
STATUTORY INSTRUMENTS

2015 No. 1754

The Universal Credit and Miscellaneous
Amendments Regulations 2015

PART 2

PREVENTION OF DUAL PROVISION OF BENEFIT FOR CARE

CHAPTER 1

The carer element of universal credit and carer's allowance

11.—(1) Section 70 (carer's allowance) of the Social Security Contributions and Benefits Act 1992 is amended as follows.

(2) In subsection (7)—

- (a) for “be entitled for the same day to such an allowance” substitute “have a relevant entitlement for the same day”; and
- (b) for “shall be entitled” substitute “shall have that entitlement”.

(3) After subsection (7) insert—

“(7A) For the purposes of subsection (7) a person has a “relevant entitlement” if—

- (a) the person is entitled to a carer's allowance, or
- (b) the person is entitled under section 12 of the Welfare Reform Act 2012 to the inclusion in an award of universal credit of an amount in respect of the fact that the person has regular and substantial caring responsibilities for a severely disabled person.”.

12.—(1) Regulation 7 (manner of electing the person entitled to a carer's allowance in respect of a severely disabled person where, but for section 70(7) of the Contributions and Benefits Act, more than one person would be entitled to an invalid care allowance in respect of that severely disabled person) of the Social Security (Invalid Care Allowance) Regulations 1976⁽¹⁾ is amended as follows.

(2) In paragraph (1)—

- (a) for “be entitled for the same day to a carer's allowance” substitute “have a relevant entitlement for the same day”;
- (b) for “shall be entitled” substitute “shall have that entitlement”;
- (c) for “be entitled to a carer's allowance” substitute “have a relevant entitlement”; and
- (d) for “to be entitled” substitute “to have that entitlement”.

(3) In paragraph (2)—

- (a) for “entitlement to carer's allowance” substitute “a relevant entitlement”; and

⁽¹⁾ S.I. 1976/409; relevant amending instruments are S.I. 1996/2744 and 2002/2497.

(b) for “a carer’s allowance” substitute “a carer’s allowance or the carer element of universal credit”.

(4) After paragraph (2) insert—

“(3) In paragraph (2) “the carer element of universal credit” means an amount included in an award of universal credit in respect of the fact that a person has regular and substantial caring responsibilities for a severely disabled person.”.

13. In regulation 29 (award to include the carer element) of the Universal Credit Regulations 2013, at the end of paragraph (1) insert “and section 70(7) of the Contributions and Benefits Act (entitlement by different persons to the carer element and to carer’s allowance in respect of the same severely disabled person”.