



Welfare Reform Act 2012

2012 CHAPTER 5

PART 1

UNIVERSAL CREDIT

CHAPTER 1

ENTITLEMENT AND AWARDS

Introductory

1 Universal credit

- (1) A benefit known as universal credit is payable in accordance with this Part.
- (2) Universal credit may, subject as follows, be awarded to—
 - (a) an individual who is not a member of a couple (a “single person”), or
 - (b) members of a couple jointly.
- (3) An award of universal credit is, subject as follows, calculated by reference to—
 - (a) a standard allowance,
 - (b) an amount for responsibility for children or young persons,
 - (c) an amount for housing, and
 - (d) amounts for other particular needs or circumstances.

2 Claims

- (1) A claim may be made for universal credit by—
 - (a) a single person, or
 - (b) members of a couple jointly.

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- (2) Regulations may specify circumstances in which a member of a couple may make a claim as a single person.

Entitlement

3 Entitlement

- (1) A single claimant is entitled to universal credit if the claimant meets—
- (a) the basic conditions, and
 - (b) the financial conditions for a single claimant.
- (2) Joint claimants are jointly entitled to universal credit if—
- (a) each of them meets the basic conditions, and
 - (b) they meet the financial conditions for joint claimants.

4 Basic conditions

- (1) For the purposes of section 3, a person meets the basic conditions who—
- (a) is at least 18 years old,
 - (b) has not reached the qualifying age for state pension credit,
 - (c) is in Great Britain,
 - (d) is not receiving education, and
 - (e) has accepted a claimant commitment.
- (2) Regulations may provide for exceptions to the requirement to meet any of the basic conditions (and, for joint claimants, may provide for an exception for one or both).
- (3) For the basic condition in subsection (1)(a) regulations may specify a different minimum age for prescribed cases.
- (4) For the basic condition in subsection (1)(b), the qualifying age for state pension credit is that referred to in section 1(6) of the State Pension Credit Act 2002.
- (5) For the basic condition in subsection (1)(c) regulations may—
- (a) specify circumstances in which a person is to be treated as being or not being in Great Britain;
 - (b) specify circumstances in which temporary absence from Great Britain is disregarded;
 - (c) modify the application of this Part in relation to a person not in Great Britain who is by virtue of paragraph (b) entitled to universal credit.
- (6) For the basic condition in subsection (1)(d) regulations may—
- (a) specify what “receiving education” means;
 - (b) specify circumstances in which a person is to be treated as receiving or not receiving education.
- (7) For the basic condition in subsection (1)(e) regulations may specify circumstances in which a person is to be treated as having accepted or not accepted a claimant commitment.

5 Financial conditions

- (1) For the purposes of section 3, the financial conditions for a single claimant are that—
 - (a) the claimant’s capital, or a prescribed part of it, is not greater than a prescribed amount, and
 - (b) the claimant’s income is such that, if the claimant were entitled to universal credit, the amount payable would not be less than any prescribed minimum.
- (2) For those purposes, the financial conditions for joint claimants are that—
 - (a) their combined capital, or a prescribed part of it, is not greater than a prescribed amount, and
 - (b) their combined income is such that, if they were entitled to universal credit, the amount payable would not be less than any prescribed minimum.

6 Restrictions on entitlement

- (1) Entitlement to universal credit does not arise—
 - (a) in prescribed circumstances (even though the requirements in section 3 are met);
 - (b) if the requirements in section 3 are met for a period shorter than a prescribed period;
 - (c) for a prescribed period at the beginning of a period during which those requirements are met.
- (2) A period prescribed under subsection (1)(b) or (c) may not exceed seven days.
- (3) Regulations may provide for exceptions to subsection (1)(b) or (c).

Awards

7 Basis of awards

- (1) Universal credit is payable in respect of each complete assessment period within a period of entitlement.
- (2) In this Part an “assessment period” is a period of a prescribed duration.
- (3) Regulations may make provision—
 - (a) about when an assessment period is to start;
 - (b) for universal credit to be payable in respect of a period shorter than an assessment period;
 - (c) about the amount payable in respect of a period shorter than an assessment period.
- (4) In subsection (1) “period of entitlement” means a period during which entitlement to universal credit subsists.

8 Calculation of awards

- (1) The amount of an award of universal credit is to be the balance of—
 - (a) the maximum amount (see subsection (2)), less
 - (b) the amounts to be deducted (see subsection (3)).

