

# WELFARE REFORM ACT 2012

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1: Universal credit**

#### *Section 19: Claimants subject to no work-related requirements*

68. *Section 19* sets out the groups of claimants on whom the Secretary of State cannot impose any work-related requirements. These include:
- claimants who have limited capability for both work and work-related activity owing to a physical or mental condition. *Section 37* contains further provisions on limited capability for work and work-related activity and their assessment (currently done through the work capability assessment);
  - responsible carers of a child under the age of one; and
  - any claimant with regular and substantial caring responsibilities for a severely disabled person.
69. *Subsection (2)(d)* allows for regulations to add additional categories of claimant to the group subject to no work-related requirements. This may include some groups who can currently claim income support and who are not required to prepare for work, such as people serving on a jury. The first regulations made under this subsection will be subject to the affirmative resolution procedure.
70. *Subsection (3)* provides that these regulations may identify additional categories of claimant by reference to hours worked, earnings, income or the amount of universal credit paid (or any combination of these factors). This can be used to establish a “threshold” relating to a claimant’s level of employment. Regulations may provide that where a claimant falls above any such threshold the Secretary of State may not impose any work-related requirements on them.
71. *Subsection (4)(a)* makes clear that for claimants in a couple any such regulations can either be framed in relation to the individual claimant (such as the hours the individual works) or to the couple together (such as the hours both members of the couple work combined). *Subsection (4)(b)* ensures that regulations can enable the Secretary of State to determine any relevant matters such as hours, earnings, or the amount of universal credit on the basis of an estimate or calculation. For example, where a claimant has a variable working pattern regulations may enable the Secretary of State to determine whether a claimant should be subject to no work-related requirements based on estimated earnings.
72. *Subsection (6)* of *section 19* defines a responsible carer as either a lone parent or a member of a couple nominated as the lead carer. Regulations made under *paragraph 5(2)* of *Schedule 1* may make provision about nominations.