

SCHEDULE 1

Preamble

POWERS EXERCISED IN MAKING THESE REGULATIONS

1. The following provisions of the Administration Act—
 - (a) section 1(1), (1C)(1);
 - (b) section 5(1)(a), (b), (c), (d), (g), (i), (j), (k), (l), (m), (p), (q), (1A), (2A), (2B), (2C), (3B)(2);
 - (c) section 7A(2)(b)(3);
 - (d) section 15A(2)(4);
 - (e) section 111A(1A)(d), (1B)(d), (1D)(c), (1E)(c)(5);
 - (f) section 112(1A)(d), (1B)(d), (1C)(c), (1D)(c)(6);
 - (g) section 189(1) and (5) to (6)(7);
 - (h) section 191(8).
2. Paragraph 7A of Schedule 2 to the Abolition of Domestic Rates etc. (Scotland) Act 1987(9).
3. Paragraph 6 of Schedule 4 to the Local Government Finance Act 1988(10).
4. Section 24(2)(b), (c) and (d) and section 30 of the Criminal Justice Act 1991(11).
5. Section 43(2) of the 1991 Act(12).
6. Paragraphs 1 and 6(2)(b) of Schedule 4 and paragraph 6 of Schedule 8 to, the Local Government Finance Act 1992(13).

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- (1) Section 1(1C) of the Administration Act was inserted by section 19 of the Social Security Administration (Fraud) Act 1997 (c.47).
 - (2) Section 5(1)(d) was amended by section 98(1) and (2) of the Welfare Reform Act 2012 (c.5) (“the 2012 Act”). Section 5(1)(g) was amended by section 98(1) and (4) of the 2012 Act. Section 5(1)(j) was amended by section 98(1) and (5) of the 2012 Act. Section 5(1A) was inserted by section 99(3) of the 2012 Act. Section 5(2A) to (2C) was inserted by section 35(2) of the Welfare Reform Act 2012 (c.5). Section 5(3B) was inserted by section 100 of the 2012 Act.
 - (3) Section 7A of the Administration Act was inserted by section 71 of the Welfare Reform and Pensions Act 1999 (c.30).
 - (4) Section 15A(2) was amended by paragraphs 8 and 9(1), (3) and (4) of Schedule 2 to the State Pension Credit Act 2002 (c.16).
 - (5) Section 111A of the Administration Act was inserted by section 13 of the Social Security Administration (Fraud) Act 1997 (c.47). Subsections (1A), (1B), (1D) and (1E) were inserted by section 16(1)(b) and (2) of the Social Security Fraud Act 2001 (c.11).
 - (6) Section 112(1A),(1B),(1C) and (1D) of the Administration Act was substituted by section 16(3) of the Social Security Fraud Act 2001 (c.11).
 - (7) Section 189(1) of the Administration Act was amended by paragraph 57(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2). Section 189(5A) and (5B) was inserted by section 104(1) of the 2012 Act.
 - (8) Section 191 is an interpretation provision and is cited for the meaning of the word “prescribe”.
 - (9) 1987 c.47. Paragraph 7A of Schedule 2 was inserted by paragraph 36(10) of Schedule 12 to the Local Government Finance Act 1988 (c.41). It was amended by paragraph 92 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992 (c.6), by paragraph 15 of Schedule 7 to the Social Security Act 1998 (c.14) and by paragraph 10 of Schedule 2 to the Jobseekers Act 1995 (c.18).
 - (10) 1988 c.41. Paragraph 6 of Schedule 4 was amended by paragraph 100 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992, by paragraph 17 of Schedule 7 to the Social Security Act 1998 and by paragraph 18 of Schedule 2 to the Jobseekers Act 1995.
 - (11) 1991 c.53. Section 24(2)(b) was amended by paragraph 55 of Schedule 7 to the Social Security Act 1998. Section 24(2)(d) was amended by paragraph 31(b) of Schedule 2 to the State Pension Credit Act 2002 and by paragraph 8(a) of Schedule 3 to the Welfare Reform Act 2007.
 - (12) 1991 c.48. Section 43 was substituted by section 21 of the Child Support, Pensions and Social Security Act 2000 (c.19). Section 43(2) was substituted by section 139 of the 2012 Act.
 - (13) 1992 c.14. Paragraph 6(2)(b) of Schedule 4 was amended by paragraphs 32 and 33(1) and (3) of Schedule 2 to the State Pension Credit Act 2002, by paragraph 11(1) and (2)(a) of Schedule 3 to the Welfare Reform Act 2007 and by paragraphs 32 and 33(1) and (2)(b) of Schedule 2 to the 2012 Act. Paragraph 6 of Schedule 8 was amended by paragraph 176(18) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c.39), by paragraph 76(1) and (2)(c) of Schedule 2 to the Jobseekers Act 1995, by paragraphs 32 and 35(1), (2) and (3) of Schedule 2 to the State Pension Credit Act 2002, by paragraph 11(1) and (3) of Schedule 3 to the Welfare Reform Act 2007 and by paragraphs 32 and 34 of Schedule 2 to the 2012 Act.

7. Sections 32 and 92 of, and paragraph 3(1)(a), (b), (2)(a), (b) and (c) of Schedule 1 to the 2012 Act⁽¹⁴⁾.

SCHEDULE 2

Regulation 3

ELECTRONIC COMMUNICATIONS

PART 1

USE OF ELECTRONIC COMMUNICATIONS

Use of electronic communications by the Secretary of State

1. The Secretary of State may use an electronic communication in connection with claims for, and awards of, any benefit.

Conditions for the use of electronic communications by other persons

2.—(1) A person other than the Secretary of State may use an electronic communication in connection with the matters referred to in paragraph 1 if the conditions specified in sub-paragraphs (2) to (5) are satisfied.

(2) The first condition is that the person is for the time being permitted to use an electronic communication for the purpose in question by an authorisation given by means of a direction of the Secretary of State.

(3) The second condition is that the person uses an approved method of—

- (a) authenticating the identity of the sender of the communication where required to do so;
- (b) electronic communication;
- (c) authenticating any claim or information delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (6), submitting any claim or information to the Secretary of State.

(4) The third condition is that any claim or information sent by means of an electronic communication is in an approved form.

(5) The fourth condition is that the person maintains such records as may be specified in a direction given by the Secretary of State.

(6) Where the person uses any method other than the method approved by the Secretary of State of submitting any claim or information, it is to be treated as not having been submitted.

(7) In this paragraph “approved” means approved by means of a direction given by the Secretary of State for the purposes of this Schedule.

Use of intermediaries

3. The Secretary of State may use intermediaries in connection with—

- (a) the delivery of any claim or information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

(14) 2012 c.5.

and may require other persons to use intermediaries in connection with those matters.

PART 2

EVIDENTIAL PROVISIONS

Effect of delivering information by electronic communications

4.—(1) Any claim or information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of these Regulations on the day on which the conditions imposed—

- (a) by this Schedule; and
- (b) by or under an applicable enactment (except to the extent that the condition thereby imposed is incompatible with this Schedule),

are satisfied.

(2) The Secretary of State may, by a direction, determine that any claim or information is to be treated as delivered on a different day (whether earlier or later) from the day specified in subparagraph (1).

