



Welfare Reform Act 2012

2012 CHAPTER 5

PART 1

UNIVERSAL CREDIT

CHAPTER 3

SUPPLEMENTARY AND GENERAL

Regulations

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);

Status: This is the original version (as it was originally enacted).

- (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)—
- (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.