
STATUTORY INSTRUMENTS

2015 No. 634

**The Welfare Reform Act 2012 (Commencement No. 23
and Transitional and Transitory Provisions) Order 2015**

Transitional provision: claims for housing benefit, income support or a tax credit

7.—(1) Except as provided by paragraphs (2) to (6), a person may not make a claim for housing benefit, income support or a tax credit (in the latter case, whether or not as part of a Tax Credits Act couple) on any date where, if that person made a claim for universal credit on that date (in the capacity, whether as a single person or as part of a couple, in which he or she is permitted to claim universal credit under the Universal Credit Regulations 2013^{M1}), the provisions of the Act listed in Schedule 2 to the No. 9 Order would come into force under article 3(1) and [F1(2)(a) to (c) of this Order in relation to that claim] for universal credit.

(2) Paragraph (1) does not apply to a claim for housing benefit, income support or a tax credit where, by virtue of a determination made under regulation 4[F2], or by virtue of regulation 39,] of the Universal Credit (Transitional Provisions) Regulations 2014^{M2}, the person in question would be prevented from making a claim for universal credit as referred to in that paragraph.

(3) Paragraph (1) does not apply to a claim for housing benefit in respect of specified accommodation.

(4) Paragraph (1) does not apply to a claim for housing benefit or a tax credit where—

- (a) in the case of a claim for housing benefit, the claim is made by a person who has reached the qualifying age for state pension credit, or by a person who is a member of a State Pension Credit Act couple the other member of which has reached that age;
- (b) in the case of a claim for a tax credit, the claim is made by—
 - (i) a person who has reached the qualifying age for state pension credit;
 - (ii) a Tax Credits Act couple both members of which have reached, or either member of which has reached, that age; or
 - (iii) in a case not covered by paragraph (i), a person who is a member of a State Pension Credit Act couple where the other member of the couple has reached that age.

(5) Paragraph (1) does not apply to a claim for a tax credit where a person or persons makes or make a claim for child tax credit or working tax credit and on the date on which he or she (or they) makes or make the claim he or she (or they) is or are entitled to working tax credit or child tax credit respectively.

(6) Paragraph (1) does not apply to a claim for a tax credit where a person is or was, or persons are or were, entitled to child tax credit or working tax credit in respect of a tax year and that person or those persons makes or make (or is or are treated as making) a claim for that tax credit for the next tax year.

(7) In paragraph (5), the reference to a person being entitled to a tax credit includes where a person is treated as being entitled to a tax credit in the circumstances referred to in regulation 11 of the Universal Credit (Transitional Provisions) Regulations 2014 but as if regulation 11 were amended as follows—

Status: Point in time view as at 19/05/2017. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015, Section 7. (See end of Document for details)

- (a) in paragraph (1), for “For the purposes of regulations 7(7) and 8(4)” substitute “ For the purposes of article 7(5) of the Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015 ”; and
- (b) for paragraph (2)(d)(iii), substitute—
 - “(iii) the person's claim for child tax credit or working tax credit is made during the period of 30 days starting with the date on the notice referred to in paragraph (ii).”.
- (8) Subject to paragraph (9), for the purposes of this article—
 - (a) a claim for housing benefit, income support or a tax credit is made by a person on the date on which he or she takes any action which results in a decision on a claim being required under the relevant Regulations; and
 - (b) it is irrelevant that the effect of any provision of the relevant Regulations is that, for the purpose of those Regulations, the claim is made or treated as made on a date that is earlier than the date on which that action is taken.
- (9) Where under the provisions referred to in paragraph (10), a claim for housing benefit or income support is treated as made at a date that is earlier than the date on which the action referred to in paragraph (8)(a) is taken, the claim is treated as made on that earlier date.
- (10) The provisions referred to are—
 - (a) in the case of a claim for housing benefit, regulation 83(4E), (4F), (5)(d) or (8) of the 2006 Regulations^{M3} or, as the case may be, regulation 64(5F), (5G), (6)(d) or (9) of the the 2006 (SPC) Regulations^{M4}; or
 - (b) in the case of a claim for income support, [^{F3}regulation 6(1A)(b) or 6A] of the Claims and Payments Regulations 1987^{M5}.
- (11) For the purposes of this article—
 - (a) “couple” (apart from in the expressions “State Pension Credit Act couple” and “Tax Credit Act couple”), has the meaning given in section 39 of the Act;
 - (b) “housing benefit” means housing benefit under section 130 of the Social Security Contributions and Benefits Act 1992^{M6};
 - (c) “income support” means income support under section 124 of the Social Security Contributions and Benefits Act 1992;
 - (d) “qualifying age for state pension credit” means the qualifying age referred to in section 1(6) of the State Pension Credit Act 2002^{M7};
 - (e) “the 2006 Regulations” means the Housing Benefit Regulations 2006^{M8};
 - (f) “the 2006 (SPC) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006^{M9};
 - (g) “the relevant Regulations” means—
 - (i) in the case of a claim for housing benefit, the 2006 Regulations or, as the case may be, the 2006 (SPC) Regulations;
 - (ii) in the case of a claim for income support, the Claims and Payments Regulations 1987;
 - (iii) in the case of a claim for a tax credit, the Tax Credits (Claims and Notifications) Regulations 2002^{M10};
 - (h) “specified accommodation” means accommodation to which one or more of sub-paragraphs (2) to (5) of paragraph 3A of Schedule 1 to the Universal Credit Regulations 2013^{M11} applies;

- (i) “State Pension Credit Act couple” means a couple as defined in section 17 of the State Pension Credit Act 2002^{M12};
- (j) “tax credit” (including “child tax credit” and “working tax credit”) and “tax year” have the same meanings as in the Tax Credits Act 2002^{M13};
- (k) “Tax Credits Act couple” means a couple as defined in section 3(5A) of the Tax Credits Act 2002^{M14}.

