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STATUTORY INSTRUMENTS

2018 No. 1129

SOCIAL SECURITY

The Universal Credit and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 2018

Made - - - - 30th October 2018
Laid before Parliament 5th November 2018
Coming into force in accordance with regulation 1(2)
and (3)

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 123(1)(a), 135(1), 136(3) and (5)(b), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992⁽¹⁾, sections 4(5), 12(1) and (4)(b), 35(1) and 36(2) of the Jobseekers Act 1995⁽²⁾ and sections 10(4), 11(4) and (5)(a) and 42(1), (2) and (3) of, and paragraph 4(1) and (3) of Schedule 1 to, the Welfare Reform Act 2012⁽³⁾.

In accordance with section 173(1)(b) of the Social Security Administration Act 1992⁽⁴⁾, the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

In accordance with section 29(7) of the Scotland Act 2016⁽⁵⁾ the Secretary of State has consulted the Scottish Ministers.

Citation and commencement

1.—(1) These Regulations may be cited as the Universal Credit and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 2018.

(2) Subject to paragraph (3), these Regulations come into force on 28th November 2018.

(3) Regulations 3(2) and (6)(a) to (c) and 4 come into force on 31st December 2018.

(1) 1992 c.4. Section 137(1) is cited for the meaning of “prescribed”.

(2) 1995 c.18. Section 35(1) is cited for the meaning of “prescribed” and “regulations”; both definitions were amended by paragraph 62 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c. 2).

(3) 2012 c.5. Section 10(4) was amended by the Welfare Reform and Work Act 2016 (c.7), section 14(4).

(4) 1992 c. 5.

(5) 2016 c. 11.

Amendments to the Jobseeker’s Allowance Regulations 1996

2. In Schedule 1 (applicable amounts) to the Jobseeker’s Allowance Regulations 1996(6)—
- (a) in paragraph 12 (higher pensioner premium), in sub-paragraph (1)(a)(i)—
 - (i) after “(c),” insert “(ca), (cb),”;
 - (ii) after “(f)” insert “, (fa)”;
 - (b) in paragraph 13 (disability premium), in sub-paragraph (1)—
 - (i) in paragraph (a)—
 - (aa) after “(c),” insert “(ca), (cb),”;
 - (bb) after “(f)” insert “, (fa)”;
 - (ii) in paragraph (b)—
 - (aa) after “(c),” insert “(ca), (cb),”;
 - (bb) after “(f)” insert “, (fa)”.

Amendments to the Universal Credit Regulations 2013

- 3.—(1) The Universal Credit Regulations 2013(7) are amended as follows.
- (2) In regulation 6(1A) (rounding in pounds), omit paragraph (c) and the “and” preceding it.
 - (3) In regulation 24A (availability of the child element where maximum exceeded)—
 - (a) in paragraph (1)—
 - (i) before sub-paragraph (a) insert—
 - “(za) any child or qualifying young person in relation to whom an exception applies in the circumstances set out in—
 - (i) paragraph 3 (adoptions) or paragraph 4 (non-parental caring arrangements) of Schedule 12; or
 - (ii) paragraph 6 of Schedule 12 by virtue of an exception under paragraph 3 of that Schedule having applied in relation to a previous award;”;
 - (ii) in sub-paragraph (b)(ii) after “person” insert “in the circumstances set out in paragraph 2 (multiple births), paragraph 5 (non-consensual conception) or, except where sub-paragraph (za)(ii) applies, paragraph 6 (continuation of existing exception in a subsequent award) of Schedule 12”;
 - (b) omit paragraph (4).
 - (4) In regulation 24B (order of children and qualifying young persons)—
 - (a) in paragraph (1)—
 - (i) for “paragraph (2)” substitute “paragraphs (2) and (2A)”;
 - (ii) for “the following date” to the end of paragraph (1)(b) substitute “the date of birth of each child or qualifying young person for whom the claimant is responsible, taking the earliest date first.”;
 - (b) omit paragraph (2)(b) and the “or” preceding it;
 - (c) after paragraph (2) insert -

(6) S.I. 1997/207; relevant amending instruments are S.I. 2007/719 and 2009/1488.

(7) S.I. 2013/376; relevant amending instruments are S.I. 2015/1754, 2017/138, 2017/252 and 2017/376.

“(2A) Any child or qualifying young person to whom regulation 24A(1)(za) applies is to be disregarded when determining the order of children and qualifying young persons under this regulation.”.