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- (2) The maximum amount is the total of—
 - (a) any amount included under section 9 (standard allowance),
 - (b) any amount included under section 10 (responsibility for children and young persons),
 - (c) any amount included under section 11 (housing costs), and
 - (d) any amount included under section 12 (other particular needs or circumstances).
- (3) The amounts to be deducted are—
 - (a) an amount in respect of earned income calculated in the prescribed manner (which may include multiplying some or all earned income by a prescribed percentage), and
 - (b) an amount in respect of unearned income calculated in the prescribed manner (which may include multiplying some or all unearned income by a prescribed percentage).
- (4) In subsection (3)(a) and (b) the references to income are—
 - (a) in the case of a single claimant, to income of the claimant, and
 - (b) in the case of joint claimants, to combined income of the claimants.

Elements of an award

9 Standard allowance

- (1) The calculation of an award of universal credit is to include an amount by way of an allowance for—
 - (a) a single claimant, or
 - (b) joint claimants.
- (2) Regulations are to specify the amount to be included under subsection (1).
- (3) Regulations may provide for exceptions to subsection (1).

10 Responsibility for children and young persons

- (1) The calculation of an award of universal credit is to include an amount for each child or qualifying young person for whom a claimant is responsible.
- (2) Regulations may make provision for the inclusion of an additional amount if such a child or qualifying young person is disabled.
- (3) Regulations are to specify, or provide for the calculation of, amounts to be included under subsection (1) or (2).
- (4) Regulations may provide for exceptions to subsection (1).
- (5) In this Part, “qualifying young person” means a person of a prescribed description.

11 Housing costs

- (1) The calculation of an award of universal credit is to include an amount in respect of any liability of a claimant to make payments in respect of the accommodation they occupy as their home.
- (2) For the purposes of subsection (1)—
 - (a) the accommodation must be in Great Britain;
 - (b) the accommodation must be residential accommodation;
 - (c) it is immaterial whether the accommodation consists of the whole or part of a building and whether or not it comprises separate and self-contained premises.
- (3) Regulations may make provision as to—
 - (a) what is meant by payments in respect of accommodation for the purposes of this section (and, in particular, the extent to which such payments include mortgage payments);
 - (b) circumstances in which a claimant is to be treated as liable or not liable to make such payments;
 - (c) circumstances in which a claimant is to be treated as occupying or not occupying accommodation as their home (and, in particular, for temporary absences to be disregarded);
 - (d) circumstances in which land used for the purposes of any accommodation is to be treated as included in the accommodation.
- (4) Regulations are to provide for the determination or calculation of any amount to be included under this section.
- (5) Regulations may—
 - (a) provide for exceptions to subsection (1);
 - (b) provide for inclusion of an amount under this section in the calculation of an award of universal credit—
 - (i) to end at a prescribed time, or
 - (ii) not to start until a prescribed time.

12 Other particular needs or circumstances

- (1) The calculation of an award of universal credit is to include amounts in respect of such particular needs or circumstances of a claimant as may be prescribed.
- (2) The needs or circumstances prescribed under subsection (1) may include—
 - (a) the fact that a claimant has limited capability for work;
 - (b) the fact that a claimant has limited capability for work and work-related activity;
 - (c) the fact that a claimant has regular and substantial caring responsibilities for a severely disabled person.
- (3) Regulations are to specify, or provide for the determination or calculation of, any amount to be included under subsection (1).
- (4) Regulations may—
 - (a) provide for inclusion of an amount under this section in the calculation of an award of universal credit—
 - (i) to end at a prescribed time, or

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- (ii) not to start until a prescribed time;
- (b) provide for the manner in which a claimant’s needs or circumstances are to be determined.

CHAPTER 2

CLAIMANT RESPONSIBILITIES

Introductory

13 Work-related requirements: introductory

- (1) This Chapter provides for the Secretary of State to impose work-related requirements with which claimants must comply for the purposes of this Part.
- (2) In this Part “work-related requirement” means—
 - (a) a work-focused interview requirement (see section 15);
 - (b) a work preparation requirement (see section 16);
 - (c) a work search requirement (see section 17);
 - (d) a work availability requirement (see section 18).
- (3) The work-related requirements which may be imposed on a claimant depend on which of the following groups the claimant falls into—
 - (a) no work-related requirements (see section 19);
 - (b) work-focused interview requirement only (see section 20);
 - (c) work-focused interview and work preparation requirements only (see section 21);
 - (d) all work-related requirements (see section 22).

