

**2020 No. 371**

**SOCIAL SECURITY**

**The Social Security (Coronavirus) (Further Measures)  
Regulations 2020**

*Made* - - - - at 11.51 a.m. on 27th March 2020

*Laid before Parliament* at 3.00 p.m. on 27th March 2020

*Coming into force* - - 30th March 2020

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 70(8), 123(1)(d), 136(1), (3) and (5)(b), 137(1), 171D, 171G(2) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992(a), sections 6(4), 6E(5), 6F(1), 7(4), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(b), sections 122(1) and (6) of the Housing Act 1996(c) and sections 9(2), 18(5), 22(2), 37(6), 40 and 42(1) to (3) and (5) of, and paragraph 4(4) of Schedule 1 and paragraphs 1(1) and 4(1), (2)(a), (c) and (d) and (3) of Schedule 6 to, the Welfare Reform Act 2012(d).

In accordance with section 173(1)(a) of the Social Security Administration Act 1992(e), it appears to the Secretary of State that by reason of the urgency of this matter it is inexpedient to refer the proposals in respect of these Regulations to the Social Security Advisory Committee.

In accordance with section 176(2)(a) of the Social Security Administration Act 1992, it appears to the Secretary of State that by reason of the urgency of this matter it is inexpedient to consult with representative bodies.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Coronavirus) (Further Measures) Regulations 2020 and come into force on 30th March 2020.

(2) In these Regulations—

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

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- (a) 1992 c. 4. Sections 171D and 171G were inserted by section 6 of the Social Security (Incapacity for Work) Act 1994 (c.18). Sections 137(1) and 171G(2) are cited for the meaning of “prescribed”. Section 123(1)(d) is cited for the meaning of “income-related benefits”. Section 175(4) was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c.2) and section 175(5) was amended by paragraph 36 of Schedule 1 to the Social Security (Incapacity for Work) Act 1994.
- (b) 1995 c.18. Sections 6E and 6F were inserted by section 49(3) of the Welfare Reform Act 2012 (c. 5). Section 36(4) was amended by paragraph 63 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999. Section 35(1) is cited for the meaning of “prescribed” and “regulations”.
- (c) 1996 c. 52. Section 122(1) was amended by paragraph 36 of Schedule 2 to the Welfare Reform Act 2012. There are other amendments but none of them is relevant.
- (d) 2012 c. 5. Section 40 is cited for the meaning of “prescribed”.
- (e) 1992 c. 5.

“coronavirus disease” means COVID-19 (the official designation of the disease which can be caused by coronavirus);

“isolation” in relation to a person, means the separation of that person from any other person in such a manner as to prevent infection or contamination with coronavirus disease;

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

“Universal Credit Regulations” means the Universal Credit Regulations 2013<sup>(a)</sup>.

### **Universal credit – minimum income floor**

**2.**—(1) The Secretary of State may, where it appears expedient as a consequence of the outbreak of coronavirus disease, and in such cases or class of case, or for such period, as the Secretary of State determines—

- (a) treat the amount of the individual threshold or the couple threshold in regulation 62 (minimum income floor) of the Universal Credit Regulations<sup>(b)</sup> as if it were a lesser amount (including zero);
- (b) where it falls to be determined whether a claimant is in gainful self-employment, delay that determination;
- (c) where it has been determined that a claimant is in gainful self-employment, treat that claimant as not being in gainful self-employment;
- (d) where a claimant is in a start-up period, extend that period for as long as the Secretary of State considers appropriate; or
- (e) in relation to any claimant who would otherwise fall within section 22 of the Welfare Reform Act 2012 (all work-related requirements) as a result of this regulation, except that claimant from a work search requirement or a work availability requirement.

(2) In this regulation “start-up period” and “gainful self-employment” have the meanings given in regulations 63 and 64 respectively of the Universal Credit Regulations.

### **Universal credit – standard allowance modification**

**3.**—(1) Regulation 36 (table showing amounts of elements) of the Universal Credit Regulations, as amended by article 33 of, and Schedule 13 to, the Social Security Benefits Up-rating Order 2020<sup>(c)</sup> (“the 2020 up-rating order”) is to be read as if the following amounts were substituted for the amounts of the standard allowance—

- (a) £342.72 for a single claimant aged under 25;
- (b) £409.89 for a single claimant aged 25 or over;
- (c) £488.59 for joint claimants both aged under 25;
- (d) £594.04 for joint claimants where either is aged 25 or over.

