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WELSH STATUTORY INSTRUMENTS

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**2013 No. 1788 (W. 178)**

**SOCIAL SECURITY, WALES**

**The Universal Credit (Consequential Provisions) (Childcare,  
Housing and Transport) (Wales) Regulations 2013**

*Made* - - - - - *16 July 2013*

*Coming into force* - - - - - *17 July 2013*

The Welsh Ministers, in exercise of the power conferred upon them by section 32 of the Welfare Reform Act 2012<sup>(1)</sup>, make the following Regulations.

In accordance with section 43(7) of that Act, a draft of these Regulations were laid before and approved by a resolution of the National Assembly for Wales.

**Title, commencement and application**

1.—(1) The title of these Regulations is the Universal Credit (Consequential Provisions) (Childcare, Housing and Transport) (Wales) Regulations 2013 and they come into force on 17 July 2013.

(2) These Regulations apply in relation to Wales.

**PART 1**

**PRIMARY LEGISLATION**

**Amendment of the Housing Grants, Construction and Regeneration Act 1996**

2.—(1) Section 3 of the Housing Grants, Construction and Regeneration Act 1996<sup>(2)</sup>(ineligible applicants) is amended as follows.

(2) Omit subsection (4).

(3) In subsection (4A) omit “made by the Secretary of State”.

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(1) 2012 c.5.  
(2) 1996 c.53.

### Amendment of the Housing Act 2004

- 3.—(1) The Housing Act 2004(3) is amended as follows.
- (2) In section 73 (other consequences of operating unlicensed HMOs: rent repayment orders)—
- (a) in subsection (5), before “housing benefit” insert “relevant award or awards of universal credit or the”;
  - (b) in subsection (6), for paragraph (b) substitute—
    - “(b) that—
      - (i) one or more relevant awards of universal credit have been paid (to any person); or
      - (ii) housing benefit has been paid (to any person) in respect of periodical payments payable in connection with the occupation of a part or parts of the HMO,
 during any period during which it appears to the tribunal that such an offence was being committed,”
  - (c) after subsection (6), insert—
 

“(6A) In subsection (6)(b)(i), “relevant award of universal credit” means an award of universal credit the calculation of which included an amount under section 11 of the Welfare Reform Act 2012, calculated in accordance with Schedule 4 to the Universal Credit Regulations 2013 (housing costs element for renters) (S.I. 2013/376) or any corresponding provision replacing that Schedule, in respect of periodical payments payable in connection with the occupation of a part or parts of the HMO.”
  - (d) in subsection (8)(a), for the words from “housing benefit” to the end substitute—
    - “(i) one or more relevant awards of universal credit; or
    - (ii) housing benefit paid in connection with occupation of a part or parts of the HMO;”
  - (e) in subsection (10)—
    - (i) in the definition of “the appropriate person”, before “housing benefit” insert “universal credit or”;
    - (ii) for the definition of “periodical payments” substitute—
 

““periodical payments” means—

      - (a) payments in respect of which an amount under section 11 of the Welfare Reform Act 2012 may be included in the calculation of an award of universal credit, as referred to in paragraph 3 of Schedule 4 to the Universal Credit Regulations 2013 (“relevant payments”) (S.I. 2013/376) or any corresponding provision replacing that paragraph; and
      - (b) periodical payments in respect of which housing benefit may be paid by virtue of regulation 12 of the Housing Benefit Regulations 2006 or any corresponding provision replacing that regulation;”;
  - (f) in subsection (11)(b), before “housing benefit” insert “universal credit or”.
- (3) In section 74 (further provisions about rent repayment orders)—
- (a) in subsection (2)—
    - (i) for paragraph (b) substitute—
 