Textual Amendments

- F1** Words in art. 7(1) substituted (17.3.2015) by [The Welfare Reform Act 2012 \(Commencement No. 23 and Transitional and Transitory Provisions\) \(Amendment\) Order 2015 \(S.I. 2015/740\)](#), **art. 2(a)(i)**
- F2** Words in art. 7(2) inserted (E.W.S.) (6.4.2017) by [The Social Security \(Restrictions on Amounts for Children and Qualifying Young Persons\) Amendment Regulations 2017 \(S.I. 2017/376\)](#), regs. 1, 4
- F3** Words in art. 7(10)(b) substituted (17.3.2015) by [The Welfare Reform Act 2012 \(Commencement No. 23 and Transitional and Transitory Provisions\) \(Amendment\) Order 2015 \(S.I. 2015/740\)](#), **art. 2(a)(ii)**

Modifications etc. (not altering text)

- C1** Art. 7 applied (with modifications) (23.11.2015) by [The Welfare Reform Act 2012 \(Commencement No. 25 and Transitional and Transitory Provisions\) Order 2015 \(S.I. 2015/1930\)](#), **art. 7**
- C2** Art. 7 applied (with modifications) (14.1.2016) by [The Welfare Reform Act 2012 \(Commencement No. 26 and Transitional and Transitory Provisions and Commencement No. 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2016 \(S.I. 2016/33\)](#), **art. 7**
- C3** Art. 7 modified (21.3.2016) by [The Welfare Reform Act 2012 \(Commencement No. 27 and Transitional and Transitory Provisions and Commencement No. 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2016 \(S.I. 2016/407\)](#), **art. 7**
- C4** Art. 7 applied (with modifications) (23.5.2016) by [The Welfare Reform Act 2012 \(Commencement No. 13, 14, 16, 19, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2016 \(S.I. 2016/596\)](#), **art. 12**
- C5** Art. 7 applied (with modifications) (29.9.2016) by [The Welfare Reform Act 2012 \(Commencement No. 19, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2016 \(S.I. 2016/963\)](#), **art. 16**
- C6** Art. 7 applied (with modifications) (25.1.2017) by [The Welfare Reform Act 2012 \(Commencement No. 11, 13, 16, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2017 \(S.I. 2017/57\)](#), **art. 19**
- C7** Art. 7 applied (with modifications) (24.4.2017) by [The Welfare Reform Act 2012 \(Commencement No. 19, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2017 \(S.I. 2017/584\)](#), **art. 13**
- C8** Art. 7 applied (with modifications) (19.5.2017) by [The Welfare Reform Act 2012 \(Commencement No. 29 and Commencement No. 17, 19, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2017 \(S.I. 2017/664\)](#), **art. 14**

Marginal Citations

- M1** [S.I. 2013/376](#).
- M2** [S.I. 2014/1230](#).
- M3** [S.I. 2006/213](#). In regulation 83, paragraph (4E) was inserted by [S.I. 2006/2967](#) and amended by [S.I. 2008/2299](#); paragraph (4F) was inserted by [S.I. 2008/2299](#); paragraph (5) was amended by [S.I. 2007/2911](#), [2008/1082](#), [2299](#) and [2013/2070](#); paragraph (8) was substituted by [S.I. 2008/2987](#).
- M4** [S.I. 2006/214](#). In regulation 64, paragraph (5F) was inserted by [S.I. 2006/2967](#) and amended by [S.I. 2008/2299](#); paragraph (5G) was inserted by [S.I. 2008/2299](#); paragraph (6) was amended by [S.I. 2007/2911](#) and [2008/2299](#); paragraph (9) was substituted by [S.I. 2008/2987](#).

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Changes to legislation: There are currently no known outstanding effects for the The Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015, Section 7. (See end of Document for details)

- M5** Regulation 6(1A) was inserted by [S.I. 1997/793](#). Regulation 6A was inserted by [S.I. 2000/897](#) and amended by [S.I. 2001/3210](#), 2002/1703, 2003/492, 2004/959 and 2006/832.
- M6** [1992 c.4](#).
- M7** [2002 c.16](#).
- M8** [S.I. 2006/213](#).
- M9** [S.I. 2006/214](#).
- M10** [S.I. 2002/2014](#).
- M11** Paragraph 3A was inserted by [S.I. 2014/771](#).
- M12** The definition of “couple” in section 17 was substituted by [S.I. 2014/560](#).
- M13** [2002 c.21](#). See sections 1(1) and (2), 48(1) and 67.
- M14** [2002 c. 21](#). Subsection (5A) was inserted by section 254(1) of, and paragraph 144(1) and (3) of Schedule 24 to, the [Civil Partnership Act 2004 \(c.33\)](#).

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