(3) Any claim or information is not to be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

Proof of delivery

5.—(1) The use of an approved method of electronic communication is to be presumed, unless the contrary is proved, to have resulted in delivery—

- (a) in the case of any claim or information falling to be delivered to the Secretary of State, if the delivery of that claim or information is recorded on an official computer system; or
- (b) in the case of any information that falls to be delivered by the Secretary of State, if the despatch of that information is recorded on an official computer system.

(2) The use of an approved method of electronic communication is to be presumed, unless the contrary is proved, not to have resulted in delivery—

- (a) in the case of any claim or information falling to be delivered to the Secretary of State, if the delivery of that claim or information is not recorded on an official computer system; or
- (b) in the case of information that falls to be delivered by the Secretary of State, if the despatch of that information is not recorded on an official computer system.

(3) The time and date of receipt of any claim or information sent by an approved method of electronic communication is to be presumed, unless the contrary is proved, to be that recorded on an official computer system.

Proof of identity

6.—(1) The identity of—

- (a) the sender of any claim or information delivered by means of an electronic communication to an official computer system; or
- (b) the recipient of any claim or information delivered by means of an electronic communication from an official computer system,

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is to be presumed, unless the contrary is proved, to be the person whose name is recorded as such on that official computer system.

(2) Any claim or information delivered by an approved method of electronic communication on behalf of another person (“P”) is to be deemed to have been delivered by P unless P proves that it was delivered without P’s knowledge or connivance.

Proof of content

7. The content of any claim or information sent by means of an electronic communication is to be presumed, unless the contrary is proved, to be that recorded on an official computer system.

SCHEDULE 3

Regulation 4

CONSEQUENTIAL AMENDMENTS

1.—(1) The Social Security (Claims and Payments) Regulations 1987⁽¹⁵⁾ are amended as follows.

(2) In the heading to regulation 1 (citation and commencement) for “and commencement”, substitute “, commencement and application”.

(3) For the regulation numbered “1”, substitute “1(1)”.

(4) After paragraph (1) as substituted, insert—

“(2) In so far as these Regulations apply to—

(a) an employment and support allowance, they apply to that allowance under Part 1 of the Welfare Reform Act as it has effect apart from the amendments made by Schedule 3 and Part 1 of Schedule 14 to the Welfare Reform Act 2012 that remove references to an income-related allowance;

(b) a jobseeker’s allowance, they apply to that allowance under the Jobseekers Act as it has effect apart from the amendments made by Part 1 of Schedule 14 to the Welfare Reform Act 2012 that remove references to an income-based allowance.

(3) These Regulations do not apply to universal credit (within the meaning of Part 1 of the Welfare Reform Act 2012) or personal independence payment (within the meaning of Part 4 of that Act).”.

(5) In regulation 2(1) (interpretation), omit the definition of “jobseeker’s allowance”.

2. In paragraph (6) of regulation 16 (limitations on deductions from prescribed benefits) of the Social Security (Payments on Account, Overpayments and Recovery) Regulations 1988⁽¹⁶⁾, omit the words from “, and any increase” to the end of the paragraph.

3. In paragraph (5) of regulation 82 (who may claim) of the Housing Benefit Regulations 2006⁽¹⁷⁾ after the words “for the purposes of the Act”, insert “or under regulation 57 of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013”.

4.—(1) Regulation 9 (repayment of an integration loan) of the Integration Loans for Refugees and Others Regulations 2007⁽¹⁸⁾ is amended as follows.

⁽¹⁵⁾ S.I. 1987/1968.

⁽¹⁶⁾ S.I. 1988/664.

⁽¹⁷⁾ S.I. 2006/213.

⁽¹⁸⁾ S.I. 2007/1598.

(2) In paragraph (1) after “(Northern Ireland) 1987”, insert “or is in receipt of universal credit as provided for in Part 1 of the Welfare Reform Act 2012”.

(3) In paragraph (3)(b) after “(Northern Ireland) 1987”, insert “or, as the case may be, by way of deductions from universal credit in accordance with Schedule 6 to the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013”.

5. In paragraph (1)(g) of regulation 6 (prescribed persons) of the Income Tax (Deposit-takers and Building Societies) (Interest Payments) Regulations 2008(19), after paragraph (ii) insert—

“or

(iii) paragraph (1) of regulation 57 of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (persons unable to act), whose appointment has not been revoked or ended, or who has not resigned, under paragraph (8) of that regulation.”.

SCHEDULE 4

Regulation 36(2)

SPECIAL PROVISIONS RELATING TO CLAIMS FOR A JOBSEEKER’S ALLOWANCE DURING PERIODS CONNECTED WITH PUBLIC HOLIDAYS

1. In this Schedule and regulation 36(2)—

(a) “public holiday” means—

- (i) in England and Wales, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971(20),
- (ii) in Scotland, a bank holiday under the Banking and Financial Dealings Act 1971 or a local holiday;

(b) “Christmas and New Year holidays” means—

- (i) in England and Wales, the period beginning at the start of Christmas Day and terminating at the end of New Year’s Day, or if New Year’s Day is a Sunday at the end of 2nd January,
- (ii) in Scotland, the period beginning at the start of Christmas Day and terminating at the end of 2nd January, or where New Year’s Day is a Saturday or a Sunday terminating at the end of 3rd January;

(c) “Easter Holidays” means the period beginning at the start of Good Friday and terminating at the end of Easter Monday;

(d) “office closure” means a period during which an appropriate office is closed in connection with a public holiday.

2. Where a claim for a jobseeker’s allowance is made during any period set out in paragraph 3, the Secretary of State may treat that claim as a claim for a period, to be specified in a decision of the Secretary of State, not exceeding—

- (a) 35 days after the date of the claim where the claim is made during the period specified in sub-paragraph (a) of paragraph 3; or
- (b) 21 days after the date of claim where the claim is made during the period specified in either sub-paragraph (b) or (c) of paragraph 3.

(19) S.I. 2008/2682.

(20) 1971 c.80.

3. For the purposes of paragraph 2 the periods are—
- (a) in the case of Christmas and New Year holidays, a period beginning with the start of the 35th day before the first day of office closure and terminating at the end of the last day of office closure;
 - (b) in the case of Easter Holidays, a period beginning with the start of the 16th day before the first day of office closure and terminating at the end of the last day of office closure;
 - (c) in the case of any other public holiday, a period beginning with the start of the 14th day before the first day of office closure and terminating at the end of the last day of office closure.

SCHEDULE 5

Regulation 59

DIRECT PAYMENT TO LENDER OF DEDUCTIONS
IN RESPECT OF INTEREST ON SECURED LOANS**Interpretation**

- 1.—(1) In this Schedule—

“housing costs element” means an amount in respect of housing costs which is included in a claimant’s award of universal credit under section 11(1) of the 2012 Act⁽²¹⁾;

“qualifying lender” means (subject to paragraph 10)—

- (a) the bodies or persons listed in paragraphs (a) to (g) of section 15A(3)⁽²²⁾ of the Administration Act;
- (b) the Regulator of Social Housing;
- (c) the Greater London Authority; and
- (d) any body incorporated under the Companies Act 1985⁽²³⁾, the main objects of which include the making of loans secured by—
 - (i) a mortgage of or charge over land, or
 - (ii) in Scotland a heritable security;

“loan interest payments” has the meaning given by paragraph 5 of Schedule 1 to the Universal Credit Regulations⁽²⁴⁾;

“relevant claimant” has the meaning given in paragraph 2(1);

“specified benefits”, in relation to a relevant claimant, means the benefits specified in paragraph 2(2)—

- (a) to which the relevant claimant is entitled; or
- (b) where the relevant claimant is a member of a couple, to which the other member of the couple is entitled;

“standard rate” means the standard rate of interest determined under paragraph 12 of Schedule 5 to the Universal Credit Regulations.

