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STATUTORY INSTRUMENTS

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**2019 No. 37**

**The Welfare Reform Act 2012 (Commencement  
No. 31 and Savings and Transitional Provisions and  
Commencement No. 21 and 23 and Transitional and  
Transitory Provisions (Amendment)) Order 2019**

**Interpretation**

**2.—(1)** In this Order—

“the 2002 Act” means the State Pension Credit Act 2002<sup>(1)</sup>;

“the 2012 Act” means the Welfare Reform Act 2012;

“the appointed day” means the day referred to in article 3;

“couple” has the same meaning as in the 2002 Act<sup>(2)</sup>;

“the Housing Benefit SPC Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006<sup>(3)</sup>;

“the No. 21 Order” means the Welfare Reform Act 2012 (Commencement No. 21 and Transitional and Transitory Provisions) Order 2015<sup>(4)</sup>;

“the No. 23 Order” means the Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015<sup>(5)</sup>;

“polygamous marriage” has the same meaning as in regulation 3(5) of the Universal Credit Regulations 2013<sup>(6)</sup>;

“the qualifying age for state pension credit” has the same meaning as in the 2002 Act<sup>(7)</sup>;

“secondary legislation” has the same meaning as in Part 1 of the 2012 Act<sup>(8)</sup>;

“state pension credit” has the same meaning as in the 2002 Act<sup>(9)</sup>.

**(2)** In this Order—

(a) “mixed-age couple” means a couple, one member of which has attained the qualifying age for state pension credit and the other of which has not; and

(b) the definition in sub-paragraph (a) includes a polygamous marriage where at least one party to the marriage has attained the qualifying age for state pension credit and at least one has not.

**(3)** Save as stated to the contrary in article 6(2), all references in this Order to claims or entitlement to housing benefit are to claims or entitlement under the Housing Benefit SPC Regulations only.

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<sup>(1)</sup> 2002 c. 16.

<sup>(2)</sup> See section 17(1). The definition of “couple” was substituted by S.I. 2014/3229.

<sup>(3)</sup> S.I. 2006/214.

<sup>(4)</sup> S.I. 2015/33 (C. 4).

<sup>(5)</sup> S.I. 2015/634 (C. 32).

<sup>(6)</sup> S.I. 2013/376.

<sup>(7)</sup> See section 1(2)(b) and (6).

<sup>(8)</sup> See section 40.

<sup>(9)</sup> See section 1.

(4) In this Order—

- (a) a person is entitled to state pension credit or housing benefit on any day where the person has made a claim for that benefit and the conditions of entitlement are met in relation to that person, regardless of whether, respectively, entitlement begins on a later day under—
  - (i) regulation 16A (date of entitlement under an award of state pension credit for the purpose of payability and effective date of change of rate)<sup>(10)</sup> of the Social Security (Claims and Payments) Regulations 1987; or
  - (ii) regulation 57 (date on which entitlement is to commence) of the Housing Benefit SPC Regulations; and
- (b) a reference to claiming or entitlement to state pension credit or housing benefit as part of a couple is a reference to the claim being made, or the person being so entitled, on the basis that a person is a member of a couple or (save in article 7(3)) a member of a polygamous marriage.

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<sup>(10)</sup> S.I. 1987/1968. Regulation 16A was inserted by S.I. 2002/3019; there are amendments none of which are relevant to this Order.