
STATUTORY INSTRUMENTS

2018 No. 438 (C. 36)

SOCIAL SECURITY

**The Welfare Reform and Work Act 2016 (Commencement
No. 6 and Transitional Provision) Regulations 2018**

Made - - - - *27th March 2018*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 36(6) and (8) of the Welfare Reform and Work Act 2016⁽¹⁾:

Citation

1. These Regulations may be cited as the Welfare Reform and Work Act 2016 (Commencement No. 6 and Transitional Provision) Regulations 2018.

Provisions of the Welfare Reform and Work Act 2016 coming into force on 6th April 2018 and transitional provision

2.—(1) Subject to paragraph (2), subsections (1), (8), (9) and (11) of section 20 of the Welfare Reform and Work Act 2016 (consequential amendments) come into force on 6th April 2018.

(2) The subsections referred to in paragraph (1) are treated as though they are not in force in relation to an existing claimant on any day on which the amendments made by Schedule 5 to the Loans for Mortgage Interest Regulations 2017⁽²⁾ (consequential amendments) are treated as not having effect in relation to that claimant under regulation 19, 19A or 20 of those Regulations (transitional provisions).

(3) In this regulation, “existing claimant” has the same meaning as in regulation 2(1) of the Loans for Mortgage Interest Regulations 2017.

⁽¹⁾ 2016 c. 7.

⁽²⁾ S.I. 2017/725. Regulations 19 and 20 are substituted, regulation 19A is inserted, and regulation 2(1) and Schedule 5 are amended, by S.I. 2018/307.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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

27th March 2018

Kit Malthouse
Parliamentary Under-Secretary of State
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force provisions in the Welfare Reform and Work Act 2016 (c. 7) relating to loans for mortgage interest, subject to a transitional provision.

Regulation 2(1) brings subsections (1), (8), (9) and (11) of section 20 (which contains consequential amendments to primary legislation) into force on 6th April 2018, subject to the transitional provision in regulation 2(2).

The consequential amendments:

- a) repeal section 15A of the Social Security Administration Act 1992 (c. 5), which confers power to make regulations about payment out of benefit of sums in respect of mortgage interest to certain lenders;
- b) amend section 3A(5)(a) of the State Pension Credit Act 2002 (c. 16), which relates to the housing credit element of state pension credit, to omit a reference to mortgage payments (section 3A is not yet in force);
- c) amend section 11(3)(a) of the Welfare Reform Act 2012 (c. 5), which relates to the housing costs element of universal credit, to omit a reference to mortgage payments;
- d) repeal various provisions that relate to payment out of benefit of sums in respect of mortgage interest.

The transitional provision in regulation 2(2) provides that, in relation to an “existing claimant”, subsections (1), (8), (9) and (11) of section 20 are treated as though they are not in force on any day on which, under regulation 19, 19A or 20 of the Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725) (transitional provisions), the amendments made by Schedule 5 to those Regulations (which in particular revoke provisions relating to owner-occupier payments as part of benefits) are treated as not having effect in relation to that claimant.

In the previous paragraph, “existing claimant” means a person who, on 5th April 2018, is entitled to an income-related employment and support allowance, an income-based jobseeker’s allowance, income support, state pension credit or universal credit, where the benefit includes an amount for owner-occupier payments.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Welfare Reform and Work Act 2016 (c. 7) were brought into force by Statutory Instrument before these Regulations were made.

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|-----------------|
| Section 3 | 16th May 2016 | 2016/394 |
| Section 8, so far as not already in force | 7th November 2016 | 2016/910 |
| Section 9(1) to (5), so far as not already in force | 7th November 2016 | 2016/910 |
| Section 10 | 9th June 2016 | 2016/610 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|--------------------------|
| Section 14(1) to (5) | 6th April 2017 | 2017/111 |
| Section 14(6) to (8) | 8th February 2017 | 2017/111 |
| Section 15(1) to (3) | 3rd April 2017 | 2017/111 |
| Section 15(4) to (7) | 8th February 2017 | 2017/111 |
| Sections 16, 17, 18 and 19 | 3rd April 2017 | 2017/111 |
| Section 20 (subsection (2) to (7) and (10)) | 27th July 2017 | 2017/802 |
| Section 21 | 3rd April 2017 | 2017/111 |
| Section 22 | 30th May 2016 | 2016/394 |
| Section 23 (subsections (1), (2) and (5) to (9)) so far as not already in force | 1st April 2016 | 2016/394 |
| Section 24, so far as not already in force | 1st April 2016 | 2016/394 |
| Sections 26 to 32, so far as not already in force | 1st April 2016 | 2016/394 |
| Section 33(1), (2), (3)(a) and (4) to (9), so far as not already in force | 1st April 2016 | 2016/394 |
| Schedule 2 paragraph 8(1), so far as not already in force | 18th March 2016 | 2016/394 |
| Schedule 2, so far as not already in force | 1st April 2016 | 2016/394 |