This Statutory Instrument has been printed to correct errors in S.I. 2017/213, S.I. 2018/676, S.I. 2019/1152, S.I. 2021/786, S.I. 2022/177 and S.I. 2022/752 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2025 No. 3

SOCIAL SECURITY

The Social Security (Miscellaneous Amendments) Regulations 2025

Made - - - -	*3rd January 2025*
Laid before Parliament	*6th January 2025*
Coming into force in accordance with regulation 1(2), (3) and (4)	

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 123(1)(d), 130A(2), (3) and (5) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(**a**), sections 2(3)(b) and 19(1) of the State Pension Credit Act 2002(**b**) and sections 11(4), 32 and 42(1) to (3) of, and paragraphs 1(1), 4, 6 and 7 of Schedule 6 to, the Welfare Reform Act 2012(**c**).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(**d**), the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

In respect of regulations 3 and 4, in accordance with section 176(1) of the Social Security Administration Act 1992(**e**), the Secretary of State has consulted with organisations appearing to the Secretary of State to be representative of the authorities concerned.

In respect of regulation 5, in accordance with section 29(7) of the Scotland Act 2016(**f**), the Secretary of State has consulted with the Scottish Ministers.

(**a**) 1992 c. 4. Section 123(1) has been amended but the amendments are not relevant to these Regulations. Section 130A was inserted by section 30(2) of the Welfare Reform Act 2007 (c. 5) and amended by section 69(2) of the Welfare Reform Act 2012 (c. 5); there are other amendments but none is relevant. See section 137(1) for the meaning given to "prescribed". Section 175(1) was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).
(**b**) 2002 c. 16. Section 175(1) and (3) of the Social Security Contributions and Benefits Act 1992 (c. 4) is applied by section 19(1). See section 17(1) for the meaning given to "prescribed".
(**c**) 2012 c. 5. See section 40 for the meaning given to "prescribed".
(**d**) 1992 c. 5.
(**e**) Subsection (1) has been amended but the amendments are not relevant.
(**f**) 2016 c. 11.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations 2025.

(2) Subject to paragraphs (3) and (4), these Regulations come into force on 27th January 2025.

(3) Regulation 6(2)(b) (and regulation 6(1) insofar as it relates to regulation 6(2)(b)) and regulation 7(2) (and regulation 7(1) insofar as it relates to regulation 7(2)) come into force on 6th April 2025.

(4) Regulation 6(8) (and regulation 6(1) insofar as it relates to regulation 6(8)) comes into force on 1st June 2025.

(5) This regulation and regulation 7 extend to England and Wales, Scotland and Northern Ireland.

(6) Regulations 2 to 6 extend to England and Wales and Scotland.

Amendment of the State Pension Credit Regulations 2002

2.—(1) The State Pension Credit Regulations 2002(**a**) are amended as follows.

(2) In Schedule 2A (additional amount applicable for claimants responsible for a child or qualifying young person)—

(a) in paragraph 2(1) (general) after the definition of "child" insert—

> ""foster parent" has the meaning given in regulation 2 of the Universal Credit Regulations 2013(**b**);";

(b) in paragraph 4(3) (child or qualifying young person looked after by a local authority)—

(i) omit the "or" after paragraph (a);

(ii) after paragraph (b) insert—

> "; or
>
> (c) during which the child or qualifying young person is placed for adoption under the Adoption and Children Act 2002(**c**) or the Adoption and Children (Scotland) Act 2007(**d**).".

Amendment of the Housing Benefit Regulations 2006

3.—(1) The Housing Benefit Regulations 2006(**e**) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of "member of a couple who cannot share a bedroom", in paragraph (a)—

(a) in sub-paragraph (i) omit "at the higher rate in accordance with section 65(3) of the Act";

(b) in sub-paragraph (ia) omit "at the higher rate in accordance with regulation 6 of the Disability Assistance for Older People (Scotland) Regulations 2024(**f**)".

(**a**) S.I. 2002/1792. Schedule 2A was inserted by S.I. 2018/676.
(**b**) S.I. 2013/376, amended by S.I. 2024/341; there are other amending instruments but none is relevant.
(**c**) 2002 c. 38.
(**d**) 2007 asp 4.
(**e**) S.I. 2006/213, amended by S.I. 2017/213, 2024/919; there are other amending instruments but none is relevant.
(**f**) S.I. 2024/919.

