

SCHEDULES

SCHEDULE 2

Section 31

UNIVERSAL CREDIT: AMENDMENTS

Children Act 1989 (c. 41)

- 1 In the Children Act 1989, in the following provisions, after “in receipt” there is inserted “of universal credit (except in such circumstances as may be prescribed),”—
- (a) section 17(9) (provision of services to children in need, their families and others);
 - (b) section 17A(5)(b) (direct payments);
 - (c) section 29(3) and (3A) (recoupment of cost of providing services etc);
 - (d) paragraph 21(4) of Schedule 2 (local authority support for children and families).

Child Support Act 1991 (c. 48)

- 2 In the Child Support Act 1991, in paragraph 5 of Schedule 1 (maintenance calculations), as it has effect apart from section 1 of the Child Support, Pensions and Social Security Act 2000, in sub-paragraph (4) after “Where” there is inserted “universal credit (in such circumstances as may be prescribed),”.

Social Security Administration Act 1992 (c. 5)

- 3 The Social Security Administration Act 1992 is amended as follows.
- 4 In section 1 (entitlement to benefit dependent on claim), in subsection (4), before paragraph (a) there is inserted—
- “(za) universal credit;”.
- 5 In section 5 (regulations about claims and payments)—
- (a) in subsection (2), before paragraph (a) there is inserted—
 “(za) universal credit;”;
 - (b) in subsection (6), after “in relation to“ there is inserted “universal credit or”.
- 6 (1) Section 15A (payment out of benefit of sums in respect of mortgage interest) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), after “entitled, to“ there is inserted “universal credit;”;
 - (b) in paragraph (b), after “determining“ there is inserted “the maximum amount for the purposes of universal credit or”;
 - (c) in the words after paragraph (b), after “whose” there is inserted “maximum amount for the purposes of universal credit or”.
- (3) In subsection (4)—

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- (a) in the definition of “qualifying associate”—
 - (i) before “falls” there is inserted “or universal credit”;
 - (ii) before “as responsible” there is inserted “or Part 1 of the Welfare Reform Act 2012”;
 - (b) in the definition of “relevant benefits”, before paragraph (a) there is inserted—
 - “(za) universal credit;”.
- 7 In section 74 (income support and other payments), in subsection (2)(b), after “by way of” there is inserted “universal credit or”.
- 8 In section 74A (payments of benefit where maintenance payments collected by Secretary of State), in subsection (7), after “applies are” there is inserted “universal credit;”.
- 9 In section 78 (recovery of social fund awards), in subsection (6)(d), after “receiving” there is inserted “universal credit;”.
- 10 In section 105 (failure to maintain - general), in subsection (1)(b), after “neglect” there is inserted “universal credit;”.
- 11 In section 106 (recovery of expenditure on benefit from person liable for maintenance), in subsections (1), (2), (3) and (4)(a) and (b), after “income support” there is inserted “or universal credit”.
- 12 In section 108 (reduction of expenditure on income support etc), in subsection (1) (a), after “income support” there is inserted “or universal credit”.
- 13 In section 109 (diversion of arrested earnings - Scotland), in subsection (1), after “in receipt of”, in both places, there is inserted “universal credit;”.
- 14 In section 121DA (interpretation of Part 6), in subsection (1), after paragraph (hi) there is inserted—
 - “(hj) Part 1 of the Welfare Reform Act 2012;”.
- 15 In section 122B (supply of other government information for fraud prevention and verification), in subsection (3)(b) after “Welfare Reform Act 2007” there is inserted “, Part 1 of the Welfare Reform Act 2012”.
- 16 (1) Section 122F (supply by rent officers of information relating to housing benefit) is amended as follows.
- (2) In the heading, for “information relating to housing benefit” there is substituted “benefit information”.
 - (3) In subsection (1), for “housing benefit information” there is substituted “benefit information”.
 - (4) In subsection (3)(a) after “relating to” there is inserted “universal credit”.
 - (5) In subsection (4)—
 - (a) for “housing benefit information” there is substituted “benefit information”;
 - (b) after “relating to” there is inserted “universal credit”.
- 17 In section 124 (age, death and marriage), in subsection (1)—
 - (a) in paragraph (ac), the final “and” is repealed;
 - (b) after that paragraph there is inserted—

