
STATUTORY INSTRUMENTS

2016 No. 543

SOCIAL SECURITY

The Universal Credit (Care Leavers and Looked After Children) Amendment Regulations 2016

<i>Made</i>	- - - -	<i>27th April 2016</i>
<i>Laid before Parliament</i>		<i>3rd May 2016</i>
<i>Coming into force</i>	- -	<i>26th May 2016</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 4(3), 11(4), 40 and 42(3) of the Welfare Reform Act 2012⁽¹⁾.

In accordance with section 173(1) of the Social Security Administration Act 1992⁽²⁾, the Social Security Advisory Committee has agreed that these Regulations should not be referred.

Citation and commencement

1. These Regulations may be cited as the Universal Credit (Care Leavers and Looked After Children) Amendment Regulations 2016 and come into force on 26th May 2016.

Amendment of the definition of “looked after by a local authority” and “care leaver”

2.—(1) The Universal Credit Regulations 2013⁽³⁾ are amended as follows.

(2) In regulation 2 (interpretation) in the definition of “looked after by a local authority” for the words from “or section 17(6)” to the end substitute “, section 17(6) of the Children (Scotland) Act 1995⁽⁴⁾ or section 74 of the Social Services and Well-being (Wales) Act 2014⁽⁵⁾”.

(3) In regulation 8(4) in the definition of “care leaver”—

(a) in sub-paragraph (a) omit “or Wales”; and

(b) for sub-paragraph (b) substitute—

“(b) in relation to Scotland, a person under the age of 18 who—

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

(1) 2012 c.5. Section 42 is cited for the meaning it gives to “prescribed”.
(2) 1992 c.5.
(3) S.I. 2013/376.
(4) 1995 c.36.
(5) 2014 anaw 4.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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(6) 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.”

Exception to the shared accommodation rate for care leavers

3. In paragraph 29 of Schedule 4 (renters excepted from shared accommodation) for paragraphs (2) and (3) substitute—

“(2) E is at least 18 but under 22 years old and was a care leaver (within the meaning of regulation 8) before reaching the age of 18.”

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

27th April 2016

Freud
Minister of State,
Department for Work and Pensions

(6) Section 26A was inserted by s.67(1) of the Children and Young People (Scotland) Act 2014 (asp 8).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make a number of amendments to the Universal Credit Regulations 2013 in relation to looked after and formerly looked after children and young persons.

Regulation 2(2) extends the definition of “looked after by a local authority” in regulation 2 of those Regulations so as to include that term as defined for Wales in the Social Services and Well-being (Wales) Act 2014 (anaw 4).

Regulation 2(3) amends the definition of “care leaver” in regulation 8 of those Regulations (cases where the minimum age is 16). For Scotland the definition is amended to include young persons who have not yet ceased to be looked after by a local authority and young persons who have ceased to be looked after and are in continuing care under section 26A of the Scotland Act 1995. For Wales the definition is amended to include the relevant categories of looked after and formerly looked after children as set out in the Social Services and Well-being (Wales) Act 2014.

Regulation 3 substitutes a new exception from the shared accommodation rate in the housing costs element of universal credit. This covers any 18 to 21 year old claimant who, before reaching the age of 18, satisfied the definition of a care leaver.

No impact assessment has been prepared as these Regulations do not affect business or civil society.