“(b) that—

- (i) one or more relevant awards of universal credit (as defined in section 73(6A)) were paid (whether or not to the appropriate person), or
    - (ii) housing benefit was paid (whether or not to the appropriate person) in respect of periodical payments payable in connection with occupation of a part or parts of the HMO, during any period during which it appears to the tribunal that such an offence was being committed in relation to the HMO in question,” and
  - (ii) in the closing words, for “an amount equal to the total amount of housing benefit paid as mentioned in paragraph (b)” substitute “the amount mentioned in subsection (2A)”;
- (b) after subsection (2) insert—
  - “(2A) The amount referred to in subsection (2) is—
    - (a) an amount equal to—
      - (i) where one relevant award of universal credit was paid as mentioned in subsection (2)(b)(i), the amount included in the calculation of that award under section 11 of the Welfare Reform Act 2012, calculated in accordance with Schedule 4 to the Universal Credit Regulations 2013 (housing costs element for renters) (S.I. 2013/376) or any corresponding provision replacing that Schedule, or the amount of the award if less; or
      - (ii) if more than one such award was paid as mentioned in subsection (2)(b)(i), the sum of the amounts included in the calculation of those awards as referred to in sub-paragraph (i), or the sum of the amounts of those awards if less, or
    - (b) an amount equal to the total amount of housing benefit paid as mentioned in subsection (2)(b)(ii),  
(as the case may be).”
  - (c) in subsection (3), for “total amount of housing benefit paid as mentioned in that paragraph” substitute “amount mentioned in subsection (2A);
  - (d) in subsection (6)(b)(i), after “payments of” insert “relevant awards of universal credit or”;
  - (e) in subsection (7)—
    - (i) in paragraph (a), before “housing benefit” insert “relevant awards of universal credit,”; and
    - (ii) in paragraph (b), for the words from “any amount” to the end substitute—
      - “(i) where one or more relevant awards of universal credit were payable during the period in question, the amount mentioned in subsection (2A)(a) in respect of the award or awards that related to the occupation of the part of the HMO occupied by him during that period; or
      - (ii) any amount of housing benefit payable in respect of the occupation of the part of the HMO occupied by him during the period in question”; and
  - (f) in subsections (9)(a) and (15)(a), before “housing benefit” insert “universal credit or”.
- (4) In section 96 (other consequences of operating unlicensed houses: rent repayment orders)—
  - (a) in subsection (5), before “housing benefit” insert “relevant award or awards of universal credit or the”;
  - (b) in subsection (6), for paragraph (b) substitute—

- “(b) that—
- (i) one or more relevant awards of universal credit have been paid (to any person); or
  - (ii) housing benefit has been paid (to any person) in respect of periodical payments payable in connection with the occupation of the whole or any part or parts of the house,
- during any period during which it appears to the tribunal that such an offence was being committed.”;
- (c) after subsection (6), insert—
- “(6A) In subsection (6)(b)(i), “relevant award of universal credit” means an award of universal credit the calculation of which included an amount under section 11 of the Welfare Reform Act 2012, calculated in accordance with Schedule 4 to the Universal Credit Regulations 2013 (housing costs element for renters) (S.I. 2013/376) or any corresponding provision replacing that Schedule, in respect of periodical payments payable in connection with the occupation of the whole or any part or parts of the house.”;
- (d) in subsection (8)(a), for the words from “housing benefit” to the end substitute—
- “(i) one or more relevant awards of universal credit, or
  - (ii) housing benefit paid in connection with occupation of the whole or any part or parts of the house”;
- (e) in subsection (10)—
- (i) in the definition of “the appropriate person”, before “housing benefit” insert “universal credit or”;
  - (ii) for the definition of “periodical payments” substitute—
    - ““periodical payments” means—
    - (a) payments in respect of which an amount under section 11 of the Welfare Reform Act 2012 may be included in the calculation of an award of universal credit, as referred to in paragraph 3 of Schedule 4 to the Universal Credit Regulations 2013 (“relevant payments”) (S.I. 2013/376) or any corresponding provision replacing that paragraph; and
    - (b) periodical payments in respect of which housing benefit may be paid by virtue of regulation 12 of the Housing Benefit Regulations 2006 or any corresponding provision replacing that regulation.”; and
- (f) in subsection (11)(b), before “housing benefit” insert “universal credit or”.
- (5) In section 97 (further provisions about rent repayment orders)—
- (a) in subsection (2)—
    - (i) for paragraph (b) substitute—
      - “(b) that—
      - (i) one or more relevant awards of universal credit (as defined in section 96(6A)) were paid (whether or not to the appropriate person); or
      - (ii) housing benefit was paid (whether or not to the appropriate person) in respect of periodical payments payable in connection with occupation of the whole or any part or parts of the house,

during any period during which it appears to the tribunal that such an offence was being committed in relation to the house.”; and

