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STATUTORY INSTRUMENTS

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**2013 No. 803**

**SOCIAL SECURITY**

**The Universal Credit (Miscellaneous  
Amendments) Regulations 2013**

<i>Made</i>	- - - -	<i>6th April 2013</i>
<i>Laid before Parliament</i>		<i>8th April 2013</i>
<i>Coming into force</i>	- -	<i>29th April 2013</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 11(4) and 42(2) of, and paragraphs 1(1) and 3(1)(b) to, Schedule 6 to the Welfare Reform Act 2012 (1) (“the Act”).

This instrument has not been referred to the Social Security Advisory Committee because it contains only regulations made by virtue of or consequential on Part 1 of, and Schedule 6 to, the Act and is made before the end of the period of 6 months beginning with the coming into force of those provisions (2).

**Citation and Commencement**

1. These Regulations may be cited as the Universal Credit (Miscellaneous Amendments) Regulations 2013 and come into force on 29th April 2013.

**Amendment of the Universal Credit Regulations 2013**

2.—(1) The Universal Credit Regulations 2013(3) are amended in accordance with this regulation.

(2) In regulation 2 (Interpretation) after the definition of “additional statutory paternity pay” insert—

““adopter” has the meaning in regulation 89(3)(a);”.

(3) In Schedule 4 (Housing costs element for renters)—

(a) in paragraph 2 (Interpretation) after the definition of “listed persons” insert—

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(1) [2012 c.5.](#)

(2) *See* section 173(5) of the Social Security Administration Act [1992 c.5](#). The requirement to refer regulations to the Social Security Advisory Committee does not apply where regulations are contained in a statutory instrument made before the end of the period of six months beginning with the coming into force of the enactment under which the regulations were made.

(3) [S.I. 2013/376](#)

- ““member of the armed forces” means a member of the regular forces or the reserve forces within the meaning of section 374 of the Armed Forces Act 2006(4);”;
- (b) in paragraph 11 (Temporary absence of member of renter’s extended benefit unit)—
- (i) in sub-paragraph (4)(b) after “and” insert “, in the circumstances specified in sub-paragraph (5) (a) to (c),”;
- (ii) in sub-paragraph (5) after paragraph (c) insert—
- “(d) any period during which a non-dependant who is the son, daughter, step-son or step-daughter of a renter or joint renters is a member of the armed forces away on operations.”;
- (c) in the heading to paragraph 12 (Additional room where renter requires overnight care) after “room” omit “where renter requires overnight care”;
- (d) in paragraph 12 after sub-paragraph (5) add—
- “(6) A renter who is a single person is entitled to one additional bedroom if the renter is—
- (a) a foster parent; or
- (b) an adopter with whom a child has been placed for adoption;
- and joint renters are entitled to one additional bedroom if one or both of them is a person described in paragraph (a) or (b).
- (7) For the purposes of sub-paragraph (6) “foster parent” includes a person who would be a foster parent but for the fact that they do not currently have any child placed with them, provided that any period since the date when their last placement ended (or, if they have not yet had a child placed with them, since the date when they were approved to be a foster parent) does not exceed 12 months.
- (8) In a case where a renter or joint renters would be entitled to an additional bedroom by virtue of sub-paragraph (1) or (2) and by virtue of sub-paragraph (6) they are entitled to two additional bedrooms.”;
- (e) in paragraph 16 (No deduction for housing cost contributions in respect of certain non-dependants) in sub-paragraph (2) after paragraph (i) insert—
- “(j) a person who is a member of the armed forces away on operations who—
- (i) is the son, daughter, step-son or step-daughter of a renter or joint renters, and
- (ii) resided with the renter or joint renters immediately before leaving to go on operations and intends to return to reside with the renter or joint renters at the end of the operations.”.

### **Amendment of the Universal Credit (Transitional Provisions) Regulations 2013**

**3.—(1)** The Universal Credit (Transitional Provisions) Regulations 2013(5) are amended in accordance with this regulation.

(2) In regulation 10 (Housing) after paragraph (b), insert—

“(ba) reside in the same household as a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006) and who is absent from the household in connection with that role;”.

(3) In regulation 11 (Caring responsibilities)—

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(4) 2006 c.52.  
(5) S.I. 2013/386.

- (a) paragraphs (a) to (e) and the words which precede them form paragraph (1);
- (b) after paragraph (1)(c), insert—
  - “(ca) be a foster parent;”, and
- (c) after paragraph (1), insert—
  - “(2) For the purposes of this regulation—
    - “foster parent” means—
      - (a) in relation to England, a person who is approved as a foster parent under the Fostering Services (England) Regulations 2011<sup>(6)</sup>;
      - (b) in relation to Wales, a person who is approved as a foster parent under the Fostering Services (Wales) Regulations 2003<sup>(7)</sup>;
      - (c) in relation to Scotland, a person who is approved as a kinship carer or a foster carer under the Looked After Children (Scotland) Regulations 2009 <sup>(8)</sup>.”.

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

6th April 2013

*Steve Webb*  
Minister of State  
Department for Work and Pensions

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<sup>(6)</sup> S.I. 2011/581. See regulation 27.

<sup>(7)</sup> S.I. 2003/237. See regulation 28, substituted by S.I. 2010/746.

<sup>(8)</sup> S.S.I 2009/210. See regulations 10 and 22.

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

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Universal Credit Regulations 2013 (S.I. 2013/376), which contain provisions in relation to universal credit, a benefit established under the Welfare Reform Act (c.5) 2012. They also amend the Universal Credit (Transitional Provisions) Regulations 2013 (S.I. 2013/386), which make provision for the first phase of the introduction of universal credit.

Regulation 2 sets out some changes to the size criteria that are applied in the calculation of the housing costs element in Schedule 4 to the Universal Credit Regulations 2013. In particular:

- certain foster parents, as well as adopters who have a child placed with them prior to adoption, will be entitled to one extra bedroom for the purposes of the size criteria assessment;
- any person who is the child or step-child of a renter or joint renters and usually lives with them, but is in the armed forces and away on operations will (as long as they intend to return to live at the property) continue to be treated as part of the household during any such period of absence, and no housing costs contribution will be deducted in relation to them during any such absence.

Regulation 3 specifies additional requirements which must be met in order for a person to claim universal credit during the first phase of the introduction of Universal Credit. A person may not make such a claim if a person who lives in their household is a member of the armed forces who is away from home in connection with that role. A person is also excluded from making a claim if they are a foster parent.

An assessment has been made of the impact of the introduction of universal credit. Copies of the impact assessment may be obtained from the Better Regulation Unit of the Department for Work and Pensions, 2D Caxton House, Tothill Street, London, SW1 9NA or from the DWP website at <http://www.dwp.gov.uk/policy/welfare-reform/legislation-and-key-documents/welfare-reform-act-2012/impact-assessments-and-equality>. An updated impact assessment to cover the application of the size criteria to the social rented sector was published on 28 June 2012 and is available on the DWP website at <http://www.dwp.gov.uk/docs/social-sector-housing-under-occupation-wr2011-ia.pdf>