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- “(ad) of the provisions of Part 1 of the Welfare Reform Act 2012;”.
- 18 In section 125 (regulations as to notification of death), in subsection (1), after “2007” there is inserted “, Part 1 of the Welfare Reform Act 2012”.
- 19 In section 126 (information from personal representatives), in subsection (1), after “receipt of” there is inserted “universal credit”.
- 20 In section 130 (duties of employers), in subsection (1), before paragraph (a) there is inserted—
“(za) universal credit;”.
- 21 In section 132 (duties of employers - statutory maternity pay etc), in subsection (1), before paragraph (a) there is inserted—
“(za) universal credit;”.
- 22 In section 150 (uprating)—
(a) in subsection (1) at the end there is inserted—
“(n) specified in regulations under sections 9 to 12 of the Welfare Reform Act 2012;”;
(b) in subsection (7), after “2007” there is inserted “or Part 1 of the Welfare Reform Act 2012”.
- 23 After section 159C there is inserted—

“159D Effect of alterations affecting universal credit

- (1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) shall have effect where—
- (a) an award of universal credit is in force in favour of any person (“the recipient”), and
- (b) an alteration—
- (i) in any element of universal credit,
 - (ii) in the recipient’s benefit income,
 - (iii) in any amount to be deducted in respect of earned income under section 8(3)(a) of the Welfare Reform Act 2012,
 - (iv) in any component of a contribution-based jobseeker’s allowance,
 - (v) in any component of a contributory employment and support allowance, or
 - (vi) in such other matters as may be prescribed,
- affects the computation of the amount of universal credit to which he is entitled.
- (2) Where, as a result of the alteration, the amount of universal credit to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of universal credit payable in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Secretary of State; and the award shall have effect accordingly.

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- (3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of universal credit as before, the award shall continue in force accordingly.
- (4) Subsection (5) applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—
- (a) in relation to any of the items referred to in subsection (1)(b)(i) to (vi), the amount of the alteration which he proposes to make by an order under section 150, 150A or 152 or by or under any other enactment, and
 - (b) the date on which he proposes to bring the alteration in force (“the proposed commencing date”).
- (5) If, in a case where this subsection applies, an award of universal credit is made in favour of a person before the proposed commencing date and after the date on which the statement is made, the award—
- (a) may provide for the universal credit to be paid as from the proposed commencing date at a rate determined by reference to the amounts of the items referred to in subsection (1)(b)(i) to (vi) which will be in force on that date, or
 - (b) may be expressed in terms of the amounts of those items in force at the date of the award.
- (6) In this section—
- “alteration”—
- (a) in relation to any element of universal credit, means its alteration by or under any enactment;
 - (b) in relation to a person’s benefit income, means the alteration of any of the sums referred to in section 150 or 150A by any enactment or by an order under section 150, 150A or 152 to the extent that any such alteration affects the amount of his benefit income;
 - (c) in relation to any component of a contribution-based jobseeker’s allowance or a contributory employment and support allowance, means its alteration by or under any enactment;
 - (d) in relation to any other matter, has such meaning as may be prescribed;
- “benefit income”, in relation to a person, means so much of his income as consists of benefit under the Contributions and Benefits Act or personal independence payment;
- “the commencing date”, in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;
- “component”—
- (a) in relation to contribution-based jobseeker’s allowance, means any of the sums specified in regulations under the Jobseekers Act 1995 which are relevant in calculating the amount payable by way of a jobseeker’s allowance;
 - (b) in relation to a contributory employment and support allowance, means any of the sums specified in regulations

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under Part 1 of the Welfare Reform Act 2007 which are relevant in calculating the amount payable by way of such an allowance;

“element”, in relation to universal credit, means any of the amounts specified in regulations under sections 9 to 12 of the Welfare Reform Act 2012 which are included in the calculation of an award of universal credit.”

24 After section 160B there is inserted—

“160C Implementation of increases in universal credit due to attainment of a particular age

- (1) This section applies where—
 - (a) an award of universal credit is in force in favour of a person (“the recipient”), and
 - (b) an element has become applicable, or applicable at a particular rate, because he or some other person has reached a particular age (“the qualifying age”).
- (2) If, as a result of the recipient or other person reaching the qualifying age, the recipient becomes entitled to an increased amount of universal credit, the amount payable to or for him under the award shall, as from the day on which he becomes so entitled, be that increased amount, without any further decision of the Secretary of State; and the award shall have effect accordingly.
- (3) Subsection (2) does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient’s entitlement to—
 - (a) a benefit under the Contribution and Benefits Act, or
 - (b) personal independence payment.
- (4) Subsection (2) does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient’s entitlement to universal credit, other than—
 - (a) the question whether the element concerned, or any other element, becomes or ceases to be applicable, or applicable at a particular rate, in the recipient’s case, and
 - (b) the question whether, in consequence, the amount of his universal credit falls to be varied.
- (5) In this section, “element”, in relation to universal credit, means any of the amounts specified in regulations under sections 9 to 12 of the Welfare Reform Act 2012 which are included in the calculation of an award of universal credit.”

