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## STATUTORY INSTRUMENTS

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### 2018 No. 65

#### The Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018

##### Amendments to the Universal Credit Regulations 2013

3.—(1) The Universal Credit Regulations 2013<sup>M1</sup> are amended as follows.

(2) In the Table of Contents—

- (a) omit the entries for regulations 19A and 20A;
- (b) after the entry for regulation 21 insert—

“**21A.** Assessment period cycle to remain the same following change in the first day of entitlement”;

(c) in the entries for Schedule 4—

- (i) in the entry for Part 4 omit “and Temporary Accommodation”;
- (ii) in the entry for Part 5 omit “Other than Temporary Accommodation”.

(3) Omit regulation 19A (waiting days).

(4) Omit regulation 20A (awards).

(5) In regulation 21 (assessment periods)—

- (a) in paragraph (1) omit “, subject to paragraph (5),”;
- (b) omit paragraph (1A);
- (c) after paragraph (2) insert—

“(2A) But paragraphs (1) and (2) are subject to regulation 21A (assessment period cycle to remain the same following change in the first date of entitlement).”.

(6) After regulation 21 insert—

**“Assessment period cycle to remain the same following change in the first date of entitlement**

**21A.**—(1) This regulation applies where—

- (a) the first date of entitlement has been determined;
- (b) it is subsequently determined that the first date of entitlement falls on a different date (the “start date”); and
- (c) applying regulation 21(1) and (2) following that subsequent determination (and thereby changing the beginning of each assessment period) would, in the opinion of the Secretary of State, cause unnecessary disruption to the administration of the claim.

(2) Where this regulation applies—

- (a) the first assessment period is to be a period of a length determined by the Secretary of State beginning with the start date;
- (b) the amount payable in respect of that first assessment period is to be calculated as follows—

$$N \times \left( \frac{A \times 12}{365} \right)$$

where—

N is the number of days in the period; and

A is the amount calculated in relation to that period as if it were an assessment period of one month; and

- (c) regulation 21(1) and (2) apply to the second and subsequent assessment periods as if the day after the end of the first assessment period were the first date of entitlement.”.
- (7) In the table in regulation 22 (deduction of income and work allowance)—
  - (a) for “£397” in each place substitute “ £409 ”;
  - (b) for “£192” in each place substitute “ £198 ”.
- (8) In regulation 57 (self-employed earnings) <sup>M2</sup>, in paragraph (2)(a)—
  - (a) for “by way of—” substitute “ by way of national insurance contributions and income tax; and ”;
  - (b) omit paragraphs (i) and (ii).
- (9) In regulation 66 (unearned income)—
  - (a) at the end of paragraph (1)(a) insert “ to which the person is entitled, subject to any adjustment to the amount payable in accordance with regulations under section 73 of the Social Security Administration Act 1992 (overlapping benefits) <sup>M3</sup> ”;
  - (b) after paragraph (1)(d) insert—
    - “(da) foreign state retirement pension;”;
  - (c) after paragraph (1)(l) insert—
    - “(la) PPF periodic payments;”;
  - (d) in sub-paragraph (m), for “(a) to (l)” substitute “ (a) to (la) ”;
  - (e) for paragraph (2) substitute—
    - “(2) In this regulation—
      - (a) in paragraph (1)(da) “foreign state retirement pension” means any pension which is paid under the law of a country outside the United Kingdom and is in the nature of social security;
      - (b) in paragraph (1)(f) and (g) a person's “living expenses” are the cost of—
        - (i) food;
        - (ii) ordinary clothing or footwear;
        - (iii) household fuel, rent or other housing costs (including council tax),
 for the person, their partner and any child or qualifying young person for whom the person is responsible;
      - (c) in paragraph (1)(la) “PPF periodic payments” has the meaning given in section 17(1) of the State Pension Credit Act 2002 <sup>M4</sup>.”.

(10) In regulation 89 (claimants subject to no work-related requirements), after paragraph (1) (d) insert—

“(da) the claimant is a member of a couple entitled to universal credit by virtue of regulation 3(2)(b) and has student income in relation to the course they are undertaking which is taken into account in the calculation of the award;”.

(11) In regulation 99 (circumstances in which requirements must not be imposed)—

(a) in paragraph (4), for “This paragraph” substitute “ Subject to paragraph (4ZA), this paragraph ”;

(b) after paragraph (4) insert—

“(4ZA) Where paragraph (4ZB) applies, paragraph (4) will only apply to a claimant if the Secretary of State makes a decision to carry out an assessment under regulation 41(1) (b).

(4ZB) This paragraph applies where—

(a) (i) it has previously been determined on the basis of an assessment under Part 5 of these Regulations or under Part 4 or 5 of the ESA Regulations <sup>M5</sup> that the claimant does not have limited capability for work; or

(ii) the claimant has previously been treated as not having limited capability for work or, as the case may be, for work and work-related activity under regulation 43(3) or 44(2); and

(b) the condition specified in the evidence provided by the claimant in accordance with paragraph (4)(b) is in the opinion of the Secretary of State the same, or substantially the same, as the condition specified in the evidence provided by the claimant before the date—

(i) of the determination that the claimant does not have limited capability for work; or

(ii) that the claimant was treated as not having limited capability for work or, as the case may be, for work and work-related activity.”;

(c) in paragraph (5)—

(i) in the opening words, after “because” omit “the claimant”;

(ii) at the beginning of sub-paragraph (a) insert “ the claimant ”;

(iii) in sub-paragraph (b)—

(aa) at the beginning insert “ the claimant ”;

(bb) at the end omit “or”;

(iv) at the beginning of sub-paragraph (c), insert “ the claimant ”;

(v) after sub-paragraph (c) insert—

“; or

(d) paragraph (4) would apply to the claimant but for paragraph (4ZA).”;

(d) in paragraphs (5A) and (5B)(a), for “sub-paragraph (a), (b) or (c)” substitute “ sub-paragraph (a), (b), (c) or (d) ”.

