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- (a) on the first anniversary of the relevant date; or
- (b) in respect of any variation after the first anniversary, on the next anniversary which follows the date of the variation.”;
- (d) in paragraph 12(3) (standard rate to be applied under paragraphs 10 and 11) for “0.5%” substitute “0.5 percentage points”;
- (e) in paragraph 13 (amount in respect of service charge payments)—
  - (i) after sub-paragraph (3)(a) insert—

“(aa) two-weekly payments are multiplied by 26 and divided by 12.”;
  - (ii) in sub-paragraph (4) after “service charge free periods,” insert “subject to sub-paragraph (4A),”;
  - (iii) after sub-paragraph (4) insert—

“(4A) Where sub-paragraph (4) applies and the service charge payments in question are—

    - (a) weekly payments, the total number of weekly service charge payments which the owner-occupier is liable to make in any 12 month period shall be calculated by reference to the formula—

$52 - SCFP;$
    - (b) two-weekly payments, the total number of two-weekly service charge payments which the owner-occupier is liable to make in any 12 month period shall be calculated by reference to the formula—

$26 - SCFP;$
    - (c) four weekly payments, the total number of four-weekly service charge payments which the owner-occupier is liable to make in any 12 month period shall be calculated by reference to the formula—

$13 - SCFP;$

where “SCFP” is the number of service charge free periods in the 12 month period in question.”.