

This Statutory Instrument has been made in consequence of a defect in S.I. 2013/376 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2021 No. 1224

SOCIAL SECURITY

The Universal Credit (Exceptions to the Requirement not to be receiving Education) (Amendment) Regulations 2021

<i>Made</i>	- - - -	<i>1st November 2021</i>
<i>Laid before Parliament</i>		<i>4th November 2021</i>
<i>Coming into force</i>	- -	<i>15th December 2021</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 4(2) and 42(1) and (2) of, and paragraphs 1(1) and 4(1)(b) and (2) of Schedule 6 to, the Welfare Reform Act 2012^(a).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992^(b), the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

Citation, commencement, application and extent

1.—(1) These Regulations may be cited as the Universal Credit (Exceptions to the Requirement not to be receiving Education) (Amendment) Regulations 2021 and come into force on 15th December 2021.

(2) These Regulations apply in relation to a claim for universal credit that is made on or after 15th December 2021.

(3) Any amendment made by these Regulations has the same extent as the provision amended.

Amendment of the Universal Credit Regulations 2013

2. In regulation 14 of the Universal Credit Regulations 2013 (exceptions to the requirement not to be receiving education)^(c)—

(a) for paragraph (1)(b) substitute—

“(b) the person is entitled to attendance allowance, disability living allowance, child disability payment or personal independence payment and, on a date before the date on which the person starts receiving education—

(a) 2012 c. 5.
(b) 1992 c. 5.
(c) S.I. 2013/376, amended by S.I. 2020/287 and 2021/786.

- (i) it has been determined that the person has limited capability for work or limited capability for work and work-related activity on the basis of an assessment under Part 5 or under Part 4 or 5 of the ESA Regulations; or
 - (ii) the person is treated as having limited capability for work under Schedule 8 or limited capability for work and work-related activity under Schedule 9;”;
- (b) omit paragraph (2).

Amendment of the Universal Credit (Transitional Provisions) Regulations 2014

3. In regulation 19 of the Universal Credit (Transitional Provisions) Regulations 2014 (transition from old-style ESA)(a)—

- (a) in paragraph (2)(b), for “the Act.” substitute—
 - “the Act; and
 - (c) the claimant is to be treated as if the determination that they have limited capability for work, for the purposes of regulation 14(1)(b) of the Universal Credit Regulations, was made before the date on which the claimant started receiving education (see regulations 12(2) and 13 of the Universal Credit Regulations).”;
- (b) in paragraph (4)—
 - (i) in sub-paragraph (a), omit the “and” at the end;
 - (ii) in sub-paragraph (b), for “the Act.” substitute—
 - “the Act; and
 - (c) the claimant is to be treated as if the determination that they have limited capability for work and work-related activity, for the purposes of regulation 14(1)(b) of those Regulations, was made before the date on which the claimant started receiving education.”.

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

Chloe Smith
Minister of State
Department for Work and Pensions

1st November 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Universal Credit Regulations 2013 (S.I. 2013/376) and the Universal Credit (Transitional Provisions) Regulations 2014 (S.I. 2014/1230).

Regulation 2 substitutes a new paragraph (1)(b) in regulation 14 of the Universal Credit Regulations 2013, which sets out the exceptions to the requirement to meet the basic condition not to be receiving education. This provides that a person entitled to attendance allowance, disability living allowance, child disability payment or personal independence payment will be entitled to universal credit if they are determined to have limited capability for work (LCW) or limited capability for work and work-related activity (LCWRA) on a date before they started receiving education or they are treated as having LCW or LCWRA before that date. Paragraph (2) of regulation 14 of those Regulations, which contains an interpretation provision, is omitted as it is no longer needed.

Regulation 3 amends regulation 19 of the Universal Credit (Transitional Provisions) Regulations 2014. The amendments enable a person who transitions from income-related employment and support allowance to universal credit to be treated as having been determined to have LCW or

(a) S.I. 2014/1230, amended by S.I. 2017/204.

LCWRA before the date the person started receiving education so that they will be entitled to universal credit.

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.

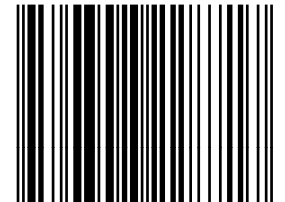
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