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STATUTORY INSTRUMENTS

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**2013 No. 376**

**The Universal Credit Regulations 2013**

**PART 2**

ENTITLEMENT

*Minimum age*

**Cases where the minimum age is 16**

**8.**—(1) For the basic condition in section 4(1)(a) of the Act (at least 18 years old), the minimum age is 16 years old where a person—

- (a) has limited capability for work;
- (b) is awaiting an assessment under Part 5 to determine whether the person has limited capability for work and has a statement given <sup>F1</sup>... in accordance with the Medical Evidence Regulations which provides that the person is not fit for work;
- (c) has regular and substantial caring responsibilities for a severely disabled person;
- (d) is responsible for a child;
- (e) is a member of a couple the other member of which is responsible for a child or a qualifying young person (but only where the other member meets the basic conditions in section 4 of the Act);
- (f) is pregnant, and it is 11 weeks or less before her expected week of confinement, or was pregnant and it is 15 weeks or less since the date of her confinement; or
- (g) is without parental support (see paragraph (3)).

(2) Sub-paragraphs (c), (f) and (g) of paragraph (1) do not include any person who is a care leaver.

(3) For the purposes of paragraph (1)(g) a young person is without parental support where that person is not being looked after by a local authority and—

- (a) has no parent;
- (b) cannot live with their parents because—
  - (i) the person is estranged from them, or
  - (ii) there is a serious risk to the person's physical or mental health, or that the person would suffer significant harm if the person lived with them; or
- (c) is living away from their parents, and neither parent is able to support the person financially because that parent—
  - (i) has a physical or mental impairment,
  - (ii) is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court, or
  - (iii) is prohibited from entering or re-entering Great Britain.

(4) In this regulation—

“parent” includes any person acting in the place of a parent;

“care leaver” means—

(a) in relation to England<sup>F2</sup>..., an eligible child for the purposes of paragraph 19B of Schedule 2 to the Children Act 1989<sup>M1</sup> or a relevant child for the purposes of section 23A of that Act;

(b) [<sup>F3</sup>in relation to Scotland, a person under the age of 18 who—

(i) is looked after by a local authority; or

(ii) has ceased to be looked after by a local authority but is a person to whom a local authority in Scotland is obliged to provide advice and assistance in terms of section 29(1) of the Children (Scotland) Act 1995 or a person who is being provided with continuing care under section 26A of that Act,

and who, since reaching the age of 14 has been looked after by a local authority for a period of, or periods totalling, 3 months or more (excluding any period where the person has been placed with a member of their family);

(c) in relation to Wales, a category 1 young person or category 2 young person within the meaning of section 104(2) of the Social Services and Well-being (Wales) Act 2014.]

“confinement” means—

(a) labour resulting in the birth of a living child; or

(b) labour after 24 weeks of pregnancy resulting in the birth of a child whether alive or dead, and where a woman's labour begun on one day results in the birth of a child on another day she is to be taken to be confined on the date of the birth.

#### Textual Amendments

- F1** Words in [reg. 8\(1\)\(b\)](#) omitted (1.7.2022) by virtue of [The Social Security \(Medical Evidence\) and Statutory Sick Pay \(Medical Evidence\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/630\)](#), [regs. 1\(2\)](#), [4\(3\)\(a\)](#)
- F2** Words in [reg. 8\(4\)](#) omitted (26.5.2016) by virtue of [The Universal Credit \(Care Leavers and Looked After Children\) Amendment Regulations 2016 \(S.I. 2016/543\)](#), [regs. 1](#), [2\(3\)\(a\)](#)
- F3** Words in [reg. 8\(4\)](#) substituted (26.5.2016) by [The Universal Credit \(Care Leavers and Looked After Children\) Amendment Regulations 2016 \(S.I. 2016/543\)](#), [regs. 1](#), [2\(3\)\(b\)](#)

#### Marginal Citations

- M1** [1989 c.41](#). Section 19B was inserted by section 1 of the [Children \(Leaving Care\) Act 2000 \(c.35\)](#). Section 23A was inserted by section 2 of that Act.

**Changes to legislation:**

There are currently no known outstanding effects for the The Universal Credit Regulations 2013, Section 8.