(2) This regulation takes effect in relation to each award of universal credit from the day specified in article 1(3)(o) of the 2020 up-rating order and continues to have effect only for the remainder of the tax year beginning with 6th April 2020.

(3) For the purposes of any calculation under regulation 54 (transitional element - indicative UC amount) and 55 (transitional element – initial amount and adjustment where other elements increase) of the Universal Credit (Transitional Provisions) Regulations 2014<sup>(d)</sup> the amount of the standard allowance is to be the amount specified in regulation 36 of the Universal Credit Regulations, as amended by the 2020 up-rating order, and paragraph (1) is to be disregarded.

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(a) S.I. 2013/376.

(b) Regulation 62 was substituted by S.I. 2014/2888 and amended by S.I. 2015/345 and 1754 and 2019/1249.

(c) S.I. 2020/234.

(d) S.I. 2014/1230. Regulations 54 and 55 were inserted by S.I. 2019/1152.

## Local housing allowance

4.—(1) The Rent Officers (Housing Benefit Functions) Order 1997(a) is amended as follows—

(a) in article 4B (broad rental market determinations and local housing allowance determinations)—

(i) in paragraph (2B), at the end add “and also the 31st March 2020”;

(ii) in paragraph (3B), at the end add “, and the determinations made on the 31st March 2020 shall take effect (on 1st April 2020) in place of the determinations made on the 31st January 2020”;

(b) in Schedule 3B, for sub-paragraph (2) of paragraph 2 (local housing allowance for category of dwelling in paragraph 1) substitute—

“(2) The local housing allowance for any category of dwelling is the lower of—

(a) the rent at the 30th percentile determined in accordance with sub-paragraphs (4) to (8); and

(b) for a category of dwelling listed in column 1 of the following table, the amount listed in column 2 of that table (maximum local housing allowance)—

| 1. Category of dwelling as specified in paragraph 1   | 2. Maximum local housing allowance for that category of dwelling |
|---|--|
| paragraph 1(1)(a) (one bedroom, shared accommodation) | £ 295.49   |
| paragraph 1(1)(b) (one bedroom, exclusive use)        | £ 295.49   |
| paragraph 1(1)(c) (two bedrooms)                      | £ 365.92   |
| paragraph 1(1)(d) (three bedrooms)                    | £ 441.86   |
| paragraph 1(1)(e) (four bedrooms)                     | £ 593.75”.   |

(2) The Rent Officers (Housing Benefit Functions) (Scotland) Order 1997(b) is amended as follows—

(a) in article 4B (broad rental market determinations and local housing allowance determinations)—

(i) in paragraph (2B), at the end add “and also the 31st March 2020”;

(ii) in paragraph (3B), at the end add “and the determinations made on the 31st March 2020 shall take effect (on 1st April 2020) in place of the determinations made on the 31st January 2020”;

(b) in Schedule 3B, for sub-paragraph (2) of paragraph 2 (local housing allowance for category of dwelling in paragraph 1) substitute—

“(2) The local housing allowance for any category of dwelling is the lower of—

(a) the rent at the 30th percentile determined in accordance with sub-paragraphs (4) to (8); and

(b) for a category of dwelling listed in column 1 of the following table, the amount listed in column 2 of that table (maximum local housing allowance)—

| 1. Category of dwelling as specified in paragraph 1 | 2. Maximum local housing allowance for that category of dwelling |
|---|--|
|---|--|

(a) S.I. 1997/1984. Article 4B was inserted by S.I. 2003/2398; paragraph (2B) was inserted by S.I. 2013/1544 and substituted by S.I. 2014/3126; paragraph (3B) was inserted by S.I. 2012/646. Schedule 3B was inserted by S.I. 2007/2871; paragraph 2(2) was inserted by S.I. 2020/27. There are other amendments to article 4B and Schedule 3B but none are relevant.