⁽²¹⁾ 2012 c.5.

⁽²²⁾ Section 15A(3)(a) was substituted by Article 330(1) and (2)(a) of S.I. 2001/3649. Section 15A(3)(c) was substituted by Article 330(1) and (2)(c) of S.I. 2001/3649. Section 15A(3)(d) was amended by paragraph 11 of Schedule 8 to the Local Government (Wales) Act 1994 (c.19). Section 15A(3)(ee) was inserted by paragraph 175(2) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c.39).

⁽²³⁾ 1985 c.6.

⁽²⁴⁾ S.I. 2013/376.

(2) References in this Schedule to a relevant claimant who meets the payment condition or the liability condition are to a claimant who meets those conditions in accordance with regulation 25 of the Universal Credit Regulations (the housing costs element).

Relevant claimants and benefits from which payments are to be made

2.—(1) For the purposes of this Schedule, “relevant claimant” means a claimant—

- (a) who is entitled to universal credit;
- (b) whose maximum amount for the purposes of universal credit includes the housing costs element; and
- (c) whose amount of housing costs element is calculated by reference to loan interest payments (whether or not that amount is calculated by reference to any other description of payment).

(2) Direct payments of loan interest may be made under paragraph 3 from any of the following benefits—

- (a) universal credit; and
- (b) if the maximum amount to which the relevant claimant is entitled for the purposes of universal credit is insufficient for the purposes of this Schedule—
 - (i) a jobseeker’s allowance, or
 - (ii) an employment and support allowance.

Circumstances in which direct payments of loan interest to be made

3.—(1) If the circumstances set out in sub-paragraph (2) apply to a relevant claimant in respect of a loan, the Secretary of State is to pay part of the specified benefits directly to the qualifying lender to whom the loan interest payments in respect of the loan are payable.

(2) The circumstances are that—

- (a) a loan was made in respect of which loan interest payments are payable to a qualifying lender;
- (b) the relevant claimant (or either joint claimant) meets the payment condition and liability condition in respect of loan interest payments on the loan;
- (c) those payments are taken into account in calculating the amount of housing costs element to be included in the relevant claimant’s award of universal credit; and
- (d) the amount included in respect of those payments is calculated by reference to the standard rate.

(3) The part of the specified benefits which is to be paid under sub-paragraph (1) is the amount calculated under paragraphs 4 and 5 in respect of the relevant claimant.

Determining the amount to be paid to a qualifying lender

4.—(1) Where the circumstances set out in paragraph 3(2) apply to a relevant claimant in respect of one loan only, the amount that is to be paid under paragraph 3 directly to the qualifying lender is to be calculated as follows.

Step 1

Find the amount in respect of the loan interest payments which is calculated under paragraph 10 of Schedule 5 to the Universal Credit Regulations (amount in respect of interest on loans).

Step 2

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Deduct from the amount resulting from step 1 a sum equivalent to so much of any amount payable in the circumstances described in sub-paragraph (2) as represents payments in respect of loan interest.

(2) This sub-paragraph applies where a payment is being made under a policy of insurance taken out by a relevant claimant to insure against the risk of not being able to maintain repayments of loan interest to a qualifying lender.

(3) The amount to be paid directly to the qualifying lender in respect of the relevant claimant is—

- (a) the amount resulting from sub-paragraph (1); or
- (b) where the aggregate amount of all of the specified benefits is less than the amount resulting from sub-paragraph (1), the aggregate amount of all those benefits less one penny.

Determining the amount to be paid to a qualifying lender: more than one loan

5.—(1) Where the circumstances set out in paragraph 3(2) apply to a relevant claimant in respect of more than one loan, the amount that is to be paid under paragraph 3 directly to each of the qualifying lenders to whom loan interest payments are payable is to be calculated as follows.

(2) Where loan interest payments on two or more loans are payable to the same qualifying lender, the amount to be paid directly to that lender is found by—

- (a) in respect of each of those loans, calculating an amount in accordance with Steps 1 and 2 of paragraph 4(1); and
- (b) adding those amounts together.

(3) Where loan interest payments are payable to more than one qualifying lender, the amount to be paid directly to each lender is found by—

- (a) where loan interest payments are payable to a qualifying lender in respect of one loan only, calculating an amount in accordance with Steps 1 and 2 of paragraph 4(1) in respect of the loan;
- (b) where loan interest payments are payable to a qualifying lender in respect of more than one loan, calculating an amount in accordance with sub-paragraph (2).

(4) The amount to be paid directly to the qualifying lender in respect of the relevant claimant is—

- (a) the amount resulting from sub-paragraph (2) or (3) in respect of that lender; or
- (b) where the aggregate amount of all of the specified benefits is less than the sum of the amounts resulting from sub-paragraph (2) or (3), the amount determined under sub-paragraph (5).

(5) For the purposes of sub-paragraph (4)(b)—

- (a) the overall total of the amounts to be paid directly to the qualifying lenders is the aggregate amount of all of the specified benefits less one penny; and
- (b) that amount is to be paid directly to qualifying lenders as follows—
 - (i) the qualifying lender in whose case the amount resulting from sub-paragraph (2) or (3) is the largest is to be paid first,
 - (ii) if anything remains, the qualifying lender in whose case the amount resulting from sub-paragraph (2) or (3) is next largest is to be paid next, and so on until nothing remains.

(6) In the application of sub-paragraph (5)(b) in any case where the amount resulting from sub-paragraph (2) or (3) is the same in respect of two or more qualifying lenders, the available amount is to be divided equally between them.

Qualifying lenders to apply direct payments in discharge of borrower's liability

6. Where a direct payment is made under paragraph 3 to a qualifying lender in respect of a relevant claimant, the lender must apply the amount of the payment towards discharging the liability to make loan interest payments in respect of which the direct payment was made.

Application by qualifying lenders of any amount which exceeds liability

7.—(1) This paragraph applies where, in respect of a relevant claimant—

- (a) any direct payment is made under paragraph 3 to a qualifying lender; and
- (b) the amount paid exceeds the amount of the loan interest payments payable.

(2) Unless sub-paragraph (3) applies, the qualifying lender must apply the amount of the excess as follows—

- (a) first, towards discharging the amount of any liability of the relevant claimant for arrears of loan interest payments in respect of the loan in question; and
- (b) if any amount of the excess is then remaining, towards discharging any liability of the relevant claimant to repay—
 - (i) the principal sum in respect of the loan, or
 - (ii) any other sum payable by the relevant claimant to that lender in respect of the loan.

(3) Where loan interest payments on two or more loans are payable to the same qualifying lender, the lender must apply the amount of the excess as follows—

- (a) first, towards discharging the amount of any liability of the relevant claimant for arrears of loan interest payments in respect of the loan in respect of which the excess amount was paid; and
- (b) if any amount of the excess is then remaining, towards discharging any liability of the relevant claimant to repay—
 - (i) in respect of the loan referred to in paragraph (a), the principal sum or any other sum payable by the relevant claimant to that lender, or
 - (ii) in respect of any other loan, any sum payable by the relevant claimant to that lender where the liability to pay that sum has not already discharged under this Schedule.

