

2013 No. 2070

SOCIAL SECURITY

**The Universal Credit (Transitional Provisions) and
Housing Benefit (Amendment) Regulations 2013**

<i>Made</i> - - - -	<i>20th August 2013</i>
<i>Laid before Parliament</i>	<i>28th August 2013</i>
<i>Coming into force</i>	<i>28th October 2013</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 32 and 42(2) and (3)(a) of, and paragraphs 1(1), 3(1)(a), (b) and (c) and 4(1)(a) of Schedule 6 to, the Welfare Reform Act 2012(a) (“the 2012 Act”).

This instrument has not been referred to the Social Security Advisory Committee because it is made before the end of the period of 6 months beginning with the coming into force of the provisions of the 2012 Act under which the regulations are made(b).

In accordance with section 176(1) of the Social Security Administration Act 1992(c), the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned in respect of provisions in these Regulations which are relevant to housing benefit.

Citation and commencement

1. These Regulations may be cited as the Universal Credit (Transitional Provisions) and Housing Benefit (Amendment) Regulations 2013 and come into force on 28th October 2013.

[Regs. 2 - 5 make various amends to S.I. 2013/386.]

[Reg. 6 revokes reg. 20 (savings apply) to S.I. 2013/386.]

[Reg. 7 makes various amends to S.I. 2006/213.]

[Reg. 8 inserts words in reg. 5(2) of S.I. 2006/214.]

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

20th August 2013

Freud
Parliamentary Under Secretary of State
Department for Work and Pensions

(a) 2012 c. 5.
(b) See section 173(5) of the Social Security Administration Act 1992. 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 6 months beginning with the coming into force of the enactment under which the regulations are made.
(c) 1992 c. 5.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Universal Credit (Transitional Provisions) Regulations 2013 (S.I. 2013/386). They also make amendments to 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) (“the Housing Benefit (SPC) Regulations”) which are consequential upon the introduction of universal credit.

The amendments made by regulation 3 allow for claimants to be entitled to both universal credit and housing benefit, where the housing benefit is paid in respect of exempt accommodation (for which the universal credit element for housing costs is not payable).

Regulation 4 amends the criteria for entitlement to claim universal credit during the first stage of transition from existing benefits. It allows for claims by persons who have a current account with a credit union (in addition to certain other types of account).

Regulation 5 relates to a person who claims universal credit, but is not entitled for the first assessment period because of the level of their earned income. The effect of the amendment is that a person in this position will be able to benefit from provisions in the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (S.I. 2013/380) under which they might become entitled to universal credit without a further claim if their income falls during the following 6 months.

Regulation 6 removes the temporary exemption for universal credit claimants from the application of the benefit cap. However, the benefit cap will not apply to existing claimants until their next assessment period starting on or after the date on which these Regulations come into force.

Regulation 7 makes amendments to the Housing Benefit Regulations 2006 to allow for circumstances where a claimant or a claimant’s partner is in receipt of universal credit and housing benefit at the same time.

Regulation 8 amends the Housing Benefit (SPC) Regulations to ensure that where a claimant is on universal credit and is also receiving housing benefit to cover some or all of their housing costs, the Housing Benefit Regulations 2006, rather than the Housing Benefit (SPC) Regulations, apply.

An assessment has been made 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 GOV.UK website at www.gov.uk/government/publications/universal-credit-impact-assessment.