

*This Statutory Instrument corrects an error in the Universal Credit (Benefit Cap Earnings Exception) Amendment Regulations 2017 (S.I. 2017/138) and is being issued free of charge to all known recipients of that Statutory Instrument.*

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## STATUTORY INSTRUMENTS

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# 2020 No. 611

## SOCIAL SECURITY

### The Universal Credit (Miscellaneous Amendments) Regulations 2020

<i>Made</i>	- - - -	<i>18th June 2020</i>
<i>Laid before Parliament</i>		<i>22nd June 2020</i>
<i>Coming into force</i>	- -	<i>13th July 2020</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 5(1A), 189(4) and (6) and 191 of the Social Security Administration Act 1992<sup>(1)</sup> and sections 96(4)(c) and (10) and 97(1) of the Welfare Reform Act 2012<sup>(2)</sup>.

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

#### **Citation and commencement**

1.—(1) These Regulations may be cited as the Universal Credit (Miscellaneous Amendments) Regulations 2020.

(2) These Regulations come into force on 13th July 2020.

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

2. In regulation 82 (exceptions—earnings) of the Universal Credit Regulations 2013<sup>(3)</sup>—

- (a) omit paragraph (2)(a)(i);
- (b) in paragraph (2)(a)(ii) omit the words “in any other case.”;
- (c) omit paragraph (3)(a);

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(1) [1992 \(c.5\)](#). Section 5(1A) was inserted by the Welfare Reform Act [2012 \(c.5\)](#). Section 191 is cited for the meaning of “prescribed”.

(2) [2012 \(c.5\)](#). Section 96(10) is cited for the meaning of “regulations”. Relevant amendments were made by section 9 of the Welfare Reform and Work Act [2016 \(c.7\)](#).

(3) [S.I. 2013/376](#). Regulation 82 was amended by [S.I. 2017/138](#).

- (d) in paragraph (3)(b) omit the words “in any other case,”; and
- (e) after paragraph (4) insert—

“(5) For the purposes of paragraphs (2)(a) and (3), when calculating the amount in accordance with paragraph (1)(a) the reference to regulation 4 of the National Minimum Wage Regulations is a reference to regulation 4 as in force at the beginning of the assessment period or month for which the amount is calculated.”.

**Amendments to the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013**

**3.—**(1) The Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013(4) are amended as follows.

- (2) In regulation 38 (evidence and information in connection with an award)—
  - (a) in paragraph (1), for “apart from paragraph (7)” substitute “apart from paragraphs (7) and (9)”;
  - (b) after paragraph (8) insert—

“(9) A landlord, in a case where a claimant’s award of universal credit includes an amount in respect of housing costs or where the award may be revised or superseded to include such an amount, must supply such information or evidence in connection with the award, or any question arising out of it, as the Secretary of State may require, and must do so within one month of being required to do so or such longer period as the Secretary of State considers reasonable.”.

- (3) In regulation 40 (information to be provided to rent officers), in paragraph (5), for “regulation 37” substitute “regulations 37 and 38”.

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

*Will Quince*  
Parliamentary Under Secretary of State  
Department for Work and Pensions

18th June 2020

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## EXPLANATORY NOTE

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

These Regulations amend the Universal Credit Regulations 2013 ([S.I. 2013/376](#)) (“the UC Regulations”) and 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”).

Regulation 2 amends regulation 82 of the UC Regulations, which provides an exemption from the benefit cap that would otherwise apply in accordance with regulations made under section 96 of the Welfare Reform Act 2012. The amendment makes it clear that claimants are exempt from the application of the benefit cap if their previous employment was paid at the national living wage in force during that period of employment. This ensures claimants benefit from having a history of sustained employment even if the national living wage has subsequently increased.

Regulation 3 amends regulations 38 and 40 of the Claims and Payments Regulations to enable the Secretary of State to request, and landlords to provide, evidence regarding a claimant’s housing costs where a change of circumstances has occurred.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sectors is foreseen.