Time and manner of payments

8. Direct payments under paragraph 3 are to be made in monthly instalments in arrears.

Fees payable by qualifying lenders

9.—(1) A fee is payable by a qualifying lender to the Secretary of State for the purpose of meeting the expenses of the Secretary of State in administering the making of direct payments to qualifying lenders under paragraph 3.

(2) The fee is £0.35 in respect of each occasion on which a direct payment is made to the qualifying lender.

Election not to be regarded as a qualifying lender

10.—(1) A body or person who would otherwise be within the definition of “qualifying lender” in paragraph 1(1)—

- (a) may elect not to be regarded as such by giving notice to the Secretary of State in writing; and

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- (b) may revoke any such notice by giving a further notice in writing.
- (2) In respect of any financial year, a notice under sub-paragraph (1) which is given not later than the 1st February before the start of the financial year takes effect on 1st April following the giving of the notice.
- (3) Where a body or person becomes a qualifying lender in the course of a financial year—
 - (a) any notice of an election by the body or person under sub-paragraph (1)(a) must be given within 6 weeks (“the initial period”) of the date of their becoming a qualifying lender; and
 - (b) no direct payments may be made under paragraph 3 to the body or person before the expiry of the initial period.
- (4) But sub-paragraph (3)(b) does not apply in any case where—
 - (a) the body or person gives the Secretary of State notice in writing that that provision should not apply; and
 - (b) that notice is given before the start of the initial period or before that period expires.
- (5) In relation to a notice under sub-paragraph (1)—
 - (a) where the notice is given by an electronic communication, it must be given in accordance with the provisions set out in Schedule 2 (electronic communications);
 - (b) where the notice is sent by post, it is to be treated as having been given on the day the notice was received.

Provision of information

11.—(1) A qualifying lender must, in respect of a relevant claimant, provide the Secretary of State with information as to—

- (a) the loan interest payments in respect of which the relevant claimant meets the payment condition and the liability condition;
 - (b) the amount of the loan;
 - (c) the purpose for which the loan was made;
 - (d) the amount outstanding on the loan;
 - (e) the amount of arrears of loan interest payments due in respect of the loan;
 - (f) any change in the amount of the loan interest payable; and
 - (g) the redemption of the loan.
- (2) The information referred to in sub-paragraph (1)(a) to (e) must be provided at the request of the Secretary of State where—
- (a) a claim is made for universal credit; or
 - (b) the housing costs element is to be included in an award of universal credit otherwise than on the making of a claim,

and loan interest payments payable to the qualifying lender are taken into account in determining the amount of the relevant claimant’s housing costs element.

(3) The information referred to in sub-paragraph (1)(f) must be provided at such times, or in the case of the information referred to in sub-paragraph (1)(d) at such other times, as the Secretary of State may determine.

(4) The information referred to in sub-paragraph (1)(g) must be provided to the Secretary of State immediately once the qualifying lender has received notice that the loan is to be redeemed.

Recovery of sums wrongly paid

12.—(1) In the following circumstances, a qualifying lender must at the request of the Secretary of State repay any amount paid to the lender under paragraph 3 which ought not to have been paid.

(2) Those circumstances are that, in respect of a relevant claimant—

- (a) an amount calculated by reference to loan interest payments payable to the qualifying lender ceases to be included in the relevant claimant’s housing costs element;
- (b) a specified benefit ceases to be paid to a relevant claimant;
- (c) the loan in respect of which loan interest payments are payable has been redeemed; or
- (d) both of the conditions set out in sub-paragraphs (3) and (4) are met.

(3) The first condition is that the amount of the relevant claimant’s housing costs element is reduced as a result of—

- (a) the standard rate having been reduced; or
- (b) the amount outstanding on the loan having been reduced.

(4) The second condition is that no corresponding reduction was made to the amount calculated in respect of the qualifying lender under paragraph 4 or 5.

(5) A qualifying lender is not required to make a repayment in the circumstances described in sub-paragraph (2)(a) or (b) unless the Secretary of State’s request is made before the end of the period of two months starting with the date on which the thing described in that provision ceased.

SCHEDULE 6

Regulation 60

DEDUCTIONS FROM BENEFIT AND DIRECT PAYMENT TO THIRD PARTIES

Interpretation

1. In this Schedule—

“assessment period” has the meaning given by regulation 21 (assessment periods) of the Universal Credit Regulations(25);

“the work allowance” means, in relation to any claimant, the amount applicable to that claimant under regulation 22(2) (deduction of income and work allowance) of the Universal Credit Regulations;

“child element” means, in relation to any claimant, any amount included in the claimant’s award of universal credit under regulation 24 (the child element) of the Universal Credit Regulations;

“the Community Charges Regulations” means the Community Charges (Deductions from Income Support) (No. 2) Regulations 1990(26);

“the Community Charges (Scotland) Regulations” means the Community Charges (Deductions from Income Support) (Scotland) Regulations 1989(27);

“the Council Tax Regulations” means the Council Tax (Deductions from Income Support) Regulations 1993(28);

(25) S.I. 2013/376.

(26) S.I. 1990/545.

(27) S.I. 1989/507.

(28) S.I. 1993/494.

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“the Fines Regulations” means the Fines (Deductions from Income Support) Regulations 1992⁽²⁹⁾;

“standard allowance” means, in relation to any claimant, any amount included in the claimant’s award of universal credit under section 9(1) of the 2012 Act⁽³⁰⁾;

“water charges” means—

- (a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991⁽³¹⁾;
- (b) as respects Scotland, any such charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002⁽³²⁾;

“5% of the standard allowance” means, in relation to any claimant, 5% of the standard allowance applicable in the claimant’s case, rounded up (in any case where that calculation produces a result which is not a multiple of five pence) to the next higher multiple of five pence.

General

2.—(1) The Secretary of State may deduct an amount from a claimant’s award of universal credit and pay that amount to a third party in accordance with the following provisions of this Schedule to discharge (in whole or part) a liability of the claimant to that third party.

(2) A payment made to a third party in accordance with this Schedule may be made at such intervals as the Secretary of State may direct.

Limitations applicable to deductions made under this Schedule

3.—(1) The Secretary of State may not deduct an amount from a claimant’s award of universal credit under this Schedule and pay that amount to a third party if, in relation to any assessment period, that would—

- (a) reduce the amount payable to the claimant to less than one penny; or
- (b) result in more than three deductions being made, in relation to that assessment period, under one or more of the provisions mentioned in sub-paragraph (2).

(2) The provisions are—

- (a) paragraph 6 (housing costs) of this Schedule;
- (b) paragraph 7 (rent and service charges included in rent) of this Schedule;
- (c) paragraph 8 (fuel costs) of this Schedule;
- (d) paragraph 9 (water charges) of this Schedule;
- (e) paragraph 10 (payments in place of payments of child support maintenance) of this Schedule;
- (f) paragraph 11 (eligible loans) of this Schedule;
- (g) paragraph 12 (integration loans) of this Schedule;
- (h) regulation 3 (deductions from income support etc.) of the Community Charges Regulations;
- (i) regulation 3 (deductions from income support etc.) of the Community Charges (Scotland) Regulations;

⁽²⁹⁾ S.I. 1992/2182.

⁽³⁰⁾ 2012 c.5.

⁽³¹⁾ 1991 c.56.

