
STATUTORY INSTRUMENTS

2013 No. 630

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

PART 3

AMENDMENTS OF SECONDARY LEGISLATION

CHAPTER 1

SOCIAL SECURITY BENEFITS

Amendment of the Employment and Support Allowance Regulations 2008

37.—(1) The Employment and Support Allowance Regulations 2008⁽¹⁾ are amended as follows.

(2) In regulation 1—

- (a) for the heading substitute “Citation, commencement and application”; and
- (b) at the beginning, insert “(1)” and after paragraph (1) insert—

“(2) These Regulations do not apply to a particular case on any day on which section 33(1)(b) of the 2012 Act (abolition of income-related employment and support allowance) is in force and applies in relation to that case.”.

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

- (a) after the definition of “confinement” insert—

““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers Act as amended by the provisions of Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Act as that Act has effect apart from those provisions;”;

- (b) after the definition of “New Deal Options”, insert—

““new style ESA” means an allowance under Part 1 of the Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance;”;

- (c) after the definition of “training allowance” insert—

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

(4) In regulation 63(5) (reduction of employment and support allowance)⁽³⁾—

- (a) after “contributory allowance” insert “including new style ESA”; and
- (b) after “this regulation”, insert “or section 11J of the Act respectively”.

⁽¹⁾ [S.I. 2008/794](#); regulation 2(1) was amended by [S.I. 2013/388](#).

⁽²⁾ Regulation 2(1) was amended by [S.I. 2013/388](#); there are other amendments that are not relevant to these Regulations.

⁽³⁾ Section 11J was inserted by the Welfare Reform Act [2012 \(c.5\)](#), section 57.

- (5) In regulation 93(2) (date on which income is treated as paid)—
- (a) for “or severe disablement allowance” substitute “severe disablement allowance or universal credit”; and
 - (b) for “the day of the benefit week” substitute “on any day”.
- (6) In regulation 167(b) (modification in the calculation of income), after “income support” insert “, universal credit”.
- (7) In Schedule 6 (housing costs)—
- (a) in paragraph 1(3) (housing costs - meaning of disabled person)(4), omit “or” after paragraph (c) and, after paragraph (d), insert—
 - “; or
 - (e) who is entitled to an award of universal credit the calculation of which includes an amount under regulation 27(1) of the Universal Credit Regulations 2013 in respect of the fact that that person has limited capability for work or limited capability for work and work-related activity, or would include such an amount but for regulation 27(4) or 29(4) of those Regulations;”; and
 - (b) in paragraph 19 (non-dependant deductions)(5)—
 - (i) omit “or” after sub-paragraph (7)(g) and, after sub-paragraph (7)(h), insert—
 - “or
 - (ha) if the non-dependant is aged less than 25 and is entitled to an award of universal credit which is calculated on the basis that the non-dependant does not have any earned income;”; and
 - (ii) after sub-paragraph (7) insert—
 - “(7A) For the purposes of sub-paragraph (7)(ha), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.”.
- (8) In Schedule 8, paragraph 9(b) (sums to be disregarded in the calculation of income other than earnings)(6), after “income support” insert “, universal credit”.
- (9) In Schedule 9 paragraph 11 (capital to be disregarded)—
- (a) in sub-paragraph (1)(b), after “income-based jobseeker’s allowance” insert “, universal credit”;
 - (b) in sub-paragraph (3)(a) and (b), after “income support” insert “, universal credit”; and
 - (c) in sub-paragraph (3), omit “or” after paragraph (b)(ii) and, after paragraph (b)(iii), insert—
 - “; or
 - (iv) in a case where universal credit is awarded to the claimant and another person as joint claimants, either the claimant or the other person, or both of them, received the relevant sum”.

(4) Paragraph 1(3) was amended by [S.I. 2012/913](#).

(5) Paragraph 19(7) was amended by [S.I. 2008/2428](#).

(6) Paragraph 9(b) was amended by [S.I. 2008/2428](#).