
STATUTORY INSTRUMENTS

2013 No. 630

**The Universal Credit (Consequential, Supplementary,
Incidental and Miscellaneous Provisions) Regulations 2013**

PART 3

AMENDMENTS OF SECONDARY LEGISLATION

CHAPTER 5

EDUCATION AND EMPLOYMENT

Amendment of the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996

50.—(1) The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996(1) are amended as follows.

(2) In the title of the Regulations, for “Jobseeker's Allowance and Income Support” substitute “Benefits”.

(3) In regulation 1 (citation and commencement), for “Jobseeker's Allowance and Income Support” substitute “Benefits”.

(4) In regulation 2(1) (interpretation)(2)—

(a) in the definition of “recoupable benefit”, after “income-related employment and support allowance” insert “, universal credit”;

(b) after the definition of “Secretary of the Tribunals” insert—

““universal credit” means universal credit under Part 1 of the Welfare Reform Act 2012(3);”.

(5) In regulation 4 (duties of the employment tribunals and of the Secretary of the Tribunals in respect of monetary awards)(4), in paragraphs (1) and (8), after “income-related employment and support allowance” insert “, universal credit”.

(6) In regulation 8 (recoupment of benefit)(5)—

(a) in paragraph (1), after “income-related employment and support allowance” insert “, universal credit”;

(b) in paragraph (2)(b) at the beginning insert “(i)”, and after “is attributable” insert—

“; or

(ii) in the case of an employee entitled to an award of universal credit for any period (“the UC period”) which coincides with any part of the period

(1) [S.I. 1996/2349](#).

(2) Regulation 2(1) has been amended in ways that are not relevant to these Regulations.

(3) [2012 c.5](#).

(4) Regulation 4 was amended by the Employment Rights (Dispute Resolution) Act 1998 (c.8) and [S.I. 2010/2429](#).

(5) Regulation 8 was amended by [S.I. 2010/2429](#).

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to which the prescribed element is attributable, any amount paid by way of or on account of universal credit for the UC period that would not have been paid if the person's earned income for that period was the same as immediately before the period to which the prescribed element is attributable”;

(c) in paragraph (3)(b), at the beginning insert “(i)”, and after “described in (a) above” insert—
“; or

(ii) in the case of an employee entitled to an award of universal credit for any period (“the UC period”) which coincides with any part of the protected period falling before the date described in (a) above, any amount paid by way of or on account of universal credit for the UC period that would not have been paid if the person's earned income for that period was the same as immediately before the protected period”; and

(d) after paragraph (11) insert—

“(12) For the purposes of paragraphs (2)(b)(ii) and (3)(b)(ii), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.”.

(7) In regulation 10 (provisions relating to determination of amount paid by way of or paid as on account of benefit)(6), in paragraphs (1) and (2), after “income-related employment and support allowance” insert “, universal credit”.

Amendment of the Education (Student Loans) Regulations 1998

51. In Schedule 2, paragraph 1, to the Education (Student Loans) Regulations 1998 (terms of loans)(7), for the definition of “disability related benefits” substitute—

““disability related benefits” means—

- (a) long term incapacity benefit or short term incapacity benefit at the higher rate, severe disablement allowance, disability living allowance, industrial injuries benefit and disabled person's tax credit, all payable under the Social Security Contributions and Benefits Act 1992(8);
- (b) personal independence payment under Part 4 of the Welfare Reform Act 2012;
- (c) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(9);
- (d) the amount of any disability premium and severe disability premium included in the applicable amount in calculating the income support payable under the Income Support (General) Regulations 1987(10);
- (e) any amount that is included in the calculation of an award of universal credit, under regulation 27(1) of the Universal Credit Regulations 2013(11), in respect of the fact that the borrower has limited capability for work or limited capability for work and work-related activity; or
- (f) any other statutory disability related benefit which replaces any of those benefits and which the lender gives the borrower details;”.

(6) Regulation 10 was amended by S.I. 1999/3178, 2008/2683 and 2010/2429.