⁽³²⁾ 2002 asp 3.

- (j) regulation 5 (deduction from debtor’s income support etc.) of the Council Tax Regulations(33); and
- (k) regulation 4 (deductions from offender’s income support etc.) of the Fines Regulations(34).

(3) The aggregate amount deducted from a claimant’s award of universal credit in relation to any assessment period and paid to a third party under paragraphs 8 (fuel costs) and 9 (water charges) of this Schedule must not, without the claimant’s consent, exceed a sum equal to five times 5% of the aggregate of the standard allowance and any child element.

Maximum amount

4.—(1) Except as provided for in sub-paragraph (4), the Secretary of State may not deduct an amount from a claimant’s award of universal credit under a provision mentioned in paragraph 5(2) of this Schedule if, in relation to any assessment period, that would result in the Secretary of State deducting an amount in excess of eight times 5% of the standard allowance (“the maximum amount”) from the claimant’s award under one or more relevant provisions.

(2) The relevant provisions are—

- (a) those mentioned in paragraph 5(2) of this Schedule;
- (b) section 26 (higher-level sanctions) of the 2012 Act;
- (c) section 27 (other sanctions) of the 2012 Act;
- (d) section 71ZG (recovery of payments on account) of the Administration Act(35);
- (e) section 6B of the Social Security Fraud Act 2001 (“the 2001 Act”)(36);
- (f) section 7 of the 2001 Act(37); and
- (g) section 9 of the 2001 Act (38).

(3) For the purposes of determining whether the maximum amount would be exceeded, no account is to be taken of any liability for continuing need mentioned in—

- (a) paragraph 8(4)(b) (fuel costs) of this Schedule; or
- (b) paragraph 9(6)(b) or (7)(b)(water charges) of this Schedule.

(4) Subject to paragraph 3 of this Schedule, the Secretary of State may deduct an amount from the claimant’s award under paragraph 6 (housing costs), paragraph 7 (rent and service charges included in rent) or paragraph 8 (fuel costs) of this Schedule and pay that amount to a third party where the deduction appears to the Secretary of State to be in the claimant’s best interests, even though the deduction would result in the maximum amount being exceeded.

(33) Relevant amending instruments are [S.I. 1999/3178](#), [2002/3019](#) and [2008/1554](#).

(34) Relevant amending instruments are [S.I. 1999/3178](#), [2002/3019](#), [2004/2889](#) and [2008/1554](#).

(35) Section 71ZG was inserted by section 105(1) of the 2012 Act.

(36) Section 6B was inserted by section 24(1) of the Welfare Reform Act 2009 (c.24) and was amended by section 113(8)(a), section 118(1) to (6) and section 119(1) and (2) of, and paragraphs 56 and 58(1) to (4) of Schedule 2, paragraphs 15 and 16 of Schedule 3 and Part 1 of Schedule 14 to the 2012 Act.

(37) Section 7 was amended by paragraphs 44 and 45(1) and (2) of Schedule 2 to the State Pension Credit Act 2002 (c.16), section 49(1) of, and paragraph 23(1) and (2) of Schedule 3 to, the Welfare Reform Act 2007 (c.5) and paragraphs 1 and 2(1), (2)(a), (3)(a) and (b) of Schedule 4 to the Welfare Reform Act 2009. It was also amended by section 118(1) and (7), section 119(1) and (3) to (11) of, and paragraphs 56 and 59(1) to (4) of Schedule 2, paragraphs 15 and 17 of Schedule 3 and Part 1 of Schedule 14 to the 2012 Act.

(38) Section 9 was amended by paragraphs 44 and 46(1) to (3) of Schedule 2 to the State Pension Credit Act 2002, paragraph 23(1), (4) and (5) of Schedule 3 to the Welfare Reform Act 2007 and paragraphs 1 and 4(1) to (3) of Schedule 4 to the Welfare Reform Act 2009. It was also amended by section 113(8)(b), paragraphs 56 and 61(1) to (5) of Schedule 2 and Parts 1 and 12 of Schedule 14 to the 2012 Act.

Priority as between certain debts

- 5.—(1) This paragraph applies to a claimant (“C”) where, in relation to any assessment period—
- (a) a deduction could otherwise be made from C’s award under more than one of the provisions mentioned in sub-paragraph (2); and
 - (b) the amount of universal credit payable to C in relation to that assessment period is insufficient to enable the Secretary of State to meet all of the liabilities for which in C’s case deductions may be made under those provisions or the deduction, were it to be made, would mean that the maximum amount referred to in paragraph 4(1) would be exceeded.
- (2) The provisions are—
- (a) paragraph 6 (housing costs) of this Schedule;
 - (b) paragraph 7 (rent and service charges included in rent) of this Schedule;
 - (c) paragraph 8 (fuel costs) of this Schedule;
 - (d) regulation 3 (deductions from income support etc.) of the Community Charges Regulations, regulation 3 (deductions from income support etc.) of the Community Charges (Scotland) Regulations or (because no such payments are being made in C’s case) regulation 5 (deduction from debtor’s income support etc.) of the Council Tax Regulations;
 - (e) regulation 4 (deductions from offender’s income support etc.) of the Fines Regulations where the amount of the deduction equals 5% of the standard allowance;
 - (f) paragraph 9 (water charges) of this Schedule;
 - (g) paragraph 10 (payments in place of child support maintenance) of this Schedule;
 - (h) Schedule 7 (deductions from benefit in respect of child support maintenance and payment to persons with care) to these Regulations;
 - (i) section 78(2) (recovery of social fund awards) of the Administration Act;
 - (j) section 71ZH(1)(a) or (b) (recovery of hardship payments etc.) of the 2012 Act⁽³⁹⁾;
 - (k) section 115A (penalty as alternative to prosecution) of the Administration Act⁽⁴⁰⁾ where an overpayment is recoverable from a person by, or due from a person to, the Secretary of State or an authority under or by virtue of section 71 (overpayments – general)⁽⁴¹⁾, section 75 (overpayments of housing benefit)⁽⁴²⁾ or section 71ZB (recovery of overpayments of certain benefits) of that Act⁽⁴³⁾;
 - (l) section 71 (overpayments – general), section 71ZC (deduction from benefit)⁽⁴⁴⁾ or section 75(4) (overpayments of housing benefit) of the Administration Act or an overpayment of working tax credit or child tax credit, where in each case, the overpayment (or part of it) is the result of fraud;

⁽³⁹⁾ Section 71ZH was inserted by section 105(1) of the 2012 Act.

⁽⁴⁰⁾ Section 115A was inserted by section 15 of the Social Security Fraud Act 1997 (c.47) and amended by sections 1(1) and 14 of the Social Security Fraud Act 2001 (c.11) and section 105(3), section 113(1) to (7), section 114(1), section 115(1) and (2) of, and Part 1 of Schedule 14 to, the 2012 Act.

⁽⁴¹⁾ Section 71 was amended by section 32(1) of, and paragraph 48 of Schedule 2 to, the Jobseekers Act 1995 (c.18), section 1(2) and (4) of the Social Security (Overpayments) Act 1996 (c.51), paragraph 81(1) and (3) of Schedule 7 to the Social Security Act 1998 (c.14) and paragraphs 8 and 10 of Schedule 2 to the State Pension Credit Act 2002 (c.16). It was also amended by paragraph 58(1) to (3) of Schedule 24 to the Civil Partnership Act 2004 (c.33), section 44(1) and (3) of, and paragraph 10(1) and (6) of Schedule 3, to, the Welfare Reform Act 2007 (c.5), section 132(4) of the Health and Social Care Act 2008 (c.14), sections 105(2) and 106(1) of, and paragraphs 7 and 10 of Schedule 9 to, the 2012 Act. A relevant amending instrument is S.I. 2008/2833.