14 Claimant commitment

- (1) A claimant commitment is a record of a claimant’s responsibilities in relation to an award of universal credit.
- (2) A claimant commitment is to be prepared by the Secretary of State and may be reviewed and updated as the Secretary of State thinks fit.
- (3) A claimant commitment is to be in such form as the Secretary of State thinks fit.
- (4) A claimant commitment is to include—
 - (a) a record of the requirements that the claimant must comply with under this Part (or such of them as the Secretary of State considers it appropriate to include),
 - (b) any prescribed information, and
 - (c) any other information the Secretary of State considers it appropriate to include.
- (5) For the purposes of this Part a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

Work-related requirements

15 Work-focused interview requirement

- (1) In this Part a “work-focused interview requirement” is a requirement that a claimant participate in one or more work-focused interviews as specified by the Secretary of State.
- (2) A work-focused interview is an interview for prescribed purposes relating to work or work preparation.
- (3) The purposes which may be prescribed under subsection (2) include in particular that of making it more likely in the opinion of the Secretary of State that the claimant will obtain paid work (or more paid work or better-paid work).
- (4) The Secretary of State may specify how, when and where a work-focused interview is to take place.

16 Work preparation requirement

- (1) In this Part a “work preparation requirement” is a requirement that a claimant take particular action specified by the Secretary of State for the purpose of making it more likely in the opinion of the Secretary of State that the claimant will obtain paid work (or more paid work or better-paid work).
- (2) The Secretary of State may under subsection (1) specify the time to be devoted to any particular action.
- (3) Action which may be specified under subsection (1) includes in particular—
 - (a) attending a skills assessment;
 - (b) improving personal presentation;
 - (c) participating in training;
 - (d) participating in an employment programme;
 - (e) undertaking work experience or a work placement;
 - (f) developing a business plan;
 - (g) any action prescribed for the purpose in subsection (1).
- (4) In the case of a person with limited capability for work, the action which may be specified under subsection (1) includes taking part in a work-focused health-related assessment.
- (5) In subsection (4) “work-focused health-related assessment” means an assessment by a health care professional approved by the Secretary of State which is carried out for the purpose of assessing—
 - (a) the extent to which the person’s capability for work may be improved by taking steps in relation to their physical or mental condition, and
 - (b) such other matters relating to their physical or mental condition and the likelihood of their obtaining or remaining in work or being able to do so as may be prescribed.
- (6) In subsection (5) “health care professional” means—
 - (a) a registered medical practitioner,
 - (b) a registered nurse,

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- (c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Act 1999, or
- (d) a member of such other profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 as may be prescribed.

17 Work search requirement

- (1) In this Part a “work search requirement” is a requirement that a claimant take—
 - (a) all reasonable action, and
 - (b) any particular action specified by the Secretary of State,for the purpose of obtaining paid work (or more paid work or better-paid work).
- (2) The Secretary of State may under subsection (1)(b) specify the time to be devoted to any particular action.
- (3) Action which may be specified under subsection (1)(b) includes in particular—
 - (a) carrying out work searches;
 - (b) making applications;
 - (c) creating and maintaining an online profile;
 - (d) registering with an employment agency;
 - (e) seeking references;
 - (f) any action prescribed for the purpose in subsection (1).
- (4) Regulations may impose limitations on a work search requirement by reference to the work to which it relates; and the Secretary of State may in any particular case specify further such limitations on such a requirement.
- (5) A limitation under subsection (4) may in particular be by reference to—
 - (a) work of a particular nature,
 - (b) work with a particular level of remuneration,
 - (c) work in particular locations, or
 - (d) work available for a certain number of hours per week or at particular times,and may be indefinite or for a particular period.

18 Work availability requirement

- (1) In this Part a “work availability requirement” is a requirement that a claimant be available for work.
- (2) For the purposes of this section “available for work” means able and willing immediately to take up paid work (or more paid work or better-paid work).
- (3) Regulations may impose limitations on a work availability requirement by reference to the work to which it relates; and the Secretary of State may in any particular case specify further such limitations on such a requirement.
- (4) A limitation under subsection (3) may in particular be by reference to—
 - (a) work of a particular nature,
 - (b) work with a particular level of remuneration,
 - (c) work in particular locations, or

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(d) work available for a certain number of hours per week or at particular times, and may be indefinite or for a particular period.

(5) Regulations may for the purposes of subsection (2) define what is meant by a person being able and willing immediately to take up work.