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

4.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**a**) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of "member of a couple who cannot share a bedroom", in paragraph (a)—

(a) in sub-paragraph (i) omit "at the higher rate in accordance with section 65(3) of the Act";

(b) in sub-paragraph (ia) omit "at the higher rate in accordance with regulation 6 of the Disability Assistance for Older People (Scotland) Regulations 2024";

(c) omit the "or" after sub-paragraph (iii);

(d) for the "and" after sub-paragraph (iv) substitute "or";

(e) for the "or" after sub-paragraph (iva) substitute "and".

Amendment of the Universal Credit Regulations 2013

5.—(1) The Universal Credit Regulations 2013(**b**) are amended as follows.

(2) In paragraph 12 (additional room) of Schedule 4 (housing costs element for renters)—

(a) for sub-paragraph (6) substitute—

"(6) A renter satisfies the disabled child condition if they or another member of their extended benefit unit are responsible for a child who would (but for the provisions of this paragraph) be expected to share a bedroom and that child is—

(a) in receipt of—

(i) the care component of disability living allowance at the middle or highest rate; or

(ii) the care component of child disability payment at the middle or highest rate in accordance with regulation 11(5) of the DACYP Regulations; and

(b) by virtue of their disability, not reasonably able to share a room with another child.";

(b) in sub-paragraph (6A)(a)—

(i) in sub-paragraph (ii) omit "at the higher rate";

(ii) in sub-paragraph (iia) omit "at the higher rate in accordance with regulation 6 of the Disability Assistance for Older People (Scotland) Regulations 2024".

Amendment of the Universal Credit (Transitional Provisions) Regulations 2014

6.—(1) The Universal Credit (Transitional Provisions) Regulations 2014(**c**) are amended as follows.

(2) In regulation 6A (restriction on claims for housing benefit, income support or a tax credit)—

(a) after paragraph (8) insert—

(**a**) S.I. 2006/214, amended by S.I. 2017/213, 2022/177, 2024/919; there are other amending instruments but none is relevant.
(**b**) S.I. 2013/376, amended by S.I. 2013/2828, 2017/213, 2021/786, 2024/919; there are other amending instruments but none is relevant.
(**c**) S.I. 2014/1230, amended by S.I. 2018/65, 2019/1152, 2022/752, 2024/341, 2024/611; there are other amending instruments but none is relevant.

"(9) Despite anything in paragraph (6) or (7), or in the Tax Credits (Claims and Notifications) Regulations 2002(**a**), a person may not make, or be treated as making, a claim for a tax credit in respect of the whole, or any part, of the tax year beginning on 6th April 2025 or any subsequent tax year.";

(b) in paragraph (9) (as inserted by sub-paragraph (a)) omit "paragraph (6) or (7), or in".

(3) In regulation 8A (transitional housing payment)—

(a) in the opening words omit "or 46";

(b) in paragraphs (a) and (b) omit "or 46(1)".

(4) In regulation 11 (ongoing awards of tax credits) after paragraph (2) insert—

"(3) This regulation applies in relation to a current tax year that ends on or before 5th April 2025 only.".

(5) In regulation 21 (other claimants with limited capability for work: credits only cases)—

(a) in the heading omit ": credits only cases";

(b) for paragraph (1)(a) (but not the "and" after it) substitute—

"(a) an award of universal credit is made to a claimant—

(i) who was entitled to be credited with earnings equal to the lower earnings limit then in force under regulation 8B(2)(a)(iv), (iva) or (v) of the Social Security (Credits) Regulations 1975 ("the 1975 Regulations")(**b**) on the date on which the claim for universal credit was made or treated as made (the "relevant date"); or

(ii) who claims or is treated as claiming universal credit within the period of one month beginning with the day after the day on which an award of new-style ESA or old-style ESA ends and would have been so entitled on the relevant date but for reaching the qualifying age for state pension credit;".

(6) In regulation 44 (migration notice)—

(a) in paragraph (3), at the beginning insert "Subject to paragraphs (3A) and (3B),";

(b) in paragraph (3A), omit "But";

(c) after paragraph (3A) insert—

"(3B) Where a migration notice is—

(a) issued to a person who is entitled to an award of a tax credit; and

(b) issued on or after 27th January 2025 and before 6th April 2025,

the deadline day may be 6th April 2025.".