(b) S.I. 1997/1995. Article 4B was inserted by S.I. 2003/2398; paragraph (2B) was inserted by S.I. 2013/1544 and substituted by S.I. 2014/3126; paragraph (3B) was inserted by S.I. 2012/646; Schedule 3B was inserted by S.I. 2007/2871; paragraph 2(2) was inserted by S.I. 2020/27. There are other amendments to article 4B and Schedule 3B but none are relevant.

|   |            |
|---|------------|
| paragraph 1(1)(a) (one bedroom, shared accommodation) | £ 295.49   |
| Paragraph 1(1)(b) (one bedroom, exclusive use)        | £ 295.49   |
| Paragraph 1(1)(c) (two bedrooms)                      | £ 365.92   |
| Paragraph 1(1)(d) (three bedrooms)                    | £ 441.86   |
| Paragraph 1(1)(e) (four bedrooms)                     | £ 593.75”. |

(3) The Rent Officers (Universal Credit Functions) Order 2013(a) is amended as follows—

(a) in article 4 (local housing allowance determinations)—

- (i) in paragraph (2), at the end add “and also the 31st March 2020”;
- (ii) after paragraph (3) insert—

“(3A) The determinations made in accordance with paragraph (1) on the 31st March 2020 shall take effect (under paragraph (3)) in place of the determinations made in accordance with paragraph (1) on the 31st January 2020.”;

(b) in Schedule 1, for sub-paragraph (2) of paragraph 2 (local housing allowance for category of accommodation in paragraph 1) substitute—

“(2) The local housing allowance for any category of accommodation is the lower of—

- (a) the rent at the 30th percentile determined in accordance with paragraph 3; and
- (b) for a category of accommodation listed in column 1 of the following table, the amount listed in column 2 of that table (maximum local housing allowance)—

| 1. Category of accommodation as specified in paragraph 1 | 2. Maximum local housing allowance for that category of accommodation |
|--|---|
| paragraph 1(a) (one bedroom, shared accommodation)       | £ 1,283.96  |
| Paragraph 1(b) (one bedroom, exclusive use)              | £ 1,283.96  |
| Paragraph 1(c) (two bedrooms)                            | £ 1,589.99  |
| Paragraph 1(d) (three bedrooms)                          | £ 1,920.00  |
| Paragraph 1(e) (four bedrooms)                           | £ 2,579.98”.  |

### Housing benefit – disregards from income modification

5.—(1) The following provisions of the Housing Benefit Regulations 2006(b) shall be read as if, for “£17.10” there were substituted “£37.10”—

- (a) sub-paragraphs (1) and (3)(c) of paragraph 17 of Schedule 4 (sums to be disregarded in the calculation of earnings)(c);
- (b) paragraph 56 of Schedule 5 (sums to be disregarded in the calculation of income other than earnings)(d).

(2) The following provisions of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(e) shall be read as if, for “£17.10” there were substituted “£37.10”—

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(a) S.I. 2013/382. In article 4, paragraph (2) was inserted by S.I. 2014/3126 and amended by S.I. 2015/1753; paragraph (3) was inserted by S.I. 2015/1753. Paragraph 2(2) of Schedule 1 was inserted by S.I. 2020/27.  
(b) S.I. 2006/213.  
(c) Paragraph 17(1) was amended by S.I. 2009/2608 and paragraph 17(1) and (3)(c) was amended by S.I. 2010/793.  
(d) Paragraph 56 was amended by S.I. 2010/793.  
(e) S.I. 2006/214.

- (a) sub-paragraphs (1) and (3)(c) of paragraph 9 of Schedule 4 (sums disregarded from claimant’s earnings)(a);
- (b) paragraph 21 of Schedule 5 (amounts to be disregarded in the calculation of income other than earnings)(b).

(3) This regulation takes effect on 6th April 2020 and ceases to have effect at the end of 4th April 2021.

**Universal credit and new style JSA – work-related requirements**

6.—(1) As a consequence of the outbreak of coronavirus disease, where a person has an award of new style JSA or an award of universal credit—

- (a) the Secretary of State must not impose a work search requirement(c) on that person;
- (b) a work search requirement previously applying to such a person ceases to have effect from the date on which these Regulations come into force; and
- (c) “able and willing immediately to take up paid work” under a work availability requirement(d) imposed on such a person means able and willing to take up paid work, or attend an interview, immediately once this regulation ceases to apply.

(2) This regulation applies for a period of 3 months beginning with the date that these Regulations come into force and the Secretary of State may extend that period for all cases or any class of case where it appears expedient as a consequence of the continuation of the outbreak of coronavirus disease.

(3) In this regulation, “new style JSA” means an allowance under the Jobseekers Act 1995 as amended by the amendments made by Part 1 of Schedule 14 to the Welfare Reform Act 2012 that remove references to an income-based allowance.

