
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

Transitional provision: [F¹application [F²to housing benefit] of the rules in universal credit for treatment of couples and] polygamous marriages

[F³7.—(1) Paragraph (3) applies where a person (“P”), who has attained the qualifying age, would otherwise not be entitled to either housing benefit or universal credit, because—

- (a) but for that paragraph, P would be a member of the same household as a partner who has not attained the qualifying age and therefore a member of a mixed-age couple, who—
 - (i) is prevented from claiming housing benefit under [F⁴regulation 6A of the Universal Credit (Transitional Provisions) Regulations 2014]; or
 - (ii) has an award of housing benefit terminated under article 6; and
- (b) P is neither entitled to universal credit jointly with that partner, nor entitled to universal credit as a single person, in one of the cases set out in paragraph (2).]

[F³(2) The cases are where P is not entitled to universal credit because P has attained the qualifying age and—

- (a) any of the following paragraphs of regulation 3 of the Universal Credit Regulations 2013 (couples) applies, and in the case of paragraph (ii) below, one of the following circumstances applies—
 - (i) paragraph (3) (treatment of certain couples – universal credit may only be claimed as a single person);
 - (ii) paragraph (4) (treatment of polygamous marriages), so that P is not entitled to universal credit because P may only claim universal credit either as one of two parties to a polygamous marriage to be treated as a couple and the other party has also attained the qualifying age, or as a remaining party to such a marriage to be treated as single;
 - (iii) paragraph (6) (absence from the household – universal credit may only be claimed as a single person); or
- (b) P lost joint entitlement to universal credit as part of a mixed-age couple due to one of the following changes of circumstances taking effect from a date (namely the first day of the universal credit assessment period in which the change occurred) that is earlier than when, but for paragraph (3), the same change would take effect for the purposes of housing benefit, those changes being where—
 - (i) P and their partner are no longer a couple;
 - (ii) P is party to a marriage that is no longer polygamous and P's remaining spouse has attained the qualifying age.]

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 7. (See end of Document for details)

[^{F3}(3) Where this paragraph applies—

- (a) P and their partner who are to be treated as a non-polygamous couple in accordance with paragraph (2)(a)(ii), or who are no longer parties to a polygamous marriage in accordance with paragraph (2)(b)(ii), are to be treated as members of the same household as each other but not of that of any party (or parties) with whom they are not part of a couple in accordance with those provisions and one of them may claim or remain entitled to housing benefit as part of that couple; or
- (b) P who is to be treated as single in accordance with paragraph (2)(a)(i) to (iii), or is single in accordance with paragraph (2)(b)(i), is to be treated as though P is not a member of the same household as any party (or parties) with whom P is not part of a couple in accordance with those provisions and may claim or remain entitled to housing benefit as a single person,

where paragraph (2)(a) applies, with effect from the date on which the relevant paragraph of regulation 3 of the Universal Credit Regulations 2013 first applies to C, or, where paragraph (2)(b) applies, with effect from the date referred to in paragraph (2)(b) on which C lost universal credit entitlement.]

Textual Amendments

- F1** Words in art. 7 heading 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(3)(a)**
- F2** Words in art. 7 heading 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(3)(a)**
- F3** [Art. 7\(1\)-\(3\)](#) 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(3)(b)**
- F4** Words in art. 7(1)(a)(i) substituted (25.7.2022) by [The Universal Credit \(Transitional Provisions\) Amendment Regulations 2022 \(S.I. 2022/752\)](#), reg. 1(1), **Sch. para. 4(4)**

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 7.