(7) In regulation 50 (Secretary of State to determine whether transitional protection applies) after paragraph (2) insert—

"(3) A person who makes a claim for universal credit as a single person by virtue of regulation 3(3) of the Universal Credit Regulations is a single person for the purposes of paragraph (2)(a) and a member of a couple for the purposes of paragraph (2)(b).".

(8) In regulation 55 (the transitional element - initial amount and adjustment where other elements increase)—

(**a**) S.I. 2022/214.

(**b**) S.I. 1975/556. Regulation 8B was inserted by S.I. 1996/2367; relevant amending instruments are S.I. 2010/385, 2012/913, the latter of which inserted paragraph (2)(a)(iva).

(a) in paragraph (4)—

(i) for "paragraph (5)" substitute "paragraphs (5) and (5A)";

(ii) after "the first time" insert ", or included again following a change of circumstances";

(b) after paragraph (5) insert—

"(5A) There is to be no "relevant increase" with respect to the inclusion of a housing costs element in a case where the claimant was entitled to an award of housing benefit in respect of specified accommodation or temporary accommodation within the month ending with the first day of the assessment period in which the housing costs element is included.";

(c) in paragraph (6) after "this regulation," insert ""housing costs element",".

(9) In regulation 60(1) (protection for full-time students until course completed)—

(a) for "notified person", in the first place it occurs, substitute "person who has made a qualifying claim";

(b) for "on the day on which all awards of any existing benefit are to terminate as a consequence of a claim for universal credit" substitute "on the migration day";

(c) for "notified person", in the second place it occurs, substitute "person".

(10) In regulation 60B(1) (deferral of retirement pension income) before "claim" insert "qualifying".

Amendment of the Welfare Reform Act 2012 (Commencement No. 32 and Savings and Transitional Provisions) Order 2019

7.—(1) The Welfare Reform Act 2012 (Commencement No. 32 and Savings and Transitional Provisions) Order 2019(**a**) is amended as follows.

(2) In article 3 (savings), after paragraph (9) insert—

"(10) Paragraph (1) applies to a case of an award of a tax credit only if the period for which the award has effect ends before 6th April 2025.".

(3) In article 3A (tax credit closure notice)—

(a) in paragraph (3), for "paragraph (4)" substitute "paragraphs (4) and (4A)";

(b) after paragraph (4) insert—

"(4A) Where the tax credit closure notice is issued on or after 27th January 2025 and before 6th April 2025, the deadline day may be 6th April 2025.".

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

Stephen Timms
Minister of State
Department for Work and Pensions

3rd January 2025

(**a**) S.I. 2019/167, amended by S.I. 2024/611; there are other amending instruments but none is relevant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the State Pension Credit Regulations 2002 (S.I. 2002/1792) ("the SPC Regulations"), the Housing Benefit Regulations 2006 (S.I. 2006/213) ("the Housing Benefit Regulations"), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214) ("the Pension Age Housing Benefit Regulations"), the Universal Credit Regulations 2013 (S.I. 2013/376) ("the Universal Credit Regulations"), the Universal Credit (Transitional Provisions) Regulations 2014 (S.I. 2014/1230) ("the Transitional Regulations") and the Welfare Reform Act 2012 (Commencement No. 32 and Savings and Transitional Provisions) Order 2019 (S.I. 2019/167) ("Commencement Order No. 32").

Regulation 2 makes amendments to the SPC Regulations. The amendment to Schedule 2A inserts a definition of a foster parent and ensures that an additional amount applicable for claimants responsible for a child or qualifying young person can be paid where a child is placed for adoption with a claimant.

Regulations 3 and 4 amend the definition of "member of a couple who cannot share a bedroom" within regulation 2(1) of each of the Housing Benefit Regulations and the Pension Age Housing Benefit Regulations, extending the scope of the definition to a member of a couple who is in receipt of pension age disability payment at the lower or higher rate or any of the types of benefit that fall within the definition of "attendance allowance" in the respective Regulations, including attendance allowance under Part 3 of the Social Security Contributions and Benefits Act 1992 (c. 4) at the lower or higher rate.

Regulation 4 also makes a clarifying amendment to the definition of "member of a couple who cannot share a bedroom" within regulation 2(1) of the Pension Age Housing Benefit Regulations.