(5) In regulation 77 (company analogous to a partnership or one person business), in paragraph (5), for “or Chapter 9” to the end substitute “, Chapter 9 (managed service companies) or Chapter 10 (workers’ services provided through intermediaries) of Part 2 of ITEPA and that income is derived from activities that are the person’s main employment”.

(6) In Schedule 4 (housing cost element for renters)—

- (a) in paragraph 1(3), for “exceptions” substitute “an exception”;
- (b) in the heading of Part 2 (exceptions to inclusion of housing costs element), for “Exceptions” substitute “Exception”;
- (c) omit paragraphs 4A to 4C;
- (d) in paragraph 29—
 - (i) in sub-paragraph (1), for “(9)” substitute “(9A)”;
 - (ii) after sub-paragraph (9) insert—

“(9A) E is under 35 years old and satisfies the foster parent condition (within the meaning of paragraph 12(4)).”.

Revocation of the Universal Credit (Housing Costs Element for claimants aged 18 to 21) (Amendment) Regulations 2017

4. The Universal Credit (Housing Costs Element for claimants aged 18 to 21) (Amendment) Regulations 2017(8) are revoked.

Amendments to the Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) Amendment Regulations 2017

5. In the following provisions of the Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) Amendment Regulations 2017(9) for “an exception in Schedule 12 of the Universal Credit Regulations 2013 would apply” substitute “the child element specified in regulation 24(1) of the Universal Credit Regulations 2013 would be payable”—

- (a) paragraph (2) of regulation 5 (restrictions on amounts for children and young persons—consequential changes to the Income Support (General) Regulations 1987); and
- (b) paragraph (2) of regulation 6 (restrictions on amounts for children and young persons—consequential changes to the Jobseeker’s Allowance Regulations 1996).

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

30th October 2018

Justin Tomlinson
Parliamentary Under-Secretary of State
Department for Work and Pensions

(8) [S.I. 2017/252](#).
(9) [S.I. 2017/376](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Universal Credit Regulations (S.I. 2013/376) ("the UC Regulations") and the Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) Amendment Regulations 2017 (S.I. 2017/376).

Regulation 2 amends the Jobseeker's Allowance Regulations 1996 to insert cross-references to additional conditions for the higher pensioner and disability premium, where a claimant is in receipt of personal independence payment or armed forces independence payment. The cross-references had previously been unintentionally omitted.

Regulation 3(2) and (6)(a) to (c) reverse the changes made by the Universal Credit Regulations (Housing Costs Element for claimants aged 18 to 21) (Amendment) Regulations 2017 (S.I. 2017/252) by removing the paragraphs in Schedule 4 to the UC Regulations which excluded certain claimants aged between 18 and 21 years of age from receiving the housing element of Universal Credit. The Universal Credit Regulations (Housing Costs Element for claimants aged 18 to 21) (Amendment) Regulations 2017 are revoked by regulation 4.

Regulation 3(3) amends the UC Regulations so claimants receive an additional child element for any child or qualifying young person cared for under a non-parental caring arrangement (kinship care) or who is adopted from local authority care, regardless of the position of the cared for or adopted child within the household. Claimants can therefore receive a child element for any children who are adopted or cared for, plus up to two children who do not qualify for an exception, plus any third or subsequent children who qualify for other exceptions (multiple birth or non-consensual conception). Regulation 3(4) simplifies the ordering provisions for children in the household. When calculating the maximum support available, payments for adopted or cared for children should now be additional payments, so those children should be disregarded when determining the order of children in a household. This means that the ordering can be simplified to refer only to date of birth.

Regulation 3(5) amends regulation 77 (company analogous to a partnership or one person business) of the UC Regulations to include an additional reference to relevant tax law, in order to maintain the existing alignment in the treatment of "off-payroll" workers (also known as IR35 or intermediary workers) in tax and Universal Credit, as employees rather than self-employed.

Regulation 3(6)(d) amends paragraph 29 of Schedule 4 (renters excepted from shared accommodation) to the UC Regulations to provide that foster carers are excepted from the one-bedroom shared accommodation rate in the private rented sector. This aligns the treatment of foster carers in the private rented sector with that of foster carers in the social rented sector.

Regulation 5 amends the Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) Amendment Regulations 2017 to apply the changes made to regulations 24A and 24B of the UC Regulations to any awards of Income Support and Jobseeker's Allowance that include an amount for a child or young person.

An impact assessment has not been produced for this instrument as it has no impact on business or on civil society organisations. This instrument has no impact on the public sector.