(7) S.I. 1998/211.

(8) 1992 c.4.

(9) S.I. 2011/517.

(10) S.I. 1987/1967.

(11) S.I. 2013/376.

Amendment of the National Minimum Wage Regulations 1999

52. In regulation 12(11) of the National Minimum Wage Regulations 1999 (workers who do not qualify for the national minimum wage)(**12**)—

- (a) in sub-paragraph (b)(i), after “or entitled to,” insert “universal credit under Part 1 of the Welfare Reform Act 2012,”; and
- (b) in sub-paragraph (b)(ii), for “either” substitute “any”.

Amendment of the Education (Student Support) (European University Institute) Regulations 2010

53. In regulation 27(2) of the Education (Student Support) (European University Institute) Regulations 2010 (interpretation)(**13**), after sub-paragraph (f) omit “and” and after sub-paragraph (g) insert—

“; and

(h) in the case of a dependant who is entitled to an award of universal credit under Part 1 of the Welfare Reform Act 2012—

(i) any amount that is included in the calculation of the award, under regulation 27(1) of the Universal Credit Regulations 2013(**14**), in respect of the fact that the dependant has limited capability for work or limited capability for work and work-related activity; and

(ii) any amount or additional amount that is included in the calculation of the award under regulation 24 of those Regulations (the child element)”.

Amendment of the Education (Student Support) Regulations 2011

54.—(1) The Education (Student Support) Regulations 2011(**15**) are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “type 3 teacher training student” insert—

““universal credit” means universal credit under Part 1 of the Welfare Reform Act 2012;”.

(3) In regulation 42(2) (interpretation of Chapter 4)(**16**), after sub-paragraph (g) omit “and” and after sub-paragraph (h) insert—

“(i) in the case of a dependant who is entitled to an award of universal credit—

(i) any amount that is included in the calculation of the award, under regulation 27(1) of the Universal Credit Regulations 2013, in respect of the fact that the dependant has limited capability for work or limited capability for work and work-related activity;

(ii) any amount or additional amount that is included in the calculation of the award under regulation 24 of those Regulations (the child element)”.

(4) In regulation 45(3) (childcare grant)(**17**), for the words from “has elected” to the end substitute—

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(12) [S.I. 1999/584](#). Regulation 12(11) was amended by [S.I. 2008/11879](#) and [2008/412](#).

(13) [S.I. 2010/447](#).

(14) [S.I. 2013/376](#).

(15) [S.I. 2011/1986](#).

(16) Regulation 42 was amended by [S.I. 2012/1653](#).

(17) Regulation 45 was amended by [S.I. >2012/1653](#).

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- (a) has elected to receive the childcare element of the working tax credit under Part 1 of the Tax Credits Act 2002⁽¹⁸⁾; or
 - (b) is entitled to an award of universal credit the calculation of which includes an amount under regulation 31 of the Universal Credit Regulations 2013 (childcare costs element)".
- (5) In regulation 61(2) (qualifying conditions for the special support grant)⁽¹⁹⁾, after subparagraph (a) omit "or", and in paragraph (b) after "of that Act" insert—
- "; or
- (c) under regulation 25(3) of the Universal Credit Regulations 2013 is liable or treated as being liable to make payments in respect of the accommodation they occupy as their home".
- (6) In regulation 125(1)(a) (amount of support for designated distance learning courses)⁽²⁰⁾, after paragraph (ii) omit "or", and after paragraph (iii) insert—
- "or
- (iv) to universal credit;".
- (7) In regulation 142(3)(a) (amount of assistance in respect of courses beginning before 1st September 2012)⁽²¹⁾, after paragraph (ii) omit "or", and after paragraph (iii) insert—
- "or
- (iv) to universal credit;".

⁽¹⁸⁾ 2002 c.21.

⁽¹⁹⁾ Regulation 61 was amended by S.I. 2012/1653.

⁽²⁰⁾ Regulation 125 was amended by S.I. 2012/1653.

⁽²¹⁾ Regulation 142 was amended by S.I. 2012/1653.