Application of work-related requirements

19 Claimants subject to no work-related requirements

(1) The Secretary of State may not impose any work-related requirement on a claimant falling within this section.

(2) A claimant falls within this section if—

- (a) the claimant has limited capability for work and work-related activity,
- (b) the claimant has regular and substantial caring responsibilities for a severely disabled person,
- (c) the claimant is the responsible carer for a child under the age of 1, or
- (d) the claimant is of a prescribed description.

(3) Regulations under subsection (2)(d) may in particular make provision by reference to one or more of the following—

- (a) hours worked;
- (b) earnings or income;
- (c) the amount of universal credit payable.

(4) Regulations under subsection (3) may—

- (a) in the case of a claimant who is a member of the couple, make provision by reference to the claimant alone or by reference to the members of the couple together;
- (b) make provision for estimating or calculating any matter for the purpose of the regulations.

(5) Where a claimant falls within this section, any work-related requirement previously applying to the claimant ceases to have effect.

(6) In this Part “responsible carer”, in relation to a child means—

- (a) a single person who is responsible for the child, or
- (b) a person who is a member of a couple where—
 - (i) the person or the other member of the couple is responsible for the child, and
 - (ii) the person has been nominated by the couple jointly as responsible for the child.

20 Claimants subject to work-focused interview requirement only

(1) A claimant falls within this section if—

- (a) the claimant is the responsible carer for a child who is aged at least 1 and is under a prescribed age (which may not be less than 3), or
- (b) the claimant is of a prescribed description.

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- (2) The Secretary of State may, subject to this Part, impose a work-focused interview requirement on a claimant falling within this section.
- (3) The Secretary of State may not impose any other work-related requirement on a claimant falling within this section (and, where a claimant falls within this section, any other work-related requirement previously applying to the claimant ceases to have effect).

21 Claimants subject to work preparation requirement

- (1) A claimant falls within this section if the claimant does not fall within section 19 or 20 and—
 - (a) the claimant has limited capability for work, or
 - (b) the claimant is of a prescribed description.
- (2) The Secretary of State may, subject to this Part, impose a work preparation requirement on a claimant falling within this section.
- (3) The Secretary of State may also, subject to this Part, impose a work-focused interview requirement on a claimant falling within this section.
- (4) The Secretary of State may not impose any other work-related requirement on a claimant falling within this section (and, where a claimant falls within this section, any other work-related requirement previously applying to the claimant ceases to have effect).
- (5) Regulations under subsection (1)(b) must prescribe a claimant who is the responsible carer for a child aged 3 or 4 if the claimant does not fall within section 20.

22 Claimants subject to all work-related requirements

- (1) A claimant not falling within any of sections 19 to 21 falls within this section.
- (2) The Secretary of State must, except in prescribed circumstances, impose on a claimant falling within this section—
 - (a) a work search requirement, and
 - (b) a work availability requirement.
- (3) The Secretary of State may, subject to this Part, impose either or both of the following on a claimant falling within this section—
 - (a) a work-focused interview requirement;
 - (b) a work preparation requirement.

Work-related requirements: supplementary

23 Connected requirements

- (1) The Secretary of State may require a claimant to participate in an interview for any purpose relating to—
 - (a) the imposition of a work-related requirement on the claimant;
 - (b) verifying the claimant's compliance with a work-related requirement;
 - (c) assisting the claimant to comply with a work-related requirement.

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- (2) The Secretary of State may specify how, when and where such an interview is to take place.
- (3) The Secretary of State may, for the purpose of verifying the claimant's compliance with a work-related requirement, require a claimant to—
 - (a) provide to the Secretary of State information and evidence specified by the Secretary of State in a manner so specified;
 - (b) confirm compliance in a manner so specified.
- (4) The Secretary of State may require a claimant to report to the Secretary of State any specified changes in their circumstances which are relevant to—
 - (a) the imposition of work-related requirements on the claimant;
 - (b) the claimant's compliance with a work-related requirement.