- (ii) in the closing words, for “an amount equal to the total amount of housing benefit paid as mentioned in paragraph (b)” substitute “the amount mentioned in subsection (2A)”;
- (b) after subsection (2) insert—
  - “(2A) The amount referred to in subsection (2) is—
    - (a) an amount equal to—
      - (i) where one relevant award of universal credit was paid as mentioned in subsection (2)(b)(i), the amount included in the calculation of that award under section 11 of the Welfare Reform Act 2012, calculated in accordance with Schedule 4 to the Universal Credit Regulations 2013 (housing costs element for renters) (S.I. 2013/376) or any corresponding provision replacing that Schedule, or the amount of the award if less; or
      - (ii) if more than one such award was paid as mentioned in subsection (2)(b)(i), the sum of the amounts included in the calculation of those awards as referred to in sub-paragraph (i), or the sum of the amounts of those awards if less, or
    - (b) an amount equal to the total amount of housing benefit paid as mentioned in subsection (2)(b)(ii),
  - (as the case may be).”;
  - (c) in subsection (3), for “total amount of housing benefit paid as mentioned in that paragraph” substitute “amount mentioned in subsection (2A)”;
  - (d) in subsection (6)(b)(i), after “payments of” insert “relevant awards of universal credit or”;
  - (e) in subsection (7)—
    - (i) in paragraph (a), before “housing benefit” insert “relevant awards of universal credit.”; and
    - (ii) in paragraph (b), for the words from “any amount” to the end substitute—
      - “(i) where one or more relevant awards of universal credit were payable during the period in question, the amount mentioned in subsection (2A)(a) in respect of the award or awards that related to the occupation of the part of the HMO occupied by him during that period; or
      - (ii) any amount of housing benefit payable in respect of the occupation of the part of the HMO occupied by him during the period in question”; and
  - (f) in subsections (9)(a) and (15)(a), before “housing benefit” insert “universal credit or”.

#### **Amendment of the Childcare Act 2006**

**4.** After section 22(2)(a)(i) of the Childcare Act 2006(4)(duty to secure sufficient childcare for working parents), insert—

- “(ia) the provision of childcare in respect of which an amount in respect of childcare costs may be included under section 12 of the Welfare Reform Act 2012 in the calculation of universal credit.”.

## PART 2

### SECONDARY LEGISLATION

#### Amendment of the Housing Renewal Grants Regulations 1996

- 5.—(1) The Housing Renewal Grants Regulations 1996<sup>(5)</sup> are amended as follows.
- (2) Regulation 2(1) (interpretation)<sup>(6)</sup> is amended as follows—
- (a) for the definition of “contributory employment and support allowance” substitute—
- ““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act 2007 (“the 2007 Act”) as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance, and a contributory allowance under Part 1 of the 2007 Act as that Part has effect apart from those provisions;”; and
- (b) after the definition of “training allowance” insert—
- ““universal credit” means universal credit under Part 1 of the 2012 Act;”.
- (3) In regulation 10 (the applicable amount)<sup>(7)</sup>—
- (a) in paragraph (3)—
- (i) after sub-paragraph (a)(v) omit “or” and, after sub-paragraph (a)(vi) insert—
- “; or (vii) universal credit;”;
- (ii) after sub-paragraph (b) omit “or” and after sub-paragraph (c) insert—
- “; or (d) subject to paragraph (5), a relevant person who has a partner, where the partner is entitled to universal credit”; and
- (b) after paragraph (4), insert—
- “(5) For the purposes of paragraph (3)(d) and regulation 11(2)(b), where the relevant person and a partner of that person are parties to a polygamous marriage, the fact that they are partners will be disregarded if—
- (a) one of them is a party to an earlier marriage that still subsists; and
- (b) the other party to that earlier marriage is living in the same household.”
- (4) In regulation 11 (financial resources)—
- (a) at the beginning insert “(1) Subject to paragraph (2),”; and
- (b) after paragraph (1) insert—
- “(2) Subject to regulation 10(5), where a relevant person in the case of the application—
- (a) is entitled to universal credit; or
- (b) is not entitled to universal credit but their partner is so entitled,
- then the income of that relevant person for the purposes of paragraph (1) will be taken to be nil.”
- (5) In regulation 19 (treatment of child care charges)<sup>(8)</sup>, in paragraphs (3)(b) and (3)(c)(ii), after “Employment and Support Allowance Regulations 2008” insert “or the Employment and Support Allowance Regulations 2013”.

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<sup>(5)</sup> S.I. 1996/2890.

<sup>(6)</sup> Regulation 2(1) is amended by S.I. 2013/552 (W.62); there are other amendments that are not relevant to these Regulations.

<sup>(7)</sup> Regulation 10 was amended by S.I. 2008/2377 and S.I. 2010/297.

<sup>(8)</sup> Regulation 19(3) was amended by S.I. 2010/297.

(6) In regulation 31(10A)(b)(i) (notional income) for the words from “in accordance with” to the end substitute “approved by the Welsh Ministers”.

### **Amendment of the Bus Service Operators Grant (Wales) Regulations 2002**

- 6.—(1) The Bus Service Operators Grant (Wales) Regulations 2002<sup>(9)</sup> are amended as follows.
- (2) In regulation 3(4) (eligibility for grant)<sup>(10)</sup>, after sub-paragraph (c) insert—
- “(ca) persons in receipt of universal credit under Part 1 of the Welfare Reform Act 2012;”.

