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STATUTORY INSTRUMENTS

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**2013 No. 630**

**The Universal Credit (Consequential, Supplementary,  
Incidental and Miscellaneous Provisions) Regulations 2013**

**PART 2**

**AMENDMENTS OF PRIMARY LEGISLATION**

**Amendment of the Maintenance Orders Act 1950**

2.—(1) The Maintenance Orders Act 1950(1) is amended as follows.

(2) In section 4(1)(d) (contributions under the Children and Young Persons Act 1933 and the National Assistance Act 1948), after “income support” insert “or universal credit”.

(3) In section 9(1)(d) (contributions under the Children and Young Persons (Scotland) Act 1937 and the National Assistance Act 1948), after “income support” insert “or universal credit”.

**Amendment of the Rent Act 1977**

3. In section 72A of the Rent Act 1977 (amounts attributable to services)(2), after “Benefits Act 1992” insert “or to assist the Secretary of State in the administration of universal credit”.

**Amendment of the Magistrates’ Courts Act 1980**

4.—(1) The Magistrates’ Courts Act 1980(3) is amended as follows.

(2) In section 89(2A) (transfer of fine order), after “power to deduct fines etc from” insert “universal credit and”.

(3) In section 90(3A) (transfer of fines to Scotland or Northern Ireland), after “power to deduct fines from” insert “universal credit and”.

**Amendment of the Transport Act 1982**

5. In section 70(2)(b) of the Transport Act 1982 (payments in respect of applicants for exemption from wearing seat belts)(4), after “those in receipt of” insert “universal credit”.

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(1) 1950 c.37. Sections 4(1)(d) and 9(1)(d) were inserted by paragraphs 35 and 36 of Schedule 10 to the Social Security Act 1986 (c.50) and were amended by paragraph 3 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992 (c.6).  
(2) 1977 c.42. Section 72A was inserted by paragraph 47 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992.  
(3) 1980 c.43. Sections 89(2A) and 90(3A) were inserted by section 47 of the Criminal Justice and Public Order Act 1994 (c.33). They were amended by S.I. 2006/1737.  
(4) 1982 c.49. Section 70(2)(b) was amended by paragraph 57 of Schedule 10 to the Social Security Act 1986 (c.50), paragraph 3 of Schedule 3 to the Welfare Reform Act 2007 (c.5) and paragraph 9 of Schedule 3 to the Tax Credits Act 2002 (c.21).

### **Amendment of the Housing Act 1988**

6. In section 41A of the Housing Act 1988 (amounts attributable to services)(5), after “Benefits Act 1992” insert “or to assist the Secretary of State in the administration of universal credit”.

### **Amendment of the Employment Act 1989**

7. In section 8(4) of the Employment Act 1989 (power to exempt discrimination in favour of lone parents in connection with training)(6), for paragraph (b) substitute—

- “(b) “couple” has the meaning given by section 39(1) of the Welfare Reform Act 2012; and
- (c) “lone parent” means a person who—
  - (i) is not a member of a couple, and
  - (ii) is responsible for, and a member of the same household as, a child.”.

### **Amendment of the Criminal Justice Act 1991**

8. In section 24 of the Criminal Justice Act 1991 (recovery of fines etc by deductions from income support)(7)—

- (a) in the heading, after “by deductions from” insert “universal credit and”; and
- (b) in subsections (1) and (2)(d), before “income support” insert “universal credit”.

### **Amendment of the Value Added Tax Act 1994**

9.—(1) The Value Added Tax Act 1994(8) is amended as follows.

(2) In paragraph (2) of Note 6 to Group 3 in Part 2 of Schedule 7A (charge at reduced rate; meaning of qualifying person for the purposes of Group 3), after sub-paragraph (h) insert—

“(i) universal credit under Part 1 of the Welfare Reform Act 2012.”.

(3) In Note (1D) to Group 15 in Part 2 of Schedule 8 (zero rating)—

- (a) omit “and” at the end of paragraph (e); and
- (b) after paragraph (f), insert—
  - “and
  - (g) universal credit under Part 1 of the Welfare Reform Act 2012.”.