24 Imposition of requirements

- (1) Regulations may make provision—
 - (a) where the Secretary of State may impose a requirement under this Part, as to when the requirement must or must not be imposed;
 - (b) where the Secretary of State may specify any action to be taken in relation to a requirement under this Part, as to what action must or must not be specified;
 - (c) where the Secretary of State may specify any other matter in relation to a requirement under this Part, as to what must or must not be specified in respect of that matter.
- (2) Where the Secretary of State may impose a work-focused interview requirement, or specify a particular action under section 16(1) or 17(1)(b), the Secretary of State must have regard to such matters as may be prescribed.
- (3) Where the Secretary of State may impose a requirement under this Part, or specify any action to be taken in relation to such a requirement, the Secretary of State may revoke or change what has been imposed or specified.
- (4) Notification of a requirement imposed under this Part (or any change to or revocation of such a requirement) is, if not included in the claimant commitment, to be in such manner as the Secretary of State may determine.
- (5) Regulations must make provision to secure that, in prescribed circumstances, where a claimant has recently been a victim of domestic violence—
 - (a) a requirement imposed on that claimant under this Part ceases to have effect for a period of 13 weeks, and
 - (b) the Secretary of State may not impose any other requirement under this Part on that claimant during that period.
- (6) For the purposes of subsection (5)—
 - (a) “domestic violence” has such meaning as may be prescribed;
 - (b) “victim of domestic violence” means a person on or against whom domestic violence is inflicted or threatened (and regulations under subsection (5) may prescribe circumstances in which a person is to be treated as being or not being a victim of domestic violence);
 - (c) a person has recently been a victim of domestic violence if a prescribed period has not expired since the violence was inflicted or threatened.

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25 Compliance with requirements

Regulations may make provision as to circumstances in which a claimant is to be treated as having—

- (a) complied with or not complied with any requirement imposed under this Part or any aspect of such a requirement, or
- (b) taken or not taken any particular action specified by the Secretary of State in relation to such a requirement.

Reduction of benefit

26 Higher-level sanctions

- (1) The amount of an award of universal credit is to be reduced in accordance with this section in the event of a failure by a claimant which is sanctionable under this section.
- (2) It is a failure sanctionable under this section if a claimant falling within section 22—
 - (a) fails for no good reason to comply with a requirement imposed by the Secretary of State under a work preparation requirement to undertake a work placement of a prescribed description;
 - (b) fails for no good reason to comply with a requirement imposed by the Secretary of State under a work search requirement to apply for a particular vacancy for paid work;
 - (c) fails for no good reason to comply with a work availability requirement by not taking up an offer of paid work;
 - (d) by reason of misconduct, or voluntarily and for no good reason, ceases paid work or loses pay.
- (3) It is a failure sanctionable under this section if by reason of misconduct, or voluntarily and for no good reason, a claimant falling within section 19 by virtue of subsection (3) of that section ceases paid work or loses pay so as to cease to fall within that section and to fall within section 22 instead.
- (4) It is a failure sanctionable under this section if, at any time before making the claim by reference to which the award is made, the claimant—
 - (a) for no good reason failed to take up an offer of paid work, or
 - (b) by reason of misconduct, or voluntarily and for no good reason, ceased paid work or lost pay,
 and at the time the award is made the claimant falls within section 22.
- (5) For the purposes of subsections (2) to (4) regulations may provide—
 - (a) for circumstances in which ceasing to work or losing pay is to be treated as occurring or not occurring by reason of misconduct or voluntarily;
 - (b) for loss of pay below a prescribed level to be disregarded.
- (6) Regulations are to provide for—
 - (a) the amount of a reduction under this section;
 - (b) the period for which such a reduction has effect, not exceeding three years in relation to any failure sanctionable under this section.
- (7) Regulations under subsection (6)(b) may in particular provide for the period of a reduction to depend on either or both of the following—

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- (a) the number of failures by the claimant sanctionable under this section;
 - (b) the period between such failures.
- (8) Regulations may provide—
- (a) for cases in which no reduction is to be made under this section;
 - (b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
 - (c) for the termination or suspension of a reduction under this section.

27 Other sanctions

- (1) The amount of an award of universal credit is to be reduced in accordance with this section in the event of a failure by a claimant which is sanctionable under this section.
- (2) It is a failure sanctionable under this section if a claimant—
- (a) fails for no good reason to comply with a work-related requirement;
 - (b) fails for no good reason to comply with a requirement under section 23.
- (3) But a failure by a claimant is not sanctionable under this section if it is also a failure sanctionable under section 26.
- (4) Regulations are to provide for—
- (a) the amount of a reduction under this section, and
 - (b) the period for which such a reduction has effect.
- (5) Regulations under subsection (4)(b) may provide that a reduction under this section in relation to any failure is to have effect for—
- (a) a period continuing until the claimant meets a compliance condition specified by the Secretary of State,
 - (b) a fixed period not exceeding 26 weeks which is—
 - (i) specified in the regulations, or
 - (ii) determined in any case by the Secretary of State, or
 - (c) a combination of both.
- (6) In subsection (5)(a) “compliance condition” means—
- (a) a condition that the failure ceases, or
 - (b) a condition relating to future compliance with a work-related requirement or a requirement under section 23.
- (7) A compliance condition specified under subsection (5)(a) may be—
- (a) revoked or varied by the Secretary of State;
 - (b) notified to the claimant in such manner as the Secretary of State may determine.
- (8) A period fixed under subsection (5)(b) may in particular depend on either or both the following—
- (a) the number of failures by the claimant sanctionable under this section;
 - (b) the period between such failures.
- (9) Regulations may provide—
- (a) for cases in which no reduction is to be made under this section;