### **Amendment of the Homelessness (Wales) Regulations 2006**

- 7.—(1) The Homelessness (Wales) Regulations 2006<sup>(11)</sup> are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) in paragraph (1), after the definition of “the 1996 Act” insert—
- ““the 2012 Act” (“Deddf 2012”) means the Welfare Reform Act 2012 (2012 c.5);”;
- (b) at the end of paragraph (3)(c)(ii), omit the word “and”;
- (c) at the end of paragraph (d), remove the full stop and, insert “; and”; and
- (d) after paragraph (d), insert—
- “(e) “employment and support allowance” (“Iwfans cyflogaeth a chymorth”) means employment and support allowance under Part 2 of the 2012 Act; and
- (f) “universal credit” (“credyd cynhwysol”) means universal credit under Part 1 of the 2012 Act.”
- (3) In regulation 3(1)(i) (classes of persons subject to immigration control who are eligible for housing assistance)—
- (a) after “income-related employment and support allowance” insert “, employment and support allowance;”; and
- (b) before “income support” insert “universal credit or”.

### **Amendment of the Rent Repayment Orders (Supplementary Provisions) (Wales) Regulations 2008**

- 8.—(1) The Rent Repayment Orders (Supplementary Provisions)(Wales) Regulations 2008<sup>(12)</sup> are amended as follows.
- (2) For regulation 1(3) (title, commencement, application and interpretation) substitute—
- “(3) In these Regulations—
- “the Act” (“y Ddeddf”) means the Housing Act 2004;
- “relevant award of universal credit” (“dyfarniad perthnasol o gredyd cynhwysol”) means an award as referred to in section 73(6A) of the Housing Act 2004.”
- (3) In regulation 2 (amendment of a rent repayment order application to remove housing benefit not properly payable)—
- (a) in paragraph (1), after “housing benefit”, insert “or of a relevant award of universal credit”; and

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(9) S.I. 2002/2022.

(10) Regulation 3(4) was amended by S.I. 2008/1879.

(11) S.I. 2006/2646.

(12) S.I. 2008/254.

(b) in paragraph (2), for the words from “for the total amount” to the end substitute—

“—

- (a) in the case of housing benefit, for the total amount of housing benefit paid, such part of that amount as they believe is properly payable;
- (b) in the case of a relevant award of universal credit, for the amount referred to in section 74(2A)(a) of the Act that was originally believed to apply, the amount that is now believed to apply (if different).”

(4) For paragraph (3), substitute—

“(3) For the purposes of paragraphs (1) and (2)—

- (a) an amount of housing benefit is properly payable if the person to whom, or in respect of whom, it is paid is entitled to it under the Housing Benefit Regulations 2006 or the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (whether on the initial decision or as subsequently revised or superseded or further revised or superseded); and
- (b) a relevant award of universal credit is properly payable if the person to whom, or in respect of whom, it is paid is entitled to it under the Universal Credit Regulations 2013 (whether on the initial decision or as subsequently revised or superseded or further revised or superseded).”

16 July 2013

*Jeff Cuthbert*  
Minister for Communities and Tackling Poverty,  
one of the Welsh Ministers



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## EXPLANATORY NOTE

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

These Regulations make provision in relation to the provisions of Part 1 of the Welfare Reform Act 2012 (c.5) (“the Act”) that relate to the introduction of universal credit and the abolition of income-related employment and support allowance and income-based jobseeker’s allowance.

The Regulations amend both primary and secondary legislation in the fields of childcare, housing and transport. The amendments are consequential on the coming into force of Part 1 of the 2012 Act.

In particular, regulation 2 amends section 3 of the Housing Grants, Construction and Regeneration Act 1996 which allows for regulations to exclude descriptions of applicants from entitlement to grants under Chapter 1 of Part 1 of that Act (grants for renewal, repairs etc). The effect of the amendments is that the reference to universal credit inserted by the Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630) applies to the Welsh Ministers’ power to make regulations under section 3.

Regulation 3 makes amendments to the Housing Act 2004 in relation to Wales which are identical to those made by regulation 18 of the Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 in relation to England. These amendments insert references to the housing element of an award of universal credit into provisions relating to rent repayment orders that a residential property tribunal can make.

Regulation 4 amends section 22 of the Childcare Act 2006 so as to include a reference to the childcare element of universal credit in connection with the duty of a local authority in Wales to secure sufficient childcare in its area.