STATUTORY INSTRUMENTS

2018 No. 65

SOCIAL SECURITY

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

	at 1.05 p.m. on 22nd
Made - - - -	*January 2018*
	at 4.00 p.m. on 22nd
Laid before Parliament	*January 2018*
Coming into force in accordance with regulation 1(2) to (4)	

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 5(1A), 189(1), (4) and (6) and 191 of the Social Security Administration Act 1992 [F1], sections 10(6), 79(1), (4) and (5) and 84 of the Social Security Act 1998 [F2], sections 6H(1)(a), 35 and 36(2) of the Jobseekers Act 1995 [F3], section 69(1), (2) and (7) of the Child Support, Pensions and Social Security Act 2000 [F4] and sections 6(1)(c) and (3), 7(2) and (3), 8(3), 11(3)(a) and (5)(a), 19(2)(d), (3) and (4), 24(1)(a), 30, 32(1) and (4), 36, 40 and 42(1) to (3) of, and paragraphs 4(1) and (3)(a) of Schedule 1 and paragraphs 1(1) and 4(1)(a) of Schedule 6 to, the Welfare Reform Act 2012 [F5].

In accordance with section 172(1) of the Social Security Administration Act 1992, the Secretary of State has referred the proposals in respect of regulations 6(2)(b), (4) (apart from in relation to temporary accommodation), (7)(a) and (b), (8) and (10)(a) and 7(1) to (3), (4)(b), (5) and (6) to the Social Security Advisory Committee.

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 regulations 1 to 5, 6(2)(a) and (c), (3), (4) (in so far as it relates to temporary accommodation), (5), (6), (7)(c), (9), (10)(b) and (11), 7(4)(a) and 8 should not be referred to it.

In respect of the provisions in regulations 2, 3(2)(c), (12) and (13)(a), (b)(i)(bb) and (ii) and (c) to (h), and 6(2)(a) and (b), (3) to (8) and (10), in accordance with section 176(1) of the Social Security Administration Act 1992 [F6] the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned.

Annotations:

F1 1992 c. 5. Section 5(1A) was inserted by section 99(1) and (3) of the Welfare Reform Act 2012 (c. 5). Section 191 is cited for the meaning of "prescribe". The definition of "prescribe" was amended by paragraphs 2 and 10 of Schedule 5 to the Welfare Reform Act 2007 (c. 5).

F2 1998 c. 14. Section 79(1) was amended by S.I. 2008/2833 and paragraphs 12 and 13 of Schedule 4 to the Tax Credits Act 2002 (c. 21). Section 84 is cited for the meaning of "prescribe".
F3 1995 c. 18. Section 6H was substituted by the Welfare Reform Act 2012. Section 35 is cited for the meaning of "regulations".
F4 2000 c. 19. Section 69(7) is cited for the meaning of "prescribed".
F5 2012 c. 5. Section 40 is cited for the meaning of "prescribed".
F6 Section 176(1) was amended by paragraph 3(4) of Schedule 13 to the Housing Act 1996 (c. 52) and section 69(6) of the Child Support, Pensions and Social Security Act 2000 and repealed for certain purposes by Part 1 of Schedule 14 to the Welfare Reform Act 2012.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018.

(2) Subject to paragraphs (3) and (4), these Regulations come into force on 14th February 2018.

(3) Regulation 3(1), in so far as it relates to paragraph (7) of regulation 3, and that paragraph (7), come into force on 9th April 2018.

(4) The following provisions come into force on 11th April 2018—

(a) regulation 3(1), in so far as it relates to regulation 3(2)(b) and (c), (5)(a) and (c), (6) and (9) to (13);

(b) regulation 5(1), in so far as it relates to regulation 5(2);

(c) regulation 6(1), in so far as it relates to regulation 6(2)(a) and (b), (3) to (8) and (10);

(d) regulations 2, 3(2)(b) and (c), (5)(a) and (c), (6) and (9) to (13), 4, 5(2), 6(2)(a) and (b), (3) to (8) and (10) and 8.

(5) These Regulations extend to England and Wales and Scotland only.

Amendments to the Discretionary Financial Assistance Regulations 2001

2. In the following provisions of the Discretionary Financial Assistance Regulations 2001 **,** for "paragraph 3(e)" substitute " paragraph 3(h) or (i) "

(a) regulation 1(2), in the definition of "relevant award of universal credit";

(b) regulation 4(2)(b).

Amendments to the Universal Credit Regulations 2013

3.—(1) The Universal Credit Regulations 2013 [F9] 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—

$$N \text{ } \diamondsuit? \left(\frac{A \text{ } \diamondsuit? \, 12}{365} \right)$$

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) [F10], 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) [F11] ";

(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 [F12].".

(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 [F13] 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 [F14], Part VII of the Housing Act 1996 [F15] or Part 2 of the Housing (Wales) Act 2014 [F16], 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—