

WELFARE REFORM ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Universal credit

Section 4: Basic conditions

33. The basic conditions are that a person must be at least 18 years old, under the qualifying age for state pension credit, in Great Britain, and not receiving education. From April 2010 the qualifying age for state pension credit is increasing gradually from 60 to 65, in line with women's state pension age. The claimant must also accept a claimant commitment, which contains the requirements that a claimant will be expected to meet in return for receiving universal credit. These requirements are set out in *sections 15 to 18 and 23*.
34. *Subsection (2)* allows for regulations to provide for exceptions to be made to the requirement to meet any of the basic conditions. In the case of joint claimants an exception may apply to either or both of the claimants.
35. *Subsection (3)* provides a regulation-making power to set out cases in which a different lower age limit will apply. This allows universal credit to be made available to people who are younger in specific circumstances, such as in the case of lone parents who are under 18 or young people who are estranged from their parents.
36. *Subsection (5)(a)* allows for regulations to specify whether or not a person is to be treated as being in Great Britain. For example, a person might be treated as being in Great Britain if they are employed on board a ship or working on an oil rig. Regulations may also specify when a person is to be treated as not in Great Britain because they are not considered to be habitually resident here. *Subsection (5)(b)* enables a claimant to continue to be entitled to universal credit if they leave the country temporarily. *Subsection (5)(c)* enables the universal credit provisions to be modified in relation to a person who leaves the country temporarily.
37. Under *subsection (6)*, regulations may be made setting out how receiving education is to be defined in relation to universal credit and to allow for provisions to treat people in particular circumstances as receiving or not receiving education. Under *subsection (7)* a person may be treated as having accepted or not accepted a claimant commitment in prescribed circumstances. The first regulations made under *subsection (7)* will be subject to the affirmative resolution procedure.