

2021 No. 476

SOCIAL SECURITY

**The Social Security (Coronavirus) (Miscellaneous Amendments)
Regulations 2021**

<i>Made</i> - - - -	<i>15th April 2021</i>
<i>Laid before Parliament</i>	<i>20th April 2021</i>
<i>Coming into force</i> - -	<i>12th May 2021</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 70(8), 123(1)(a) and (d), 124, 130, 135(1), 137(1) and (2)(h) and (l), 171D, 171G(2), 175(1), (3) and (5) of the Social Security Contributions and Benefits Act 1992(a), sections 4(5) and (12), 6(4), 7(4), 35 and 36(2) and (4) of, and paragraph 12 of Schedule 1 to, the Jobseekers Act 1995(b), sections 2(3), (4), (6) and (9), 3(8), 17(1) and (2)(a) and 19(1) of the State Pension Credit Act 2002(c), sections 4(2) and (3), 24(1) and 25(2), (3) and (5) of, and paragraph 6(8) of Schedule 1 and paragraphs 1(a) and 2 of Schedule 2 to, the Welfare Reform Act 2007(d) and sections 2(2), 6(1), 40, 42(1) to (3) of, and paragraph 5(1) of Schedule 1 to, the Welfare Reform Act 2012(e).

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

In respect of the provisions in regulation 4, in accordance with section 176(1)(a) of the Social Security Administration Act 1992(g), the Secretary of State has consulted with organisations appearing to the Secretary of State to be representative of the authorities concerned.

Citation and commencement

1. These Regulations may be cited as the Social Security (Coronavirus) (Miscellaneous Amendments) Regulations 2021 and come into force on 12th May 2021.

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- (a) 1992 c. 4. Section 137(1) and 171G(2) are cited for the meaning of “prescribed”. Sections 171D and 171G were inserted by section 6 of the Social Security (Incapacity for Work) Act 1994 (c. 18). Section 175 is applied to provisions of the State Pension Credit Act 2002 by section 19(1) of the Act.
- (b) 1995 c. 18. Section 6 is substituted by the Welfare Reform Act 2012 (c. 5). Section 35 is cited for the meaning of “prescribed” and “regulations”.
- (c) 2002 c. 16. Section 17(1) is cited for the meaning of “prescribed” and “regulations”.
- (d) 2007 c. 5. Section 24(1) is cited for the meaning of “prescribed” and “regulations”.
- (e) 2012 c. 5. Section 40 is cited for the meaning of “prescribed”.
- (f) 1992 c. 5.
- (g) Section 176(1)(a) was amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992 (c. 14) and was repealed, to the extent that it related to council tax benefit, by Part 1 of Schedule 14 to, the Welfare Reform Act 2012 with effect from 1st April 2013 and subject to savings and transitional provisions in articles 9 and 10 of S.I. 2013/358.

Amendment of the Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020

2. In regulation 5(2) of the Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020(a) for “14 months” substitute “20 months”.

Amendment of the Social Security (Coronavirus) (Further Measures) Regulations 2020

3. In regulation 10(2B) of the Social Security (Coronavirus) (Further Measures) Regulations 2020(b) for “12th May 2021” substitute “31st August 2021”.

Amendment of the Social Security (Coronavirus) (Prisoners) Regulations 2020

4.—(1) The Social Security (Coronavirus) (Prisoners) Regulations 2020(c) are amended as follows.

(2) After regulation 1 insert—

“Interpretation

1A. In these Regulations “coronavirus disease” means COVID-19 (the official designation of the disease which can be caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)).”.

(3) At the beginning of each of the provisions in paragraph (4) insert “Where the Secretary of State is satisfied that it is expedient as a result of coronavirus disease and in such cases as the Secretary of State determines,”.

(4) For the purposes of paragraph (3) the provisions are—

- (a) paragraph (1) of regulation 2;
- (b) paragraphs (1) and (2) of regulation 3;
- (c) regulation 4.

(5) In regulation 5 after “For the purposes of entitlement to housing benefit,” insert “where the Secretary of State is satisfied that it is expedient as a result of coronavirus disease and in such cases as the Secretary of State determines,”.

(6) In regulation 6(2), for “at the end of the period of 14 months beginning on 13th March 2020” substitute “on 31st August 2021”.

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

Justin Tomlinson
Minister of State

Department for Work and Pensions

15th April 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020 (S.I. 2020/289), the Social Security (Coronavirus) (Further Measures) Regulations 2020 (S.I. 2020/371) (“the Further Measures Regulations”) and the Social Security (Coronavirus) (Prisoners) Regulations 2020 (S.I. 2020/409) in response to the continuing outbreak of coronavirus disease in Great Britain.

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- (a) S.I. 2020/289. Regulations 3 and 4 ceased to have effect for the purposes of Universal Credit from 30th March 2020 by virtue of S.I. 2020/371. Regulation 5(2) was amended by S.I. 2020/1097.
 - (b) S.I. 2020/371. Regulation 10(2B) was inserted by S.I. 2020/1201. There is another amendment not relevant to these Regulations.
 - (c) S.I. 2020/409. Regulation 6(2) was amended by S.I. 2020/1156.

Regulation 2 of the Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020 gives the Secretary of State discretion to disapply the seven waiting days that would otherwise apply to a person who has made a claim for an employment and support allowance. Regulation 3 of those Regulations gives the Secretary of State discretion to decide that a person who makes a claim for, or is entitled to, employment and support allowance may be treated as a person having limited capability for work. Both provisions apply where a person is infected or contaminated with coronavirus disease, is isolating to prevent the spread of coronavirus disease, or is caring for a child (or qualifying young person) who falls into either of those categories. Both provisions no longer have effect in relation to Universal Credit by virtue of the Further Measures Regulations.

Following a review by the Secretary of State of the operation of the Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020, regulation 2 amends the provision by which those Regulations expire after 14 months so that they now expire after 20 months beginning on 13th March 2020, namely 12th November 2021.

Regulation 8 of the Further Measures Regulations enables 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, to not be counted towards a period of sickness under 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). This means that a person will not lose entitlement to jobseeker's allowance because of coronavirus disease. Regulation 9 of the Further Measures Regulations allows 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.

Following a review by the Secretary of State of the operation of the Further Measures Regulations, regulation 3 amends the provision by which the Further Measures Regulations expire on 12th May 2021 so that regulations 8 and 9 now expire on 31st August 2021.

The Social Security (Coronavirus) (Prisoners) Regulations 2020 made provision to enable individuals on temporary release from prison to access means tested benefits during the period of that release.

Following a review by the Secretary of State of the operation of the Social Security (Coronavirus) (Prisoners) Regulations 2020, regulation 4 amends the provision by which those Regulations expire after 14 months so that they now expire on 31st August 2021. Regulation 4 also requires the Secretary of State to now determine whether the easements for a prisoner on temporary release should be applied in any individual case. As the need to manage the potential impacts of coronavirus within the prison estate will hopefully reduce in the coming months prisoners may be temporarily released for non-coronavirus related reasons, but the easement was never intended to enable such prisoners to access means-tested benefits since their living costs are already met.

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.

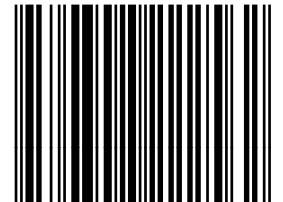
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