
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make minor amendments to various social security regulations.

Regulation 2 amends the Social Security (Recovery of Benefits) Regulations 1997 (S.I. 1997/2205) and regulation 3 amends the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008 (S.I. 2008/1596) to update the address of the Compensation Recovery Unit, which is part of the Department for Work and Pensions.

Regulation 4 amends regulation 28 of the Universal Credit Regulations 2013 (S.I. 2013/376), which makes provision for the period for which the limited capability for work and work-related activity element is not to be included in an award of universal credit. Regulation 28(1) sets out the general rule for when the element is not included and regulation 28(6) provides an exception to the general rule where a person has limited capability for work and it is subsequently determined that they have limited capability for work and work-related activity.

Regulation 5 amends regulation 26(2) of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (S.I. 2013/380) so that the maximum time period in which a claim for universal credit can be made is more closely aligned with the operation of universal credit. If a claimant does not make a claim on the first day of the period in respect of which they wish to claim universal credit, they can nonetheless be entitled to universal credit from that day provided that they make a claim on or before what would have been the last day of the first assessment period had they made the claim on that first day.

Regulation 6 amends various provisions of the Universal Credit (Transitional Provisions) Regulations 2014 (S.I. 2014/1230) ("the 2014 Regulations"). Paragraph (2) amends regulation 9(1) of the 2014 Regulations, which makes provision for the ongoing entitlement to benefits and the application of the benefit cap, so that an erroneous reference to the Universal Credit Regulations is corrected to refer to the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013.

Paragraph (3) amends regulation 21 of the 2014 Regulations so that, where (on or before the date of claim to universal credit) it had been determined that a claimant would have limited capability for work-related activity if they were entitled to old style ESA, the claimant is to be treated as having limited capability for work and work-related activity for certain purposes. An erroneous reference to regulation 27(1)(b) of the Universal Credit Regulations is corrected to refer to regulation 27(1) of those Regulations.

Paragraph (4) amends regulation 53 of the 2014 Regulations, which makes provision for the amount of transitional element, to clarify that it is only housing benefit in respect of specified or temporary accommodation that is not included in the consideration of the award of transitional element.

Paragraph (5) amends the modifications to the Tax Credits Act 2002 (c. 21) and the Tax Credits (Income Thresholds and Determination of Rates) Regulations 2002 (S.I. 2002/2008) in Schedule 1 to the 2014 Regulations. These modifications clarify the position for the finalisation of entitlement where the award is terminated within the tax year following a claim for universal credit. The amendments remove some unnecessary references to a "part" of the current tax year.

Paragraph (6) amends Schedule 2 to the 2014 Regulations by providing that a couple will receive a higher transitional severe disability premium (SDP) element if they continue to meet the conditions of eligibility for a higher SDP rate up to and including the first day of the universal credit award and

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no person becomes a carer for either of them in the first assessment period. It also contains a related definition and provides for provisions in other legislation to be disregarded in consequence.

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.