25 (1) Section 165 (adjustments between National Insurance Fund and Consolidated Fund) is amended as follows.

(2) In subsection (1)(a)(iii), after “Act” there is inserted “, universal credit”.

(3) In subsection (6)(a), for “or section 27 of the Welfare Reform Act 2007” there is substituted “section 27 of the Welfare Reform Act 2007 or section 148 of the Welfare Reform Act 2012”.

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- 26 (1) In section 170 (Social Security Advisory Committee), subsection (5) is amended as follows.
- (2) In the definition of “the relevant enactments”—
- (a) in paragraph (af), for the words from “sections 68” to “to that Act” there is substituted “sections 69 and 70 of the Child Support, Pensions and Social Security Act 2000;”;
- (b) after paragraph (aj) there is inserted—
- “(ak) the provisions of Part 1 of the Welfare Reform Act 2012;”.
- (3) In the definition of “the relevant Northern Ireland enactments”—
- (a) in paragraph (af), for the words from “sections 68” to “to that Act” there is substituted “sections 69 and 70 of the Child Support, Pensions and Social Security Act 2000;”;
- (b) after paragraph (aj) there is inserted—
- “(ak) any provisions in Northern Ireland which correspond to the provisions of Part 1 of the Welfare Reform Act 2012;”.
- 27 (1) Section 179 (reciprocal agreements) is amended as follows.
- (2) In subsection (3)(a), after “2007” there is inserted “, Part 1 of the Welfare Reform Act 2012”.
- (3) In subsection (4), after paragraph (af) there is inserted—
- “(ag) to Part 1 of the Welfare Reform Act 2012; and”.
- (4) In subsection (5), before paragraph (a) there is inserted—
- “(za) universal credit;”.
- 28 In section 180 (payment of travelling expenses), in paragraphs (a) and (b)(i), after “2007” there is inserted “, Part 1 of the Welfare Reform Act 2012”.
- 29 In section 182B (information about postal redirection), in subsection (5)(b), after “1995” there is inserted “, Part 1 of the Welfare Reform Act 2012”.
- 30 In section 187 (inalienability), in subsection (1), before paragraph (a) there is inserted—
- “(za) universal credit;”.
- 31 In section 191 (interpretation), in the definition of “benefit”, after “includes” there is inserted “universal credit”.

Local Government Finance Act 1992 (c. 14)

- 32 The Local Government Finance Act 1992 is amended as follows.
- 33 (1) Schedule 4 is amended as follows.
- (2) In paragraph 6—
- (a) in sub-paragraph (1), after “entitled to“ there is inserted “universal credit”;
- (b) in sub-paragraph (2)(b), after “by way of“ there is inserted “universal credit”.
- (3) In paragraph 12(1)—
- (a) after paragraph (a) there is inserted—
- “(aa) deductions from universal credit may be resorted to more than once;”;

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(b) in paragraph (d), after “attachment of earnings” there is inserted “deductions from universal credit”.

34 In Schedule 8, in paragraph 6—

- (a) in sub-paragraph (1), after “entitled to” there is inserted “universal credit”;
- (b) in sub-paragraph (2)(b), after “by way of” there is inserted “universal credit”.

Jobseekers Act 1995 (c. 18)

35 In section 2 of the Jobseekers Act 1995, in subsection (3C) (as inserted by section 12(5) of the Welfare Reform Act 2009), in the definition of “benefit”, before paragraph (a) there is inserted—
“(za) universal credit.”.

Housing Act 1996 (c. 52)

36 In section 122 of the Housing Act 1996 (rent officers), in the heading and in subsection (1), after “with” there is inserted “universal credit.”.

Education Act 1996 (c. 56)

37 The Education Act 1996 is amended as follows.

38 In section 457 (charges and remissions policies) in subsection (4)(b), before sub-paragraph (i) there is inserted—

“(ai) in receipt of universal credit in such circumstances as may be prescribed for the purposes of this paragraph.”.

39 In section 512ZB (provision of free school lunches and milk: eligibility to request free milk)—

(a) in subsection (4)(a), before sub-paragraph (i) there is inserted—

“(ai) in receipt of universal credit in such circumstances as may be prescribed for the purposes of this paragraph, or”;

(b) in subsection (4)(b), before sub-paragraph (i) there is inserted—

“(ai) in receipt of universal credit in such circumstances as may be prescribed for the purposes of this paragraph, or”.

