
STATUTORY INSTRUMENTS

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—

[^{F1}“the 1992 Act” means the Social Security Contributions and Benefits Act 1992;]

“the 2002 Act” means the State Pension Credit Act 2002 ^{M1};

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

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

[^{F2}“assessment period”, in relation to universal credit entitlement, has the same meaning as in regulation 21 of the Universal Credit Regulations 2013;]

^{F3}
...

“the Housing Benefit SPC Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 ^{M2};

“the No. 21 Order” means the Welfare Reform Act 2012 (Commencement No. 21 and Transitional and Transitory Provisions) Order 2015 ^{M3};

“the No. 23 Order” means the Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015 ^{M4};

“polygamous marriage” has the same meaning as in regulation 3(5) of the Universal Credit Regulations 2013 ^{M5};

“the qualifying age for state pension credit” has the same meaning as in the 2002 Act ^{M6};

“secondary legislation” has the same meaning as in Part 1 of the 2012 Act ^{M7};

“state pension credit” has the same meaning as in the 2002 Act ^{M8}.

[^{F4}(1A) In this Order, “couple” has the same meaning as in the 2002 Act, save—

(a) in reference to entitlement to housing benefit, where it has the same meaning as in Part VII of the 1992 Act; and]

[^{F5}(b) in article 7(3), in relation to references to persons being treated as a couple in accordance with article 7(2)(a)(ii), where it has the meaning referred to in article 7(2)(a)(ii)]

(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

Changes to legislation: There are currently no known outstanding effects for the 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, Section 2. (See end of Document for details)

- (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) ^{F6}..., all references in this Order to claims or entitlement to housing benefit are to claims or entitlement under the Housing Benefit SPC Regulations only.
- (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) ^{M9} 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) [^{F7}save in article 7(3)(a),] a reference to claiming or entitlement to state pension credit or housing benefit as part of a [^{F8}mixed-age] couple is a reference to [^{F9}a person claiming or] being so entitled, on the basis that [^{F10}the person] is a member of a couple or ^{F11}... a polygamous marriage.

- F1** Words in art. 2(1) inserted (14.5.2019) by The Welfare Reform Act 2012 (Commencement No. 31 and Savings and Transitional Provisions (Amendment)) Order 2019 (S.I. 2019/935), **art. 2(2)(a)(i)**
- F2** Words in art. 2(1) inserted (25.11.2020) by The Universal Credit (Persons who have attained state pension credit qualifying age) (Amendment) Regulations 2020 (S.I. 2020/655), regs. 1(2), **7(2)(a)**
- F3** Words in art. 2(1) omitted (14.5.2019) by virtue of The Welfare Reform Act 2012 (Commencement No. 31 and Savings and Transitional Provisions (Amendment)) Order 2019 (S.I. 2019/935), **art. 2(2)(a)(ii)**
- F4** Art. 2(1A) inserted (14.5.2019) by The Welfare Reform Act 2012 (Commencement No. 31 and Savings and Transitional Provisions (Amendment)) Order 2019 (S.I. 2019/935), **art. 2(2)(b)**
- F5** Art. 2(1A)(b) substituted (25.11.2020) by The Universal Credit (Persons who have attained state pension credit qualifying age) (Amendment) Regulations 2020 (S.I. 2020/655), regs. 1(2), **7(2)(b)**
- F6** Words in art. 2(3) omitted (25.7.2022) by virtue of The Universal Credit (Transitional Provisions) Amendment Regulations 2022 (S.I. 2022/752), reg. 1(1), **Sch. para. 4(2)**
- F7** Words in art. 2(4)(b) inserted (14.5.2019) by The Welfare Reform Act 2012 (Commencement No. 31 and Savings and Transitional Provisions (Amendment)) Order 2019 (S.I. 2019/935), **art. 2(2)(d)(i)**
- F8** Word in art. 2(4)(b) inserted (14.5.2019) by The Welfare Reform Act 2012 (Commencement No. 31 and Savings and Transitional Provisions (Amendment)) Order 2019 (S.I. 2019/935), **art. 2(2)(d)(ii)**
- F9** Words in art. 2(4)(b) substituted (14.5.2019) by The Welfare Reform Act 2012 (Commencement No. 31 and Savings and Transitional Provisions (Amendment)) Order 2019 (S.I. 2019/935), **art. 2(2)(d)(iii)**
- F10** Words in art. 2(4)(b) substituted (14.5.2019) by The Welfare Reform Act 2012 (Commencement No. 31 and Savings and Transitional Provisions (Amendment)) Order 2019 (S.I. 2019/935), **art. 2(2)(d)(iv)**
- F11** Words in art. 2(4)(b) omitted (14.5.2019) by virtue of The Welfare Reform Act 2012 (Commencement No. 31 and Savings and Transitional Provisions (Amendment)) Order 2019 (S.I. 2019/935), **art. 2(2)(d)(v)**

Marginal Citations

- M1** 2002 c. 16.
M2 S.I. 2006/214.

Changes to legislation: There are currently no known outstanding effects for the *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, Section 2. (See end of Document for details)

- M3** [S.I. 2015/33](#) (C. 4).
- M4** [S.I. 2015/634](#) (C. 32).
- M5** [S.I. 2013/376](#).
- M6** See section 1(2)(b) and (6).
- M7** See section 40.
- M8** See section 1.
- M9** [S.I. 1987/1968](#). Regulation 16A was inserted by [S.I. 2002/3019](#); there are amendments none of which are relevant to this Order.

Changes to legislation:

There are currently no known outstanding effects for the 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, Section 2.