

EXPLANATORY MEMORANDUM TO

**THE SOCIAL SECURITY (CORONAVIRUS) (FURTHER MEASURES)
(AMENDMENT) AND MISCELLANEOUS AMENDMENT REGULATIONS 2020**

2020 No. 1201

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by the Command of Her Majesty.
- 1.2 This memorandum contains matters of special interest for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 The purpose of this instrument is, to amend the Social Security (Coronavirus) [\(Further Measures\) Regulations 2020](#) (S.I. 2020/371) and, in particular, the expiry date of regulation 2 which now expires on 30 April 2021 and regulations 8 and 9 which now expire on 12 May 2021.
- 2.1 These changes are designed to ensure financial support continues for certain claimants during the pandemic i.e. claimants receiving Jobseeker's Allowance (JSA), Universal Credit (UC) and Carer's Allowance (CA) so that they are not penalised for following Government advice.
- 2.2 The Regulations also correct a typographic error in the Universal Credit (Persons who have attained state pension credit qualifying age) (Amendment) [Regulations](#) 2020 (S.I. 2020/655).

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 It was necessary to break the 21day rule in order to extend the measures in the Social Security (Coronavirus) (Further Measures) Regulations 2020, which expire on 12th November 2020. This means that claimants in receipt of Jobseeker's Allowance and Carer's Allowance, who are infected with Covid-19 or self-isolating, retain their entitlement to benefits. Extending these measures also continues the financial support for the self-employed by dis-applying the minimum income floor to self-employed people claiming Universal Credit, whose businesses are impacted by the Covid-19 pandemic, so that they are not incorrectly deemed to have an income that they do not currently have.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England, Wales and Scotland only.

4.2 The territorial application of this instrument is England, Wales and Scotland only except for the change in relation to Carer's Allowance, which applies only to England and Wales.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

6. Legislative Context

6.1 These regulations amend the Social Security (Coronavirus) (Further Measures) Regulations 2020 (S.I. 2020/371) so that regulation 2 (Universal Credit – minimum income floor) of those regulations now expires on 30 April 2021 and regulations 8 (Jobseeker's Allowance – periods of sickness) and 9 (Carer's Allowance) now expire on 12 May 2021.

6.2 The Regulations also correct a typographic error in the Universal Credit (Persons who have attained state pension credit qualifying age) (Amendment) Regulations 2020 (S.I. 2020/655).

7. Policy background

What is being done and why?

7.1 Following a review of the operation of the regulations by the Secretary of State this instrument extends the Government's support for those people affected by Covid-19, by amending the dates on which the following three provisions will cease to have effect:

- a. enabling the relaxation of the application of the Minimum Income Floor¹ (MIF) for self-employed UC claimants affected by the economic impact of Covid-19 in appropriate cases. It ensures that the self-employed are supported by the benefit system so that they can follow Public Health England guidance on social distancing and self-isolation.
- b. treating a person who is infected, self-isolating or caring for a child who is infected or self-isolating as not having limited capability for work for the purposes of entitlement conditions to Jobseeker's Allowance and excluding any such period from the calculation of the maximum permitted number of sickness periods applicable to a person whilst in receipt of old style JSA or new style JSA. Currently, claimants awarded JSA can have:
 - two short periods of sickness of up to 2 weeks in any jobseeking period, within each successive 12-month period, if their jobseeking period lasts longer than 12 months, or
 - a third or longer period of sickness of up to 13 weeks in a fixed 12-month period starting from the first date of their sickness

¹ The MIF is an assumed level of income that is designed to encourage individuals to increase their earnings by developing their self-employment. It is determined by multiplying the number of hours' claimants can reasonably be expected to work or be looking for work by the relevant national minimum wage or National Living Wage for their age, minus notional income tax and National Insurance contributions that would be payable on actual earnings at that level, to produce a net figure.

before they lose entitlement to JSA. By effectively disapplying these provisions for periods of sickness related to Covid-19 it means that no one will lose entitlement to JSA because of Covid-19;

- c. treat a person who is in receipt of Carer's Allowance and has only temporarily ceased providing care for the severely disabled person because either they or the cared for person are infected or contaminated with Covid-19 or are self-isolating, as continuing to meet the conditions. Where an alternative carer claims benefit for providing the necessary care and meets the qualifying conditions, they will receive the carer benefit instead and the original carer will be advised to claim another benefit, such as UC.
- d. The Regulations also correct a typographic error in the Universal Credit (Persons who have attained state pension credit qualifying age) (Amendment) Regulations 2020 (S.I. 2020/655), to ensure the intended amendment, as put to Parliament when those regulations were laid, is made of S.I. 2019/37 (C. 1). The amendment ensures mixed-age couples (where one partner is below and the other above pension age), have a smooth transition when moving between Universal Credit and pension age Housing Benefit.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

- 9.1 As this is a temporary measure consolidation is not being undertaken.

10. Consultation outcome

- 10.1 Given the urgency of these regulations, no consultation was undertaken.

11. Guidance

- 11.1 Guidance will be issued to DWP staff urgently to reflect the extensions provided for by the statutory instrument.

12. Impact

- 12.1 There is no, or no significant, impact on charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because no significant impact on business is foreseen.

13. Regulating small business

- 13.1 This legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 The Department is firmly committed to evaluating and monitoring the impact of its policies. To do this the Department will constantly consider whether further changes are required in line with CMO guidance while the Covid-19 outbreak continues.

15. Contact

- 15.1 Hayley Scriven at the Department for Work and Pensions Telephone: 07388387994 or email: Hayley.Scriven1@dwp.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Kerstin Parker at the Department for Work and Pensions can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Thérèse Coffey Secretary of State at the Department for Work and Pensions can confirm that this Explanatory Memorandum meets the required standard.