**Old style JSA – availability for employment and actively seeking employment**

7.—(1) As a consequence of the outbreak of coronavirus disease, a person who has an award of old style JSA is to be treated as—

- (a) available for employment; and
- (b) actively seeking employment,

for the purposes of the Jobseekers Act 1995(e).

(2) This regulation applies for a period of 3 months beginning with the date that these Regulations come into force and the Secretary of State may extend that period for all cases or any class of case where it appears expedient as a consequence of the continuation of the outbreak of coronavirus disease.

(3) In this regulation, “old style JSA” means a jobseeker’s allowance under the Jobseekers Act 1995 as that Act 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.

**Jobseeker’s Allowance – periods of sickness**

8.—(1) A person who has an award of jobseeker’s allowance and who is—

- (a) infected or contaminated with coronavirus disease;
- (b) in isolation; or

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(a) Paragraph 9(1) and (3)(c) was amended by S.I. 2010/793.  
 (b) Paragraph 21 was amended by S.I. 2008/3157 and 2010/793.  
 (c) See section 17(1) of the Welfare Reform Act 2012 (c. 5).  
 (d) See section 18(1) of the Welfare Reform Act 2012 (c. 5).  
 (e) See section 6(1) for the meaning of “available for employment” and section 7(1) for the meaning of “actively seeking employment”.

- (c) caring for a child or qualifying young person who is a member of the person’s household and who falls within sub-paragraph (a) or (b),

and who satisfies the requirements for entitlement to a jobseeker’s allowance other than those specified in section 1(2)(f) of the Jobseekers Act 1995(a) (not having limited capability for work) is to be treated as capable of work or as not having limited capability for work.

(2) Any period during which this regulation applies to the person is to be disregarded for the purposes of calculating the number of occasions for the purposes of—

- (a) regulation 55(3) or 55ZA(5) of the Jobseeker’s Allowance Regulations 1996(b);
- (b) regulation 46(3) or 46A(5) of the Jobseeker’s Allowance Regulations 2013(c).

(3) In this regulation, “jobseeker’s allowance” means an allowance under the Jobseekers Act 1995.

### **Carer’s Allowance**

**9.**—(1) This regulation applies where a person in receipt of carer’s allowance (“A”) is temporarily unable to care for the severely disabled person (“B”) in respect of whom the carer’s allowance is paid by reason of isolation due to, or infection or contamination with, coronavirus disease of either A or B.

(2) Regulation 4(2) of the Social Security (Invalid Care Allowance) Regulations 1976(d) is to be read as if the words starting with “and” at the end of sub-paragraph (a) to the end of sub-paragraph (b) were omitted.

(3) In this regulation—

- (a) “carer’s allowance” means the allowance paid under section 70 of the Social Security Contributions and Benefits Act 1992(e); and
- (b) “severely disabled person” has the meaning given in section 70(2) of that Act.

(4) This regulation extends only to England and Wales.

### **Expiry**

**10.**—(1) The Secretary of State must keep the operation of these Regulations under review.

(2) Regulations 2, 6, 7, 8 and 9 cease to have effect at the end of the period of eight months beginning on 13th March 2020.

(3) Regulation 3 (treating a person as having limited capability for work) and regulation 4 (suspension of the minimum income floor) of the Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020(f) no longer have effect in so far as they apply to universal credit.

Signed by the Secretary of State for Work and Pensions

At 11.51 a.m. on 27th March 2020

*Thèrese Coffey*  
Secretary of State  
Department for Work and Pensions

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(a) Section 1(2)(f) was substituted by paragraph 12(1) and (2) of Schedule 3 to the Welfare Reform Act 2007 (c. 5).  
(b) S.I. 1996/207. Regulation 55 was amended, and regulation 55ZA was inserted, by S.I. 2015/339.  
(c) S.I.2013/378. Regulation 46 was amended, and regulation 46A was inserted, by S.I. 2015/339.  
(d) S.I. 1976/409.  
(e) Section 70 was amended by S.I. 1994/2556, 2002/1457, 2011/517 and 2426, 2013/388 and 2015/1754.  
(f) S.I. 2020/289.

## EXPLANATORY NOTE

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

These Regulations provide further measures in response to the present outbreak of coronavirus disease in Great Britain. They are in addition to those in the Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020 (S.I. 2020/289).