⁽⁴²⁾ Section 75 was amended by section 16 of, and Schedule 1 to, the Social Security Administration (Fraud) Act 1997 (c.47), section 71 of the Child Support, Pensions and Social Security Act 2000 (c.19) and section 106(3) of the 2012 Act.

⁽⁴³⁾ Section 71ZB was inserted by section 105(1) of the 2012 Act.

⁽⁴⁴⁾ Section 71ZC was inserted by section 105(1) of the 2012 Act.

- (m) section 115C(4) (incorrect statements etc.)(45) and section 115D(4) (failure to disclose information)(46) of the Administration Act;
- (n) section 71 (overpayments – general), section 71ZC (deduction from benefit) or section 75(4) (overpayments of housing benefit) of the Administration Act or an overpayment of working tax credit or child tax credit, where in each case, the overpayment (or part of it) is not the result of fraud;
- (o) paragraph 12 (integration loans) of this Schedule;
- (p) paragraph 11 (eligible loans) of this Schedule;
- (q) regulation 4 (deductions from offender’s income support etc.) of the Fines Regulations where the amount of the deduction exceeds the minimum amount that may be deducted in accordance with those Regulations.

(3) Where this paragraph applies to a claimant, the Secretary of State must make a deduction under any of the provisions mentioned sub-paragraph (2) in accordance with sub-paragraphs (4) and (5).

(4) The Secretary of State must give priority to any such deductions in the order in which they are listed in sub-paragraph (2), with housing costs having the priority.

(5) Where two or more provisions mentioned in any single paragraph of sub-paragraph (2) apply to the claimant, unless the Secretary of State directs otherwise, those deductions have equal priority with each other and the amount of such deductions are to be apportioned accordingly.

(6) For the purposes of sub-paragraph (2)(l) and (n), an overpayment is the result of fraud if, in relation to that overpayment or that part of it, the claimant—

- (a) has been found guilty of an offence whether under statute or otherwise;
- (b) made an admission after caution of deception or fraud for the purpose of obtaining benefit under the Administration Act, or in the case of a tax credit, under the Tax Credits Act 2002(47); or
- (c) agreed to pay a penalty under section 115A of the Administration Act (penalty as an alternative to prosecution) and the agreement has not been withdrawn.

Housing costs

6.—(1) This paragraph applies where the following condition is met.

(2) The condition is that in any assessment period the claimant is in debt for any item of housing costs which is included in the claimant’s award of universal credit under Schedule 5 (housing costs element for owner-occupiers) to the Universal Credit Regulations.

(3) Where this paragraph applies, but subject to sub-paragraph (4), the Secretary of State may, in such cases and circumstances as the Secretary of State may determine, in relation to that assessment period deduct an amount from the claimant’s award equal to 5% of the standard allowance in respect of any debt mentioned in sub-paragraph (2) and pay that amount or those amounts to the person to whom any such debt is owed.

(4) Before the Secretary of State may commence (or re-commence) making deductions in respect of any such debt, the claimant’s earned income (or in the case of joint claimants their combined earned income) in relation to the previous assessment period must not exceed the work allowance.

(5) No amount may be deducted under this paragraph in respect of owner-occupier payments within the meaning of paragraph 4 of Schedule 1 (meaning of payments in respect of accommodation) to the Universal Credit Regulations in any case where those payments—

(45) Section 115C was inserted by section 116(1) of the 2012 Act.

(46) Section 115D was inserted by section 116(1) of the 2012 Act.

(47) 2002 c.21.

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- (a) are required to be paid directly to a qualifying lender under regulation 59 of these Regulations; or
- (b) would have been required to be paid to a body which, or a person who, would otherwise have been a qualifying lender but for an election given under paragraph 10 of Schedule 5 to these Regulations.

(6) As between liability for items of housing costs to which this paragraph applies, liabilities in respect of owner-occupier payments (within the meaning of paragraph 4(1) of Schedule 1 (meaning of payments in respect of accommodation) to the Universal Credit Regulations) are to have priority over all other items.

Rent and service charges included in rent

7.—(1) This paragraph applies where all of the following conditions are met.

- (2) The first condition is that in any assessment period the claimant—
 - (a) has an award of universal credit which includes an amount under Schedule 4 (housing costs element for renters) to the Universal Credit Regulations; or
 - (b) occupies exempt accommodation and has an award of housing benefit under section 130 (housing benefit) of the Contributions and Benefits Act(48).
- (3) The second condition is that the claimant is in debt for any—
 - (a) rent payments;
 - (b) service charges which are paid with or as part of the claimant’s rent.

(4) The third condition is that the claimant occupies the accommodation to which the debt relates.

(5) Where this paragraph applies, but subject to sub-paragraphs (6) and (7), the Secretary of State may, in such cases and circumstances as the Secretary of State may determine, deduct in relation to that assessment period an amount from the claimant’s award equal to 5% of the standard allowance and pay that amount to the person to whom the debt is owed.

(6) Before the Secretary of State may commence (or re-commence) making deductions in respect of such a debt, the claimant’s earned income (or in the case of joint claimants their combined earned income) in relation to the previous assessment period must not exceed the work allowance.

(7) The Secretary of State must stop making such deductions if, in relation to the three assessment periods immediately preceding the date on which the next deduction could otherwise be made, the claimant’s earned income (or in the case of joint claimants their combined earned income) equals or exceeds the work allowance.

(8) In this paragraph—

“exempt accommodation” has the meaning given by paragraph 1 of Schedule 1 (interpretation) to the Universal Credit Regulations;

“rent payments” includes any elements included in the claimant’s rent which would not fall to be treated as rent under the Housing Benefit Regulations 2006(49) or as rent payments under the Universal Credit Regulations;

“service charges” includes any items in a charge for services in respect of the accommodation occupied by the claimant which would not fall to be treated as service charges under the Universal Credit Regulations.

(48) 1992 c.4. Section 130 was amended by paragraph 3 of Schedule 9 to the Local Government Finance Act 1992 (c.14) and paragraph 1(1) and (3) of Schedule 5 to the Welfare Reform Act 2007 (c.5).

(49) S.I. 2006/213.

Fuel costs

8.—(1) This paragraph applies where the following condition is met.

(2) The condition is that in any assessment period the claimant is in debt for any item of mains gas or mains electricity, including any charges for the reconnection of gas or disconnection or reconnection of electricity (“fuel item”).

(3) Where this paragraph applies, but subject to sub-paragraphs (5) and (6), the Secretary of State may, in such cases and circumstances as the Secretary of State may determine, deduct in relation to that assessment period the following amounts from the claimant’s award and pay them to the person to whom the payment is due.

(4) The amount which may be deducted in respect of any fuel item is—

- (a) an amount equal to 5% of the standard allowance; and
- (b) an additional amount which the Secretary of State estimates is equal to the average monthly cost necessary to meet the claimant’s continuing need for that fuel item, except where current consumption is paid for by other means such as a pre-payment meter.