(12) In Schedule 1 (meaning of payments in respect of accommodation)—

(a) in paragraph 3, after sub-paragraph (h) insert—

“;

(i) payments in respect of accommodation specified in paragraph 3B.”;

(b) after paragraph 3A insert—

**“Temporary Accommodation**

**3B.**—(1) The accommodation referred to in paragraph (3)(i) is accommodation which falls within Case 1 or Case 2.

(2) Case 1 is where—

- (a) rent payments are payable to a local authority;
- (b) the local authority makes the accommodation available to the renter—
  - (i) to discharge any of the local authority's functions under Part II of the Housing (Scotland) Act 1987 <sup>M6</sup>, Part VII of the Housing Act 1996 <sup>M7</sup> or Part 2 of the Housing (Wales) Act 2014 <sup>M8</sup>, or
  - (ii) to prevent the person being or becoming homeless within the meaning of Part II of the Housing (Scotland) Act 1987, Part VII of the Housing Act 1996 or Part 2 of the Housing (Wales) Act 2014; and
- (c) the accommodation is not exempt accommodation.

(3) Case 2 is where—

- (a) rent payments are payable to a provider of social housing other than a local authority;
- (b) that provider makes the accommodation available to the renter in pursuance of arrangements made with it by a local authority—
  - (i) to discharge any of the local authority's functions under Part II of the Housing (Scotland) Act 1987, Part VII of the Housing Act 1996 or Part 2 of the Housing (Wales) Act 2014, or
  - (ii) to prevent the person being or becoming homeless within the meaning of Part II of the Housing (Scotland) Act 1987, Part VII of the Housing Act 1996 or Part 2 of the Housing (Wales) Act 2014; and
- (c) the accommodation is not exempt accommodation.

(4) Sub-paragraph (1) applies irrespective of whether the renter is also liable to make service charge payments.

(5) In sub-paragraph (3), “provider of social housing” has the meaning given in paragraph 2 of Schedule 4.”;

(c) in paragraph 8(1)(a) omit “other than temporary accommodation”.

(13) In Schedule 4 (housing costs element for renters)—

- (a) in paragraph 1(4)—
  - (i) in paragraph (b) omit “or who occupy temporary accommodation”;
  - (ii) in paragraph (c) omit “other than temporary accommodation”;
- (b) in paragraph 4B(1)—
  - (i) in paragraph (b)—
    - (aa) for “(5)(a) or (c)” substitute “ (5) ”;
    - (bb) omit “and temporary accommodation”;
  - (ii) omit paragraph (c);
- (c) for paragraph 17(3) substitute—

- “(3) The single calculation is to be made under Part 5 of this Schedule in any case where the renter’s liability to make rent payments in respect of accommodation A and accommodation B is to a provider of social housing.”;
- (d) in the heading to Part 4 omit “and Temporary Accommodation”;
- (e) for paragraph 20(1) substitute—
- “(1) This Part applies to renters who are liable to make rent payments to a person other than a provider of social housing.”;
- (f) omit paragraph 21;
- (g) in the heading to Part 5 omit “Other than Temporary Accommodation”;
- (h) for paragraph 30(1) substitute—
- “(1) This Part applies to renters who are liable to make rent payments to a provider of social housing.”.

#### Commencement Information

- II** [Reg. 3\(1\)](#) in force for specified purposes and [reg. 3\(2\)\(a\)\(3\)\(4\)\(5\)\(b\)\(8\)](#) in force at 14.2.2018; [reg. 3\(1\)](#) in force for further specified purposes and [reg. 3\(7\)](#) in force at 9.4.2018; [reg. 3\(1\)](#) in force for further specified purposes and [reg. 3\(2\)\(b\)\(c\)\(5\)\(a\)\(c\)\(6\)\(9\)–\(13\)](#) in force at 11.4.2018, see [reg. 1\(2\)\(3\)\(4\)\(a\)\(b\)](#)

#### Marginal Citations

- M1** [S.I. 2013/376](#); relevant amending instruments are [S.I. 2014/597](#), 771, 2015/345, 1362, 1649 and 2017/252.
- M2** [Regulation 57\(2\)](#) is to be substituted (for digital service cases only) by [S.I. 2015/345](#), which comes into force on 11th April 2018. See also regulation 7(4) of these Regulations for amendments to substituted regulation 57(2).
- M3** 1992 c. 5.
- M4** 2002 c. 16. The definition of “PPF periodic payments” was inserted by [S.I. 2006/343](#).
- M5** [S.I. 2013/379](#).
- M6** 1987 c. 26.
- M7** 1996 c. 52.
- M8** 2104 anaw 7.

**Changes to legislation:**

There are currently no known outstanding effects for the The Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018, Section 3.