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- (b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
- (c) for the termination or suspension of a reduction under this section.

28 Hardship payments

- (1) Regulations may make provision for the making of additional payments by way of universal credit to a claimant (“hardship payments”) where—
 - (a) the amount of the claimant’s award is reduced under section 26 or 27, and
 - (b) the claimant is or will be in hardship.
- (2) Regulations under this section may in particular make provision as to—
 - (a) circumstances in which a claimant is to be treated as being or not being in hardship;
 - (b) matters to be taken into account in determining whether a claimant is or will be in hardship;
 - (c) requirements or conditions to be met by a claimant in order to receive hardship payments;
 - (d) the amount or rate of hardship payments;
 - (e) the period for which hardship payments may be made;
 - (f) whether hardship payments are recoverable.

Administration

29 Delegation and contracting out

- (1) The functions of the Secretary of State under sections 13 to 25 may be exercised by, or by the employees of, such person as the Secretary of State may authorise for the purpose (an “authorised person”).
- (2) An authorisation given by virtue of this section may authorise the exercise of a function—
 - (a) wholly or to a limited extent;
 - (b) generally or in particular cases or areas;
 - (c) unconditionally or subject to conditions.
- (3) An authorisation under this section—
 - (a) may specify its duration;
 - (b) may be varied or revoked at any time by the Secretary of State;
 - (c) does not prevent the Secretary of State or another person from exercising the function to which the authorisation relates.
- (4) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Secretary of State or (as the case may be) an officer of the Secretary of State.
- (5) Subsection (4) does not apply—

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- (a) for the purposes of so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function, or
 - (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person (or an employee of that person).
- (6) Where—
- (a) the authorisation of an authorised person is revoked, and
 - (b) at the time of the revocation so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function is subsisting,
- the authorised person is entitled to treat the contract as repudiated by the Secretary of State (and not as frustrated by reason of the revocation).

CHAPTER 3

SUPPLEMENTARY AND GENERAL

Supplementary and consequential

30 Supplementary regulation-making powers

Schedule 1 contains supplementary regulation-making powers.

31 Supplementary and consequential amendments

Schedule 2 contains supplementary and consequential amendments.

32 Power to make supplementary and consequential provision etc

- (1) The appropriate authority may by regulations make such consequential, supplementary, incidental or transitional provision in relation to any provision of this Part as the authority considers appropriate.
- (2) The appropriate authority is the Secretary of State, subject to subsection (3).
- (3) The appropriate authority is the Welsh Ministers for—
 - (a) provision which would be within the legislative competence of the National Assembly for Wales were it contained in an Act of the Assembly;
 - (b) provision which could be made by the Welsh Ministers under any other power conferred on them.
- (4) Regulations under this section may amend, repeal or revoke any primary or secondary legislation (whenever passed or made).

Universal credit and other benefits

33 Abolition of benefits

- (1) The following benefits are abolished—

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- (a) income-based jobseeker’s allowance under the Jobseekers Act 1995;
 - (b) income-related employment and support allowance under Part 1 of the Welfare Reform Act 2007;
 - (c) income support under section 124 of the Social Security Contributions and Benefits Act 1992;
 - (d) housing benefit under section 130 of that Act;
 - (e) council tax benefit under section 131 of that Act;
 - (f) child tax credit and working tax credit under the Tax Credits Act 2002.
- (2) In subsection (1)—
- (a) “income-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;
 - (b) “income-related employment and support allowance” means an employment and support allowance entitlement to which is based on section 1(2)(b) of the Welfare Reform Act 2007.
- (3) Schedule 3 contains consequential amendments.

34 Universal credit and state pension credit

Schedule 4 provides for a housing element of state pension credit in consequence of the abolition of housing benefit by section 33.

