STATUTORY INSTRUMENTS

2015 No. 1362

SOCIAL SECURITY

The Universal Credit (Waiting Days) (Amendment) Regulations 2015

Made - - - -	*9th June 2015*
Laid before Parliament	*11th June 2015*
Coming into force - -	*3rd August 2015*

The Secretary of State for Work and Pensions makes the following Regulations, in exercise of the powers conferred by sections 6(1)(c) and (3), 7(3)(a), 32 and 42(2) of, and paragraph 1(1) of Schedule 6 to, the Welfare Reform Act 2012 (**1**).

In accordance with section 172(1) of the Social Security Administration Act 1992(**2**), the Secretary of State has referred the proposals for these Regulations to the Social Security Advisory Committee.

Citation and commencement

1. These Regulations may be cited as the Universal Credit (Waiting Days) (Amendment) Regulations 2015 and come into force on 3rd August 2015.

Universal Credit – waiting days

2.—(1) The Universal Credit Regulations 2013(**3**) are amended as follows—

(a) after regulation 19 (restrictions on entitlement – prisoners etc.) insert—

"**Waiting Days**

19A.—(1) Entitlement to universal credit does not arise in the first 7 days of the period in respect of which the claim is made if—

(a) on the first day of that period ("the relevant date") the claimant, or either of joint claimants, falls within section 22 of the Act (claimants subject to all work-related requirements); and

(b) none of the exceptions in paragraph (3) applies.

(**1**) 2012 c.5.
(**2**) 1992 c.5.
(**3**) S.I. 2013/376

(2) A claimant who may fall outside section 22 of the Act only because they have limited capability for work is to be taken to fall within that section for the purposes of this regulation.

(3) The exceptions are—

(a) where a new award of universal credit is made—

(i) to a single claimant as a consequence of a previous award having ended when the claimant ceased to be a member of a couple or to joint claimants as a consequence of two previous awards having ended when the claimants became a couple; or

(ii) in any other circumstances in which the assessment periods for that award are to begin on the same day of each month as the assessment periods for a previous award (see regulation 21); or

(b) where, on the relevant date, the claimant (or either of joint claimants)—

(i) is terminally ill;

(ii) has recently been a victim of domestic violence (as determined in accordance with regulation 98(2));

(iii) is a care leaver;

(iv) is aged 16 or 17 and without parental support (as determined in accordance with regulation 8(3));

(v) has been a prisoner within the month ending on the relevant date; or

(vi) has been entitled to a jobseeker's allowance or an employment and support allowance within the 3 months ending on the relevant date.

(4) In order to determine whether a single claimant, or either of joint claimants, falls within section 22 of the Act for the purposes of this regulation, the definition of weekly earnings in regulation 90(6) is to be read as if the reference to the current assessment period were a reference to the month that would be the first assessment period of the award if paragraph (1) of this regulation did not apply.";

(b) after regulation 20 (introduction) insert—

"**Awards**

20A. For the purpose of determining, under any legislation, whether a person is entitled to any benefit or other advantage by virtue of having an award of universal credit, save where the contrary intention is expressed in that legislation, a person is not treated as being awarded universal credit in respect of any day on which they are not entitled to universal credit."; and

(c) in regulation 21 (assessment periods) after paragraph (1) insert—

"(1A) Where regulation 19A (waiting days) applies, the first day of entitlement for the purposes of paragraph (1) is the first day after the expiry of the 7 days referred to in paragraph (1) of that regulation.".

(2) After regulation 16 (persons unable to act) of the Universal Credit (Transitional Provisions) Regulations 2014(**4**) insert—

(**4**) S.I. 2014/1230