(5) Before the Secretary of State may commence (or re-commence) making deductions in respect of such a debt, the claimant’s earned income (or in the case of joint claimants their combined earned income) in relation to the previous assessment period must not exceed the work allowance.

(6) The Secretary of State must stop making such deductions if, in relation to the three assessment periods immediately preceding the date on which the next deduction could otherwise be made, the claimant’s earned income (or in the case of joint claimants their combined earned income) equals or exceeds the work allowance.

(7) As between liabilities for items of gas or electricity, the Secretary of State must give priority to whichever liability the Secretary of State considers it would, having regard to the circumstances and to any requests of the claimant, be appropriate to discharge.

Water charges

9.—(1) This paragraph applies where the following condition is met.

(2) The condition is that in any assessment period the claimant is in debt for water charges, including any charges for reconnection (“the original debt”).

(3) Where this paragraph applies, but subject to sub-paragraphs (4) and (5), the Secretary of State may, in such cases and circumstances as the Secretary of State may determine, deduct an amount from the claimant’s award in accordance with sub-paragraphs (6) to (8) and pay it to a water undertaker to whom the payment is due or to the person or body authorised to collect water charges for that undertaker.

(4) Before the Secretary of State may commence (or re-commence) making deductions in respect of such a debt, the claimant’s earned income (or in the case of joint claimants their combined earned income) in relation to the previous assessment period must not exceed the work allowance.

(5) The Secretary of State must stop making such deductions if, in relation to the three assessment periods immediately preceding the date on which the next deduction could otherwise be made, the claimant’s earned income (or in the case of joint claimants their combined earned income) equals or exceeds the work allowance.

(6) Where water charges are determined by means of a water meter, the amount to be deducted under this paragraph in relation to any assessment period is to be—

- (a) an amount equal to 5% of the standard allowance towards discharging the original debt; and

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- (b) an additional amount which the Secretary of State estimates to be the average monthly cost necessary to meet the claimant's continuing need for water consumption.
- (7) Where water charges are determined otherwise than by means of a water meter, the amount to be deducted in relation to any assessment period under this paragraph is to be—
 - (a) the amount referred to in sub-paragraph (6)(a); and
 - (b) an additional amount equal to the cost necessary to meet the continuing need for water consumption in that assessment period.
- (8) Where the claimant is in debt to two water undertakers—
 - (a) only one amount under sub-paragraph (6)(a) or (7)(a) may be deducted;
 - (b) a deduction in respect of an original debt for sewerage may only be made after the whole debt in respect of an original debt for water has been paid; and
 - (c) deductions in respect of continuing charges for both water and for sewerage may be made at the same time.
- (9) In this paragraph "water undertaker" means—
 - (a) in relation to any area in England and Wales, a company holding an appointment as a water undertaker or a sewerage undertaker under the Water Industry Act 1991⁽⁵⁰⁾; or
 - (b) in relation to any area in Scotland, Scottish Water.

Payments in place of payments of child support maintenance

10.—(1) This paragraph applies where the Secretary of State has determined that section 43 (contribution to maintenance by deduction from benefit) of the 1991 Act⁽⁵¹⁾ and regulation 28 (contribution to maintenance by deduction from benefit) of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992⁽⁵²⁾ apply in relation to the claimant.

(2) Where this paragraph applies, the Secretary of State must, if satisfied that there is sufficient universal credit in payment (but subject to paragraphs 1, 4 and 5 of this Schedule), determine that an amount is to be deducted from the claimant's award for transmission to the person or persons entitled to receive that amount under or by virtue of the 1991 Act.

(3) Not more than one deduction may be made under this paragraph in relation to any assessment period.

(4) The amount of universal credit which may be deducted in relation to any assessment period and paid to a third party under this paragraph is to be an amount equal to 5% of the standard allowance.

Eligible loans

11.—(1) This paragraph applies where both of the following conditions are met.

(2) The first condition is that in any assessment period the claimant is in arrears in respect of a loan agreement entered into (whether solely or jointly) with an eligible lender in respect of an eligible loan.

(3) The second condition is that, as at the date on which the Secretary of State receives an application for deductions to be made under this paragraph, no deductions are being made from any eligible benefit awarded to the claimant in respect of an amount recoverable under—

⁽⁵⁰⁾ 1991 c.56.

⁽⁵¹⁾ 1991 c.48. Section 43 was amended by paragraph 113 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992 (c.6), paragraph 40 of Schedule 7 to the Social Security Act 1998 (c.14), section 21 of the Child Support, Pensions and Social Security Act 2000 (c.19) and section 139 of the 2012 Act.

⁽⁵²⁾ S.I. 1992/1815. Relevant amending instruments are S.I. 1996/1345, 1998/58, 2001/155 and 2008/1554.

(a) section 71 (overpayments – general) or 71ZB (recovery of overpayments of certain benefits) of the Administration Act 1992; or

(b) section 78 (recovery of social fund awards)(53) of that Act.

(4) Where the claimant has an award of universal credit, the Secretary of State may, in such cases and circumstances as the Secretary of State may determine, deduct in relation to the assessment period referred to in sub-paragraph (2) an amount from the claimant’s award equal to 5% of the standard allowance and pay that amount to the eligible lender towards discharging the amount owing under the loan agreement.

(5) In a case where the claimant has an award of universal credit but the amount payable to the claimant in relation to that assessment period is insufficient to enable such a deduction to be made, the Secretary of State may instead deduct a weekly amount equal to 5% of the personal allowance for a single claimant aged not less than 25 from any employment and support allowance or jobseeker’s allowance awarded to the claimant and pay that amount to the eligible lender.

(6) In a case where the claimant does not have an award of universal credit, but has an award of an employment and support allowance or a jobseeker’s allowance, the Secretary of State may deduct a weekly amount equal to 5% of the personal allowance for a single claimant aged not less than 25 from any such award and pay that amount to the eligible lender.

(7) The Secretary of State must not make deductions from a claimant’s employment and support allowance or a jobseeker’s allowance under this paragraph if that would reduce the amount payable to the claimant to less than 10 pence.

(8) In this paragraph—

“eligible benefit” means—

- (a) an employment and support allowance;
- (b) a jobseeker’s allowance;
- (c) universal credit;

“eligible lender” means—

- (a) a body registered under section 1 (societies which may be registered) of the Industrial and Provident Societies Act 1965(54);
- (b) a credit union within the meaning of section 1 (registration under the Industrial and Provident Societies Act 1965) of the Credit Unions Act 1979(55);
- (c) a charitable institution within the meaning of section 58(1) (interpretation of Part 2) of the Charities Act 1992(56);
- (d) a body entered on the Scottish Charity Register under section 3 (Scottish Charities Register) of the Charities and Trustee Investment (Scotland) Act 2005(57);
- (e) a community interest company within the meaning of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004(58),

(53) Section 78 was amended by section 32(2) of, and paragraph 51 of Schedule 2 to, the Jobseekers Act 1995 (c.18), paragraph 61(2), (3) and (4)(a) and (b) of Schedule 24 to the Civil Partnership Act 2004 (c.33) and section 106(4) of, and paragraphs 3 and 9 of Schedule 2 to, the 2012 Act (c.5).

(54) 1965 c.12. Relevant amending instruments are S.I. 2001/2617 and 2009/1941.

(55) 1979 c.34. Relevant amending instruments are S.I. 2001/2617, 2002/1501, 2003/256 and 2011/2687.