Social Security (Recovery of Benefits) Act 1997 (c. 27)

40 The Social Security (Recovery of Benefits) Act 1997 is amended as follows.

41 In section 29 (general interpretation), in the definition of “benefit”, after “means” there is inserted “universal credit”.

42 In the table in Schedule 2 (calculation of compensation payment), in the section relating to compensation for earnings lost during the relevant period, at the top of the second column insert “Universal credit”.

Social Security Act 1998 (c. 14)

43 The Social Security Act 1998 (decisions and appeals) is amended as follows.

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- 44 In section 2 (use of computers), in subsection (2)—
 (a) in paragraph (i), the final “or” is repealed;
 (b) after paragraph (j) there is inserted—
 “(k) Part 1 of the Welfare Reform Act 2012;”.
- 45 In section 8 (decisions by Secretary of State)—
 (a) in subsection (3), after paragraph (a) there is inserted—
 “(aa) universal credit;”;
 (b) in subsection (4), for “or Part 1 of the Welfare Reform Act 2007” there is substituted “, Part 1 of the Welfare Reform Act 2007, Part 1 of the Welfare Reform Act 2012”.
- 46 In section 11 (regulations with respect to decisions), in subsection (3), for “and Part 1 of the Welfare Reform Act 2007” there is substituted “, Part 1 of the Welfare Reform Act 2007, Part 1 of the Welfare Reform Act 2012”.
- 47 In section 27 (restriction on entitlement in cases of error), in subsection (7), in the definition of “benefit” for paragraph (f) there is substituted—
 “(f) universal credit”.
- 48 In section 28(3) (correction of errors in decisions etc)—
 (a) in paragraph (f), the final “or” is repealed;
 (b) after paragraph (g) there is inserted—
 “(h) Part 1 of the Welfare Reform Act 2012;”.
- 49 In section 39 (interpretation), in subsection (1), before the definition of “health care professional” there is inserted—
 ““claimant”, in relation to a couple jointly claiming universal credit, means the couple or either member of the couple;”.
- 50 (1) Schedule 2 (decisions against which no appeal lies) is amended as follows.
 (2) In paragraph 6(b), at the end there is inserted “or
 (v) section 159D(1)(b) of that Act (universal credit).”
 (3) After paragraph 7 there is inserted—

“Increases in universal credit due to attainment of particular ages

- 7A A decision as to the amount of benefit to which a person is entitled, where it appears to the Secretary of State that the amount is determined by the recipient’s entitlement to an increased amount of universal credit in the circumstances referred to in section 160C(2) of the Administration Act.”
- 51 In Schedule 3 (decisions against which an appeal lies), after paragraph 3 there is inserted—
 “3A A decision as to the amount of a relevant benefit that is payable to a person by virtue of regulations under section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001.”

Immigration and Asylum Act 1999 (c. 33)

- 52 The Immigration and Asylum Act 1999 is amended as follows.

- 53 In section 97 (provision of support: supplemental), in subsection (5)—
- (a) before paragraph (a) there is inserted—
 - “(za) to such portion of the maximum amount of an award of universal credit under section 8(1) of the Welfare Reform Act 2012, or”;
 - (b) in paragraph (b) after “components” there is inserted “or elements”.
- 54 In section 115(1) (exclusion from benefits of persons subject to immigration control) after “is entitled” there is inserted “to universal credit under Part 1 of the Welfare Reform Act 2012 or”.

Child Support, Pensions and Social Security Act 2000 (c. 19)

- 55 In section 69 of the Child Support, Pensions and Social Security Act 2000, in subsection (1)(a), after “both” there is inserted “, universal credit”.

Social Security Fraud Act 2001 (c. 11)

