STATUTORY INSTRUMENTS

2018 No. 148

CHILDREN AND YOUNG PERSONS, ENGLAND

The Free School Lunches and Milk, and School and Early Years Finance (Amendments Relating to Universal Credit) (England) Regulations 2018

Made - - - -	*6th February 2018*
Laid before Parliament	*7th February 2018*
Coming into force - -	*1st April 2018*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 512ZB(4)(a)(ai), 512ZB(4)(b)(ai) and 568 of the Education Act 1996(**1**) and sections 45A and 138 of the School Standards and Framework Act 1998(**2**).

Part 1

General

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Free School Lunches and Milk, and School and Early Years Finance (Amendments Relating to Universal Credit) (England) Regulations 2018 and come into force on 1st April 2018.

(2) In these Regulations, "universal credit" means the benefit payable in accordance with Part 1 of the Welfare Reform Act 2012(**3**).

(3) These Regulations apply in relation to England.

(**1**) 1996 c. 56.
(**2**) 1998 c. 31. Section 45A was inserted by section 41 of the Education Act 2002 (c. 32).
(**3**) 2012 c. 5.

Part 2

Prescribed circumstances relating to universal credit

Prescribed circumstances: receipt of universal credit

2. The circumstances prescribed(**4**) for the purposes of section 512ZB(4)(a)(ai) of the Education Act 1996 are that C's parent—

(a) is on, or after, 1st April 2018 in receipt of universal credit, and

(b) in the relevant period has earned income not exceeding the applicable amount.

3. The circumstances prescribed for the purposes of section 512ZB(4)(b)(ai) of the Education Act 1996 are that C—

(a) is on, or after, 1st April 2018 in receipt of universal credit, and

(b) in the relevant period has earned income not exceeding the applicable amount.

4. For the purposes of regulations 2 and 3—

(a) "earned income" means income for the purposes of Chapter 2 of Part 6 of the Universal Credit Regulations 2013(**5**);

(b) The relevant assessment period and the applicable amount are those referred to in the following sub-paragraphs as applicable—

(i) except where sub-paragraphs (ii) or (iii) apply, where the parent has earned income which did not exceed £616.67 in the universal credit assessment period(**6**) immediately preceding the date of the request for a free school meal (period 1)—

(aa) the relevant assessment period is period 1; and

(bb) the applicable amount is £616.67;

(ii) this sub-paragraph applies where sub-paragraph (i) does not because the applicable amount referred to in that sub-paragraph is exceeded and there is a universal credit assessment period (period 2) immediately preceding period 1 referred to in that sub-paragraph—

(aa) the relevant assessment period is the sum of period 1 and period 2 (SAP); and

(bb) the applicable amount is £1,233.34;

(iii) this sub-paragraph applies where sub-paragraph (ii) does not because the applicable amount referred to in that sub-paragraph is exceeded and there is a universal credit assessment period (period 3) immediately preceding period 2 referred to in that paragraph—

(aa) the relevant assessment period is the period made up of SAP and period 3; and

(bb) the applicable amount is £1,850;

(c) where C, or as the case may be C's parent, is—

(i) a member of a couple who have jointly made a claim for, and are entitled to, universal credit; or

(**4**) See section 512 of the Education Act 1996 for the meaning of "prescribed".

(**5**) S.I. 2013/376. Chapter 2 of Part 6 is concerned with earned income for the purpose of calculating an award of universal credit.

(**6**) An assessment period is prescribed by regulation 2(1) of the Universal Credit Regulations 2013 as a period of one month beginning with the first day of entitlement and each subsequent period of one month during which entitlement subsists.