

## UNIVERSAL CREDIT: MISCELLANEOUS AMENDMENTS

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### INTRODUCTION

- 1 This Memo gives guidance on changes to exceptions to the requirement not to be receiving education introduced by the Universal Credit (Exceptions to the Requirement not to be receiving Education) (Amendment) Regulations 2020 (SI 2020 No 827), (UC (ERE) (Amdt) Regs). The Regulations come into force on 5.8.20. The Regulations do not apply in relation to a claim or an award made without a claim for UC made before 5.8.20<sup>1</sup>.

*UC (ERE) (Amdt) Regs, reg 1*

### BACKGROUND

- 2 A person who is receiving education is not entitled to UC unless satisfying an exception<sup>1</sup>.

*1 WR Act 12, s 4(1)(d), UC Regs, reg 14*

### CHANGES TO THE EXCEPTIONS

- 3 The exception to the requirement not to be receiving education<sup>1</sup> is satisfied if the person is entitled to AA, DLA or PIP **and** it has been determined-
- a. that the person has LCW or LCW and LCWRA on the basis of an assessment<sup>2</sup>; **or**
  - b. that the person is to be treated as having LCW<sup>3</sup> or LCW and LCWRA<sup>4</sup>;



and that determination was made on or before the date of claim to UC, where the person is receiving education on the date the claim is made, or the date on which the person starts receiving education, where the person starts receiving education after the date of claim to UC<sup>5</sup>.

*1 UC Regs, reg 14; 2 UC Regs, Part 5, ESA Regs, Part 4 or 5; 3 UC Regs, Sched 8, UC (TP) Regs, reg 19(2)(b); 4 UC Regs Sched 9, UC (TP) Regs, reg 19(4)(b); 5 UC (ERE) Regs, reg 2(1)(b)*

- 4 Where regulation 9(6)(a) or 9(10) of the UC, PIP, JSA, & ESA (C & P) Regs (award of UC without a claim) applies to a person who is receiving education, paragraph 3 is to be read as if each reference to “date of claim” was a reference to “date of award”<sup>1</sup>.

*1 UC (ERE) Regs, reg 2(1)(c)*

### **Example 1**

Susanna receives UC and PIP and has been determined to have LCW. Susanna reports that she will begin a course of advanced education in Autumn 2020. Susanna satisfies an exception to the requirement not to be receiving education.

### **Example 2**

Martin is undertaking a course of advanced education. Martin receives PIP but does not have LCW. Martin claims UC from 1.9.20. Martin does not satisfy an exception to the requirement not to be receiving education.

## **ANNOTATIONS**

Please annotate the number of this memo (ADM Memo 16/20) against the following ADM paragraphs:

E1013, E1101, H6041

## **CONTACTS**

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in – Memo [7/19](#) Requesting case guidance from DMA Leeds for all benefits.

DMA Leeds: August 2020

**The content of the examples in this document (including use of imagery) is for illustrative purposes only**