### **Amendment of the Jobseekers Act 1995**

10. In paragraph 2 of Schedule 1 to the Jobseekers Act 1995 (supplementary provisions: limited capability for work)(9)—

- (a) in sub-paragraph (1), insert at the end “or Part 1 of the Welfare Reform Act 2012 (universal credit) as the Secretary of State considers appropriate in the person’s case”, and
- (b) after sub-paragraph (2), insert—

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(5) 1988 c.50. Section 41A was inserted by paragraph 103 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992.

(6) 1989 c.38.

(7) 1991 c.53. Relevant amendments were made by paragraph 31 of Schedule 2 to the State Pension Credit Act 2002 (c.16) and paragraph 8 of Schedule 3 to the Welfare Reform Act 2007 (c.5).

(8) 1994 c.23. Schedule 7A was inserted by Schedule 31 to the Finance Act 2001 (c.9). Group 3 and the Notes to that Group were amended by paragraph 48 of Schedule 3 to the Tax Credits Act 2002 (c.21) and S.I.s 2002/1100, 2011/1043 and 2013/601. Note (1D) of Schedule 8 was inserted by S.I. 2000/805 and substituted by paragraph 49 of Schedule 3 to the Tax Credits Act 2002.

(9) 1995 c.18. Paragraph 2 was substituted by paragraph 12 of Schedule 3 to the Welfare Reform Act 2007.

“(3) References in Part 1 of the Welfare Reform Act 2012 to the purposes of that Part are to be construed, where the provisions of that Part have effect for the purposes of this Act, as references to the purposes of this Act.”.

#### **Amendment of the Employment Tribunals Act 1996**

**11.**—(1) The Employment Tribunals Act 1996(**10**) is amended as follows.

(2) In section 16 (power to provide for recoupment of benefits) in the following provisions, before “jobseeker’s allowance” insert “universal credit,”—

- (a) subsection (3)(a), (b) and (c); and
- (b) subsection (5)(e).

(3) In section 16(5)(cc), before “a jobseeker’s allowance” insert “universal credit.”.

(4) In section 17 (recoupment: further provisions), in the introductory words in subsection (1) and in paragraph (b) of that subsection, before “jobseeker’s allowance” insert “universal credit.”.

#### **Amendment of the Housing Act 1996**

**12.**—(1) The Housing Act 1996(**11**) is amended as follows.

(2) In the heading to Part IV (Housing Benefit and Related Matters), before “Housing Benefit” insert “Universal Credit.”.

(3) In section 160ZA(3) (allocation only to eligible and qualifying persons: England), after “from entitlement to” insert “universal credit or”.

(4) In section 160A(4) (allocation only to eligible persons), before “housing benefit” insert “universal credit or”.

(5) In section 185(2A) (persons from abroad not eligible for housing assistance), before “housing benefit” insert “universal credit or”.

(6) In section 231(2) (extent), before “housing benefit” insert “universal credit.”.

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

**13.**—(1) Section 3 of the Housing Grants, Construction and Regeneration Act 1996(**12**) (ineligible applicants) is amended as follows.

(2) In subsection (4), after “subsection (3)” insert “made by the Welsh Ministers”.

(3) After subsection (4) insert—

“(4A) Regulations under subsection (3) made by the Secretary of State may proceed wholly or in part by reference to the provisions relating to entitlement to—

- (a) housing benefit;
  - (b) universal credit; or
  - (c) any other form of assistance,
- as they have effect from time to time.”.

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(10) 1996 c.17. Section 16(5)(cc) was inserted by paragraph 147 of Schedule 7 to the Social Security Act 1998. Sections 16(3)(a), (b) and (c) and (5)(cc) and (e) and 17(1) were amended by paragraph 15 of Schedule 3 to the Welfare Reform Act 2007. Section 16(3)(b) and (c) and (5)(c) was amended by section 1 of the Employment Rights (Dispute Resolution) Act 1998 (c.8).

(11) 1996 c.52. Section 160A was inserted by section 14(2) of the Homelessness Act 2002 (c.7). Section 185(2A) was inserted by section 117(4) of the Immigration Act 1999 (c.33) and substituted by paragraph 7 of Schedule 1 to the Homelessness Act 2002.

(12) 1996 c.53.

### **Amendment of the Data Protection Act 1998**

**14.**—(1) The Data Protection Act 1998(**13**) is amended as follows.

(2) In paragraph 2(e) of the Table in section 56(6) (prohibition of requirement as to production of certain records), for “or Part 1 of the Welfare Reform Act 2007” substitute “, Part 1 of the Welfare Reform Act 2007 or Part 1 of the Welfare Reform Act 2012”.

