

2019 No. 10

SOCIAL SECURITY

**The Universal Credit (Transitional Provisions) (SDP Gateway)
Amendment Regulations 2019**

<i>Made</i>	- - - -	<i>11th January 2019</i>
<i>Laid before Parliament</i>		<i>14th January 2019</i>
<i>Coming into force</i>	- -	<i>16th January 2019</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by section 42(1) to (3) of, and paragraphs 1(1) and 3(1)(a) of Schedule 6 to, the Welfare Reform Act 2012(a).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(b), the Social Security Advisory Committee has agreed that these Regulations should not be referred to it.

In accordance with section 176(1) of Social Security Administration Act 1992 and, in so far as these Regulations relate to housing benefit, the Secretary of State has consulted with organisations appearing to her to be representative of the authorities concerned in respect of the proposals for these Regulations.

Citation and commencement

1. These Regulations may be cited as the Universal Credit (Transitional Provisions) (SDP Gateway) Amendment Regulations 2019 and come into force on 16th January 2019.

Amendment of the Universal Credit (Transitional Provisions) Regulations 2014

2.—(1) The Universal Credit (Transitional Provisions) Regulations 2014(c) are amended as follows.

(2) In regulation 2 (interpretation) insert at the appropriate place in paragraph (1)—

““severe disability premium” means the premium in relation to an employment and support allowance under paragraph 6 of Schedule 4 to the Employment and Support Allowance Regulations 2008(d) or, as the case may be, the corresponding premium in relation to income support, old style JSA or housing benefit;”.

(3) After regulation 4 insert—

(a) 2012 c.5.
(b) 1992 c.5.
(c) S.I. 2014/1230. There are amendments but none is relevant.
(d) S.I. 2008/794. Relevant amending instruments are S.I. 2010/1160, 2011/2425, 2011/2428, 2013/388 and 591, 2014/2888 and 2015/1754.

“Restriction on claims for universal credit by persons entitled to a severe disability premium

4A. No claim may be made for universal credit on or after 16th January 2019 by a single claimant who, or joint claimants either of whom—

- (a) is, or has been within the past month, entitled to an award of an existing benefit that includes a severe disability premium; and
- (b) in a case where the award ended during that month, has continued to satisfy the conditions for eligibility for a severe disability premium.”

Consequential Amendments

3.—(1) In article 5A(1) of the Welfare Reform Act 2012 (Commencement No 9 and Transitional and Transitory Provision and Commencement No 8 and Savings and Transitional Provisions (Amendment)) Order 2013(a) before “39” insert “4A of those Regulations (restriction on claims for universal credit by persons entitled to a severe disability premium) or regulation”.

(2) In paragraph (11) of article 6 (transitional provision: claims for housing benefit, income support or a tax credit) of the Welfare Reform Act 2012 (Commencement No 21 and Transitional and Transitory Provisions) Order 2015(b) before “39” insert “4A or”.

(3) In paragraph (2) of article 7 (transitional provision: claims for housing benefit, income support or a tax credit) of the Welfare Reform Act 2012 (Commencement No 23 and Transitional and Transitory Provisions) Order 2015(c) before “39” insert “4A or”.

Signed by authority of the Secretary of State for Work and Pensions

Alok Sharma
Minister of State for Employment
Department for Work and Pensions

11th January 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision restricting claims for universal credit by claimants who are, or have been, in receipt of an existing benefit that includes a severe disability premium.

Regulation 1 provides for citation and commencement.

Regulation 2 contains amendments to the Universal Credit (Transitional Provisions) Regulations 2014 (S.I. 2014/1230, as amended).

Regulation 3 makes consequential amendments that enable those claimants who are prevented from claiming universal credit by virtue of regulation 2 to make a claim for an existing benefit.

An impact assessment has not been produced for this instrument as it has no impact on business and civil society organisations. This instrument has no impact on the public sector.

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- (a) S.I. 2013/983 (C.41). Relevant amending instruments are S.I. 2014/1452 and 2321 and 2017/483.
 - (b) S.I. 2015/33 (C.4). Relevant amending instruments are S.I. 2015/634 and 2017/483.
 - (c) S.I. 2015/634 (C.32). Relevant amending instrument is S.I. 2017/376.

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