- 56 The Social Security Fraud Act 2001 is amended as follows.
- 57 In section 6A (definitions), in subsection (1), in the definition of “disqualifying benefit”, at the beginning there is inserted—
- “(za) any benefit under Part 1 of the Welfare Reform Act 2012 (universal credit) or under any provision having effect in Northern Ireland corresponding to that Part;”.
- 58 (1) Section 6B (loss of benefit in case of conviction, penalty or caution for benefit offence) is amended as follows.
- (2) In subsection (5), for “(6)” there is substituted “(5A)”.
- (3) After subsection (5) there is inserted—
- “(5A) The Secretary of State may by regulations provide that, where the sanctionable benefit is universal credit, the benefit shall be payable, during the whole or a part of any period comprised in the disqualification period, as if one or more of the following applied—
 - (a) the amount payable were reduced in such manner as may be prescribed;
 - (b) the benefit were payable only if there is compliance by the offender with such obligations with respect to the provision of information as may be imposed by the regulations;
 - (c) the benefit were payable only if the circumstances are otherwise such as may be prescribed;
 - (d) any amount of the benefit payable in prescribed circumstances were recoverable by the Secretary of State.”
- (4) In subsection (7), after paragraph (c) there is inserted—
- “(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Secretary of State.”
- 59 (1) Section 7 (loss of benefit for second or subsequent conviction of benefit offence) is amended as follows.
- (2) In subsection (2), for “(3)” there is substituted “(2A)”.

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- (3) After subsection (2) there is inserted—
- “(2A) The Secretary of State may by regulations provide that, where the sanctionable benefit is universal credit, the benefit shall be payable, during the whole or a part of any period comprised in the disqualification period, as if one or more of the following applied—
- (a) the amount payable were reduced in such manner as may be prescribed;
 - (b) the benefit were payable only if there is compliance by the offender with such obligations with respect to the provision of information as may be imposed by the regulations;
 - (c) the benefit were payable only if the circumstances are otherwise such as may be prescribed;
 - (d) any amount of the benefit payable in prescribed circumstances were recoverable by the Secretary of State.”
- (4) In subsection (4), after paragraph (c) there is inserted—
- “(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Secretary of State.”
- 60 (1) Section 8 (effect of offence on joint-claim jobseeker’s allowance) is amended as follows.
- (2) In subsection (3)—
- (a) for “but” at the end of paragraph (a) there is substituted “and”;
 - (b) after paragraph (a) there is inserted—
 - “(aa) shall be payable in the couple’s case as if any amount of the allowance payable in prescribed circumstances were recoverable by the Secretary of State; but”.
- (3) In subsection (4), after paragraph (c) there is inserted—
- “(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Secretary of State.”
- (4) In the opening words to subsections (7) and (8) the words “by virtue of any regulations” are repealed.
- 61 (1) Section 9 (effect of offence on benefits for members of offender’s family) is amended as follows.
- (2) In subsection (1), before paragraph (a) there is inserted—
- “(za) universal credit;”.
- (3) In subsection (2), for “or” at the end of paragraph (b) there is substituted “and”.
- (4) After subsection (2) there is inserted—
- “(2A) In relation to cases in which the benefit is universal credit, the provision that may be made by virtue of subsection (2) is provision that, in the case of the offender’s family member, any universal credit shall be payable, during the whole or a part of any period comprised in the relevant period, as if one or more of the following applied—
- (a) the amount payable were reduced in such manner as may be prescribed;

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- (b) the benefit were payable only if there is compliance by the offender or the offender’s family member, or both of them, with such obligations with respect to the provision of information as may be imposed by the regulations;
 - (c) the benefit were payable only if the circumstances are otherwise such as may be prescribed;
 - (d) any amount of the benefit payable in prescribed circumstances were recoverable by the Secretary of State.”
- (5) In subsection (4), after paragraph (c) there is inserted—
- “(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Secretary of State.”
- 62 In section 10(3) (power to supplement and mitigate loss of benefit provisions) after paragraph (bc) there is inserted—
- “(bd) any benefit under Part 1 of the Welfare Reform Act 2012 (universal credit) or under any provision having effect in Northern Ireland corresponding to that Part;”.
- 63 (1) In section 11 (loss of benefit regulations), subsection (3) is amended as follows.
- (2) In paragraph (c)—
- (a) for “6B(7)” there is substituted “6B(5A), (7)”;
 - (b) for “7(4)” there is substituted “7(2A), (4)”;
 - (c) for “9(4)” there is substituted “9(2A), (4)”.
- (3) In paragraph (d) at the end there is inserted “or (aa)”.

State Pension Credit Act 2002 (c. 16)

- 64 In section 4 of the State Pension Credit Act 2002 (exclusions), after subsection (1) there is inserted—
- “(1A) A claimant is not entitled to state pension credit if he is a member of a couple the other member of which has not attained the qualifying age.”

Welfare Reform Act 2007 (c. 5)

- 65 In Schedule 1 to the Welfare Reform Act 2007 (employment and support allowance: additional conditions), in paragraph 1(5), before paragraph (a) there is inserted—
- “(za) universal credit;”.