(56) 1992 c.41. Section 58(1) was amended by section 25 of the Deregulation and Contracting Out Act 1994 (c.40), paragraphs 89 and 90(1) and (2) of Schedule 8 to the Charities Act 2006 (c.50) and paragraph 65(1) of Schedule 7 to the Charities Act 2011 (c.25).

(57) 2005 asp 10.

(58) 2004 c.27.

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which, except for a credit union, is licensed under the Consumer Credit Act 1974⁽⁵⁹⁾ and which the Secretary of State considers is an appropriate body to which payments on behalf of the claimant may be made in respect of loans made by that body;

“eligible loan” means a loan made by a lender who is, at the time the loan agreement is made, an eligible lender, to a claimant except a loan which—

- (a) is secured by a charge or pledge;
- (b) is for the purpose of business or self-employment; or
- (c) was made by means of a credit card;

“loan agreement” means an agreement between the eligible lender and the claimant in respect of an eligible loan;

“5% of the personal allowance” means 5% of the personal allowance applicable in the claimant’s case, rounded up (in any case where that calculation produces a result which is not a multiple of five pence) to the next higher multiple of five pence.

Integration loans

12.—(1) This paragraph applies where both of the following conditions are met.

(2) The first condition is that the claimant has an integration loan which is recoverable by deductions.

(3) The second condition is that, as at the date on which the Secretary of State receives an application for deductions to be made under this paragraph, no deductions are being made from the claimant’s universal credit in respect of an amount recoverable under—

- (a) section 71 (overpayments – general) or 71ZB (recovery of overpayments of certain benefits) of the Administration Act; or
- (b) section 78 (recovery of social fund awards) of that Act.

(4) Where this paragraph applies, the amount payable by deductions in any assessment period is to be equal to 5% of the standard allowance.

(5) In this paragraph, “integration loan which is recoverable by deductions” means an integration loan which is made under the Integration Loans for Refugees and Others Regulations 2007⁽⁶⁰⁾ and which is recoverable from the claimant by deductions from the claimant’s award of universal credit under regulation 9 of those Regulations.

SCHEDULE 7

Regulation 60

DEDUCTIONS FROM BENEFIT IN RESPECT OF CHILD SUPPORT MAINTENANCE AND PAYMENT TO PERSONS WITH CARE

Interpretation

1. In this Schedule—

“beneficiary” means a person who has been awarded a specified benefit;

“maintenance”, except in paragraph 3, means child support maintenance which a non-resident parent is liable to pay under the 1991 Act⁽⁶¹⁾ at a flat rate (or would be so liable but for a

⁽⁵⁹⁾ 1974 c.39.

⁽⁶⁰⁾ S.I. 2007/1598.

⁽⁶¹⁾ 1991 c.48.

variation having been agreed to) where that rate applies (or would have applied) because the non-resident parent falls within paragraph 4(1)(b), (c) or (2) of Schedule 1 to the 1991 Act⁽⁶²⁾, and includes such maintenance payable at a transitional rate in accordance with regulations made under section 29(3)(a) of the Child Support, Pensions and Social Security Act 2000⁽⁶³⁾; “person with care” has the same meaning as in section 3 (meaning of certain terms used in this Act) of the 1991 Act;

“specified benefit” means—

- (a) an employment and support allowance;
- (b) a jobseeker’s allowance;
- (c) universal credit.

Deductions

2.—(1) Subject to the following provisions of this paragraph and to paragraph 5 (flat rate maintenance), the Secretary of State may deduct from any specified benefit awarded to a beneficiary, an amount equal to the amount of maintenance which is payable by the beneficiary and pay the amount deducted to or among the person or persons with care in discharge (in whole or in part) of the liability to pay maintenance.

(2) A deduction may only be made from one specified benefit in respect of the same period.

(3) No amount may be deducted under this Schedule from any employment and support allowance or any jobseeker’s allowance awarded to the claimant if that would reduce the amount of the benefit payable to the claimant to less than 10 pence.

(4) No amount may be deducted from any universal credit awarded to the claimant under this Schedule if that would reduce the amount payable to the claimant to less than one penny.

Arrears

3.—(1) Except where universal credit is awarded to the beneficiary, the Secretary of State may deduct the sum of £1 per week from any employment and support allowance or jobseeker’s allowance which the beneficiary has been awarded and, subject to sub-paragraph (2), pay the amount deducted to or among the person or persons with care in discharge (in whole or in part) of the beneficiary’s liability to pay arrears of maintenance.

(2) Deductions made under sub-paragraph (1) may be retained by the Secretary of State in the circumstances set out in regulation 8 of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992⁽⁶⁴⁾.

(3) In sub-paragraph (1) “maintenance” means child support maintenance as defined by section 3(6) of the 1991 Act whether before or after the amendment of the definition of such maintenance by section 1(2)(a) of the Child Support, Pensions and Social Security Act 2000, and includes maintenance payable at a transitional rate in accordance with regulations made under section 29(3)(a) of that Act.

⁽⁶²⁾ Paragraph 4 of Schedule 1 was substituted by Schedule 1 to the Child Support, Pensions and Social Security Act 2000 (c.19). It was amended by paragraphs 1 and 2 of Schedule 4 to the Child Maintenance and Other Payments Act 2008 (c.6) (which amendment is only in force for the purpose of making regulations).

⁽⁶³⁾ 2000 c.19.

⁽⁶⁴⁾ 1992/1816. Relevant amending instruments are S.I. 1995/3261, 1996/1345 and 2001/162.

Status: This is the original version (as it was originally made).

Apportionment

4. Where maintenance is payable to more than one person with care, the amount deducted must be apportioned between the persons with care in accordance with paragraphs 6, 7 and 8 of Schedule 1 (maintenance assessments) to the 1991 Act⁽⁶⁵⁾.

Flat rate maintenance

5.—(1) This paragraph applies where the beneficiary and that person's partner are each liable to pay maintenance at a flat rate in accordance with paragraph 4(2) of Schedule 1 to the 1991 Act and either of them has been awarded universal credit (whether as a single claimant or as joint claimants).

(2) Where this paragraph applies, an amount not exceeding an amount equal to the flat rate of maintenance may be deducted from such an award in respect of the total liability of both partners to pay maintenance, in the proportions described in regulation 4(3) of the Child Support (Maintenance Calculations and Special Cases) Regulations 2001⁽⁶⁶⁾ or regulation 44(3) of the Child Support Maintenance Calculation Regulations 2012⁽⁶⁷⁾ and must be paid in discharge (in whole or in part) of the respective liabilities to pay maintenance.

Notice

6. Where the Secretary of State commences making deductions under this Schedule, the Secretary of State must notify the beneficiary in writing of the amount and frequency of the deduction and the benefit from which the deduction is made and must give further such notice when there is a change to any of the particulars specified in the notice.

⁽⁶⁵⁾ Part 1 of Schedule 1 was substituted by Schedule 1 to the Child Support, Pensions and Social Security Act 2000 (c.19). Paragraph 8 of Schedule 1 was amended by paragraphs 1 and 7 of Schedule 4 to the Child Maintenance and Other Payments Act 2008 (c.6) (which amendment is only in force for the purpose of making regulations). A relevant amending instrument is S.I. 2012/2007.

⁽⁶⁶⁾ S.I. 2001/155.

⁽⁶⁷⁾ S.I. 2012/2677.