35 Universal credit and working-age benefits

Schedule 5 makes further provision relating to universal credit, jobseeker’s allowance and employment and support allowance.

36 Migration to universal credit

Schedule 6 contains provision about the replacement of benefits by universal credit.

General

37 Capability for work or work-related activity

- (1) For the purposes of this Part a claimant has limited capability for work if—
- (a) the claimant’s capability for work is limited by their physical or mental condition, and
 - (b) the limitation is such that it is not reasonable to require the claimant to work.
- (2) For the purposes of this Part a claimant has limited capability for work-related activity if—
- (a) the claimant’s capability for work-related activity is limited by their physical or mental condition, and
 - (b) the limitation is such that it is not reasonable to require the claimant to undertake work-related activity.
- (3) The question whether a claimant has limited capability for work or work-related activity for the purposes of this Part is to be determined in accordance with regulations.

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- (4) Regulations under this section must, subject as follows, provide for determination of that question on the basis of an assessment (or repeated assessments) of the claimant.
- (5) Regulations under this section may for the purposes of an assessment—
 - (a) require a claimant to provide information or evidence (and may require it to be provided in a prescribed manner or form);
 - (b) require a claimant to attend and submit to a medical examination at a place, date and time determined under the regulations.
- (6) Regulations under this section may make provision for a claimant to be treated as having or not having limited capability for work or work-related activity.
- (7) Regulations under subsection (6) may provide for a claimant who fails to comply with a requirement imposed under subsection (5) without a good reason to be treated as not having limited capability for work or work-related activity.
- (8) Regulations under subsection (6) may provide for a claimant to be treated as having limited capability for work until—
 - (a) it has been determined whether or not that is the case, or
 - (b) the claimant is under any other provision of regulations under subsection (6) treated as not having it.
- (9) Regulations under this section may provide for determination of the question of whether a claimant has limited capability for work or work-related activity even where the claimant is for the time being treated under regulations under subsection (6) as having limited capability for work or work-related activity.

38 Information

Information supplied under Chapter 2 of this Part or section 37 is to be taken for all purposes to be information relating to social security.

39 Couples

- (1) In this Part “couple” means—
 - (a) a man and woman who are married to each other and are members of the same household;
 - (b) a man and woman who are not married to each other but are living together as husband and wife;
 - (c) two people of the same sex who are civil partners of each other and are members of the same household;
 - (d) two people of the same sex who are not civil partners of each other but are living together as civil partners.
- (2) For the purposes of this section, two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes.
- (3) For the purposes of this section regulations may prescribe—
 - (a) circumstances in which the fact that two persons are husband and wife or are civil partners is to be disregarded;

Status: This is the original version (as it was originally enacted).

- (b) circumstances in which a man and a woman are to be treated as living together as husband and wife;
- (c) circumstances in which people are to be treated as being or not being members of the same household.

40 Interpretation of Part 1

In this Part—

- “assessment period” has the meaning given by section 7(2);
- “child” means a person under the age of 16;
- “claim” means claim for universal credit;
- “claimant” means a single claimant or each of joint claimants;
- “couple” has the meaning given by section 39;
- “disabled” has such meaning as may be prescribed;
- “joint claimants” means members of a couple who jointly make a claim or in relation to whom an award of universal credit is made;
- “limited capability for work” and “limited capability for work-related activity” are to be construed in accordance with section 37(1) and (2);
- “prescribed” means specified or provided for in regulations;
- “primary legislation” means an Act, Act of the Scottish Parliament or Act or Measure of the National Assembly for Wales;
- “qualifying young person” has the meaning given in section 10(5);
- “regular and substantial caring responsibilities” has such meaning as may be prescribed;
- “responsible carer”, in relation to a child, has the meaning given in section 19(6);
- “secondary legislation” means an instrument made under primary legislation”;
- “severely disabled” has such meaning as may be prescribed;
- “single claimant” means a single person who makes a claim for universal credit or in relation to whom an award of universal credit is made as a single person;
- “single person” is to be construed in accordance with section 1(2)(a);
- “work” has such meaning as may be prescribed;
- “work availability requirement” has the meaning given by section 18(1);
- “work preparation requirement” has the meaning given by section 16(1);
- “work search requirement” has the meaning given by section 17(1);
- “work-focused interview requirement” has the meaning given by section 15(1);
- “work-related activity”, in relation to a person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so;
- “work-related requirement” has the meaning given by section 13(2).