Under regulation 2 the Secretary of State has the discretion to apply a number of measures in relation to the minimum income floor (MIF), which applies to self-employed claimants in universal credit. The Secretary of State may reduce the MIF to a lesser amount (including zero), delay making a determination that a person is in gainful self-employment, treat a person as not being in gainful self-employment, extend a start-up period or exempt a self-employed claimant from a requirement to seek work or be available for work.

Regulation 3 makes modifications to the amount of the standard allowance in universal credit in relation to the 2020-21 tax year. The temporary amounts will not apply for the purposes of calculating transitional protection in relation to a claimant who is moved to universal credit under Part 4 (managed migration) of the Universal Credit (Transitional Provisions) Regulations 2014 (S.I. 2014/1230).

Regulation 4 amends the Rent Officers (Housing Benefit Functions) Order 1997 (S.I. 1997/1984), the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 (S.I. 1997/1995) and the Rent Officers (Universal Credit Functions) Order 2013 (S.I. 2013/382) to provide that the rent officers must determine a local housing allowance (private rented sector) for each relevant category of accommodation, in each broad rental market area, on 31st March 2020, so that the allowance is set at the lower of rent at the 30th percentile of local rents and revised national caps. The determinations are to replace the determinations made on 31st January 2020 and are to take effect on 1st April 2020.

Regulation 5 makes modifications in relation to the tax year 2020-21 to Schedules 4 and 5 of the Housing Benefit Regulations 2006 (S.I. 2006/213) and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214) so as to provide that the disregard from income that applies to the calculation of housing benefit where a person is entitled to working tax credit, or works for a specified minimum number of hours per week, is increased from £17.10 to £37.10. The increase takes into account the temporary increase in the basic element of working tax credit made by section 77 of the Coronavirus Act 2020 (c. 7). The regulation takes effect on 6th April 2020 and ceases to have effect at the end of 4th April 2021.

Regulation 6 applies to a claimant who has an award of universal credit or new style JSA and makes provision so that work search requirements are not imposed for a period of 3 months from the date these Regulations come into force as a consequence of the outbreak of coronavirus disease. Provision is also made so that any existing work search requirement no longer applies and so that the requirement to be “able and willing immediately to take up paid work” under a work availability requirement applies only once the regulation ceases to apply. There is power for the Secretary of State to extend the 3-month period in consequence of the continuation of the outbreak of coronavirus disease.

Regulation 7 makes provision for claimants who have an award of old style JSA. Such claimants will be treated as available for work and actively seeking employment for the purposes of the Jobseekers Act 1995 (c. 18). This regulation applies for a period of 3 months, beginning with the date that the Regulations come into force, and there is power for the Secretary of State to extend the 3-month period in consequence of the continuation of the outbreak of coronavirus disease.

Regulation 8 applies to a person who is infected or contaminated with coronavirus disease, in isolation or caring for a child or qualifying young person in their household who is so infected or contaminated or is in isolation. Where such a person satisfies the requirements for entitlement to a jobseeker’s allowance, other than the requirement in section 1(2)(f) of the Jobseekers Act 1995 that the person does not have limited capability for work, the person is to be treated as capable of work or as not having limited capability for work. Any period during which the regulation applies

to the person is to be disregarded for the purposes of calculating the number of occasions that regulation 55 or 55ZA of the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) or regulation 46 or 46A of the Jobseeker's Allowance Regulations 2013 (S.I. 2013/378) apply to that person. Those regulations enable a person with an award of jobseeker's allowance to have certain periods of sickness without losing entitlement to jobseeker's allowance. By not counting any period during which a person is infected or contaminated with coronavirus disease, in isolation or caring for a child or qualifying young person in their household who is so infected or contaminated or is in isolation, any such period will not count towards a period of sickness and so a person will not lose entitlement to jobseeker's allowance because of coronavirus disease.

The effect of Regulation 9 is to allow carers to retain their entitlement to carer's allowance if they have a temporary break in caring as a result of isolation due to, or infection or contamination with, coronavirus disease of either the carer or the person cared for. This regulation extends to England and Wales only.

Under regulation 10 the Secretary of State must keep the operation of the Regulations under review. Regulations 2, 6, 7, 8 and 9 expire on the same day as the Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020. Provision is also made so that regulations 3 and 4 of the Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020 no longer have effect so far as they apply to universal credit. Regulation 3 of those Regulations treats a person as having limited capability for work in certain circumstances and regulation 4 enables the minimum income floor to be suspended once a person is no longer treated as having limited capability for work. Those provisions are no longer necessary due to the provisions made in these Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sectors is foreseen.

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