Regulation 5 makes a clarifying amendment to the description of the disabled child condition in paragraph 12(6) of Schedule 4 to the Universal Credit Regulations.

Regulation 5 also amends paragraph 12(6A) of Schedule 4 to the Universal Credit Regulations to extend the scope of the "disabled person condition" through which a renter can be entitled to an additional bedroom for housing costs element purposes if they would (but for the operation of that provision) be expected to share a bedroom with a joint renter. The scope of the condition is extended to include a renter in receipt of pension age disability payment at the lower or higher rate or any of the types of benefit that fall within the definition of "attendance allowance" in the Universal Credit Regulations, including attendance allowance under section 64 of the Social Security Contributions and Benefits Act 1992 (c. 4) at the lower or higher rate.

Regulation 6 makes amendments to the Transitional Regulations.

Regulation 6(2)(a) amends regulation 6A to make it clear that the prohibition against new claims for a tax credit extends to deemed claims for a tax credit. Entitlement to tax credits will end for all claimants on 5th April 2025. In consequence, the amendment makes it clear that it will not be possible to make any kind of claim for a tax credit for the tax year beginning on 6th April 2025 or a subsequent tax year, including a deemed claim for a tax credit pursuant to regulation 11 or 12 of the Tax Credits (Claims and Notifications) Regulations 2002 (S.I. 2002/2014). Regulation 6(2)(b) repeals, from 6th April 2025, part of the text inserted by regulation 6(2)(a). That text will become redundant on that day because of a separate amendment made by regulation

8(2) of the Social Security and Universal Credit (Migration of Tax Credit Claimants and Miscellaneous Amendments) Regulations 2024 (S.I. 2024/341).

Regulation 6(3) amends regulation 8A to remove unnecessary cross-references to regulation 46.

Regulation 6(4) is an amendment consequential upon the expiry of tax credits.

Regulation 6(5) amends regulation 21 to provide that claimants who would have been entitled to credits of contributions and earnings on the grounds of limited capability for work had they not reached the qualifying age for state pension credit, may be treated as having limited capability for work, or limited capability for work and work-related activity, for the purposes of an award of universal credit. The claim for universal credit must have been made within one month beginning with the day after the day on which the award of employment and support allowance ended..

Regulation 6(6) amends regulation 44 to ensure that tax credit recipients who are issued migration notices shortly before the expiry of tax credits (on 5th April 2025) can access the transitional protection to which the Transitional Regulations entitle them. The amendment does this by aligning the deadline day set out in the migration notice with the expiry of tax credits.

Regulation 6(7) amends regulation 50 which, among other things, deals with the effect that a change in a person's couple status has on their entitlement to a transitional element upon migration to universal credit. The amendment ensures that a person who is part of a couple but makes a claim as a single person because they have an ineligible partner is excluded from the transitional element. Also excluded is a person who was single for legacy benefit purposes but becomes a member of couple upon migration to universal credit, even if they claim as a single person because their partner is ineligible.

Regulation 6(8) amends regulation 55 to provide that when calculating the adjustment of a transitional element there is no relevant increase when a claimant moves from Housing Benefit in respect of specified accommodation or temporary accommodation to the housing costs element in Universal Credit. The housing costs element must be awarded within one month beginning with the date that the Housing Benefit award ended.

Regulations 6(9) and (10) amend regulations 60 and 60B(1), which concern the conferral of transitional protection to students and persons over pension age who migrate to universal credit. The amendments ensure the protection is available to those persons who make a 'qualifying claim', meaning a claim that meets the requirements of regulation 48 of the Transitional Regulations.

Regulation 7(2) amends Commencement Order No. 32 to make it clear that child tax credit and working tax credit are abolished from the 2025-2026 tax year.

Regulation 7(3) makes the equivalent provision to that made by regulation 6(6) for the purposes of allowing a claimant issued with a tax credit closure notice to access transitional protection in state pension credit. Transitional protection for state pension credit is set out in Schedule 2B to the State Pension Credit Regulations 2002 (S.I. 2002/1792) and Schedule 2B to the State Pension Credit Regulations (Northern Ireland) 2003 (S.R. 2003 No. 28).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

© Crown Copyright 2025

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

ISBN 978-0-34-826766-2

9 780348 267662

£8.14

http://www.legislation.gov.uk/id/uksi/2025/3