Regulations

41 Pilot schemes

- (1) Any power to make—

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- (a) regulations under this Part,
 - (b) regulations under the Social Security Administration Act 1992 relating to universal credit, or
 - (c) regulations under the Social Security Act 1998 relating to universal credit,
- may be exercised so as to make provision for piloting purposes.
- (2) In subsection (1), “piloting purposes”, in relation to any provision, means the purposes of testing—
- (a) the extent to which the provision is likely to make universal credit simpler to understand or to administer,
 - (b) the extent to which the provision is likely to promote—
 - (i) people remaining in work, or
 - (ii) people obtaining or being able to obtain work (or more work or better-paid work), or
 - (c) the extent to which, and how, the provision is likely to affect the conduct of claimants or other people in any other way.
- (3) Regulations made by virtue of this section are in the remainder of this section referred to as a “pilot scheme”.
- (4) A pilot scheme may be limited in its application to—
- (a) one or more areas;
 - (b) one or more classes of person;
 - (c) persons selected—
 - (i) by reference to prescribed criteria, or
 - (ii) on a sampling basis.
- (5) A pilot scheme may not have effect for a period exceeding three years, but—
- (a) the Secretary of State may by order made by statutory instrument provide that the pilot scheme is to continue to have effect after the time when it would otherwise expire for a period not exceeding twelve months (and may make more than one such order);
 - (b) a pilot scheme may be replaced by a further pilot scheme making the same or similar provision.
- (6) A pilot scheme may include consequential or transitional provision in relation to its expiry.

42 Regulations: general

- (1) Regulations under this Part are to be made by the Secretary of State, unless otherwise provided.
- (2) A power to make regulations under this Part may be exercised—
- (a) so as to make different provision for different cases or purposes;
 - (b) in relation to all or only some of the cases or purposes for which it may be exercised.
- (3) Such a power includes—
- (a) power to make incidental, supplementary, consequential or transitional provision or savings;

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- (b) power to provide for a person to exercise a discretion in dealing with any matter.
- (4) Each power conferred by this Part is without prejudice to the others.
- (5) Where regulations under this Part provide for an amount, the amount may be zero.
- (6) Where regulations under this Part provide for an amount for the purposes of an award (or a reduction from an award), the amount may be different in relation to different descriptions of person, and in particular may depend on—
 - (a) whether the person is a single person or a member of a couple;
 - (b) the age of the person.
- (7) Regulations under section 11(4) or 12(3) which provide for the determination or calculation of an amount may make different provision for different areas.

43 Regulations: procedure

- (1) Regulations under this Part are to be made by statutory instrument.
- (2) A statutory instrument containing regulations made by the Secretary of State under this Part is subject to the negative resolution procedure, subject as follows.
- (3) A statutory instrument containing the first regulations made by the Secretary of State under any of the following, alone or with other regulations, is subject to the affirmative resolution procedure—
 - (a) section 4(7) (acceptance of claimant commitment);
 - (b) section 5(1)(a) and (2)(a) (capital limits);
 - (c) section 8(3) (income to be deducted in award calculation);
 - (d) section 9(2) and (3) (standard allowance);
 - (e) section 10(3) and (4) (children and young persons element);
 - (f) section 11 (housing costs element);
 - (g) section 12 (other needs and circumstances element);
 - (h) section 18(3) and (5) (work availability requirement);
 - (i) section 19(2)(d) (claimants subject to no work-related requirements);
 - (j) sections 26 and 27 (sanctions);
 - (k) section 28 (hardship payments);
 - (l) paragraph 4 of Schedule 1 (calculation of capital and income);
 - (m) paragraph 1(1) of Schedule 6 (migration), where making provision under paragraphs 4, 5 and 6 of that Schedule.
- (4) A statutory instrument containing regulations made by the Secretary of State by virtue of section 41 (pilot schemes), alone or with other regulations, is subject to the affirmative resolution procedure.
- (5) A statutory instrument containing regulations made by the Secretary of State under this Part is subject to the affirmative resolution procedure if—
 - (a) it also contains regulations under another enactment, and
 - (b) an instrument containing those regulations would apart from this section be subject to the affirmative resolution procedure.
- (6) For the purposes of subsections (2) to (5)—

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- (a) a statutory instrument subject to the “negative resolution procedure” is subject to annulment in pursuance of a resolution of either House of Parliament;
 - (b) a statutory instrument subject to the “affirmative resolution procedure” may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (7) A statutory instrument containing regulations made by the Welsh Ministers under section 32 may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.