(3) In section 75(5A) (extent), after “Welfare Reform Act 2007” insert “and Part 1 of the Welfare Reform Act 2012”.

### **Amendment of the Welfare Reform and Pensions Act 1999**

**15.** In section 72(3) of the Welfare Reform and Pensions Act 1999 (supply of information for certain purposes)(**14**)—

(a) at the end of paragraph (c), delete “or”; and

(b) after paragraph (d) insert—

“, or

(e) Part 1 of the Welfare Reform Act 2012.”.

### **Amendment of the Income Tax (Earnings and Pensions) Act 2003**

**16.**—(1) The Income Tax (Earnings and Pensions) Act 2003(**15**) is amended as follows.

(2) At the end of section 318D(2) (childcare)(**16**), insert “or section 12 of the Welfare Reform Act 2012 relating to amounts in respect of childcare costs that may be included in the calculation of an award of universal credit”.

(3) In section 660(1) (taxable benefits: UK benefits – Table A) in column 1 of Table A, for “Contributory employment and support allowance” substitute “Employment and support allowance”.

(4) In section 675(1) (interpretation)(**17**), for the definitions of “contribution-based jobseeker’s allowance” and “income-based jobseeker’s allowance” substitute—

““contribution-based jobseeker’s allowance” means a jobseeker’s allowance entitlement to which is based on the claimant’s satisfying conditions which include those set out in section 2 of JSA 1995;

“income-based jobseeker’s allowance” means a jobseeker’s allowance entitlement to which is based on the claimant’s satisfying conditions which include those set out in section 3 of JSA 1995 or a joint-claim jobseeker’s allowance (which means a jobseeker’s allowance entitlement to which arises by virtue of section 1(2B) of JSA 1995);”.

### **Amendment of the Courts Act 2003**

**17.**—(1) The Courts Act 2003(**18**) is amended as follows.

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(13) [1998 c.29](#). Paragraph 2(e) of the Table in section 56(6) was amended by [S.I. 2011/2425](#). Section 75(5A) was inserted by [S.I. 2011/2425](#).

(14) [1999 c.30](#). Section 72(3) was amended by Schedules 3 and 8 to the Welfare Reform Act 2007, section 2(5) of the Welfare Reform Act 2009 and Part 1 of Schedule 14 to the Welfare Reform Act 2012.

(15) [2003 c.1](#).

(16) Section 318D was inserted by paragraph 1 of Schedule 13 to the Finance Act 2004 ([c.12](#)) and amended by paragraph 6 of Schedule 8 to the Finance Act 2011 ([c.11](#)).

(17) Section 675 was amended by [S.I. 2005/3229](#).

(18) [2003 c.39](#).

(2) In Part 3 of Schedule 5 (collection of fines and other sums imposed on conviction: attachment of earnings orders and applications for benefit deductions), in paragraph 10(a) (meaning of relevant benefit) before “income support” insert “universal credit and”.

(3) In paragraph 2(1)(a)(v) of Schedule 6 (discharge of fines by unpaid work), before “income support” insert “universal credit and”.

#### **Amendment of the Housing Act 2004**

**18.**—(1) The Housing Act 2004(**19**) 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,”; and

- (f) in subsection (11)(b), before “housing benefit” insert “universal credit or”.
- (3) In section 74 (further provision 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;”;
  - (f) in subsection (11)(b), before “housing benefit” insert “universal credit or”.
- (5) In section 97 (further provision 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 relevant 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**

- 19.—**(1) The Childcare Act 2006(20) is amended as follows.
- (2) After section 6(2)(a)(i) (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 an award of universal credit, and”.



- (3) In section 83 (supply of information to HMRC and local authorities)—
- (a) in the heading, after “Supply of information to” insert “the Secretary of State,”
  - (b) in subsections (1) and (2), after “prescribed information to” insert “the Secretary of State,” and
  - (c) in subsection (3), after paragraph (a) insert—
    - “(aa) in the case of information to be provided to the Secretary of State, information which the Secretary of State may require for the purposes of the Secretary of State’s functions in relation to universal credit;”.