

# Universal Credit (Application, Advice and Assistance) Bill

---

---

## CONTENTS

- 1 Universal credit initial application period
- 2 Universal credit payment options
- 3 Universal credit application process for persons with terminal illness
- 4 Implicit consent for certain persons providing assistance on behalf of claimants of universal credit
- 5 Equality impact assessment
- 6 Interpretation
- 7 Financial provision
- 8 Extent, commencement and short title

A  
**B I L L**

TO

Reform the Universal Credit application process; to make provision about advice and assistance for claimants, and arrangements for payments; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Universal credit initial application period**

- (1) This administration by the Secretary of State of an initial application for universal credit made under or by virtue of Part 1 of the Welfare Reform Act 2012 must meet the requirements of this section.
- (2) It shall be the duty of the Secretary of State to secure that, except where the conditions in subsection (3) are met, the period of time between a claimant submitting a claim and receiving, in their chosen bank account, the first payment of universal credit should not exceed one calendar month in any case where the application meets the relevant eligibility criteria. 5
- (3) The conditions in this subsection are that the Secretary of State is satisfied that— 10
  - (a) the particular circumstances of the consideration and processing of the application mean that it is not practicable to comply with the duty in subsection (2), and
  - (b) non-compliance with the duty in subsection (2) in those circumstances will not lead to more than 1 per cent of applications in any one six month period not being processed in accordance with the duty in subsection (2). 15
- (4) In any case where subsection (3) applies, the claimant shall be entitled to receive the first payment of universal credit based on an initial period of entitlement, as defined in subsection (5). 20
- (5) An initial period of entitlement means the period of time starting on the day on which an initial application has been submitted by the claimant and ending

with the day on which the first payment of universal credit is received by the claimant.

- (6) A claimant shall not be required to make a request for any payment received under subsection (4).

## **2 Universal credit payment options** 5

- (1) Arrangements for universal credit payments made under or by virtue of Part 1 of the Welfare Reform Act 2012 must meet the requirements of this section.
- (2) Claimants must be provided with information on all payment options during the universal credit application process.
- (3) Information provided under subsection (2) must be provided in such a way that enables the claimant to understand it. 10
- (4) Payment options must include, but shall not be limited to, –
- (a) bimonthly universal credit payments direct to claimants;
  - (b) monthly universal credit payments direct to claimants;
  - (c) monthly payments comprising – 15
    - (i) housing payment direct to a claimant’s landlord, and
    - (ii) universal credit payments, excluding the housing payment, direct to claimants.
- (5) In the case of joint claimants, universal credit payment must be apportioned and paid directly to each person in a couple, subject to the exceptions in subsection (6). 20
- (6) The exceptions are that either –
- (a) joint claimants have provided written consent for their housing payment to go directly to their landlord; or
  - (b) joint claimants have provided written consent that the payment should not be apportioned and paid directly to each person in a couple. 25

## **3 Universal credit application process for persons with terminal illness**

- (1) The handling by the Secretary of State of an application for universal credit made, by a claimant with a terminal illness, under or by virtue of Part 1 of the Welfare Reform Act 2012 must meet the requirements of this section. 30
- (2) A claimant shall be deemed to have a terminal illness for the purpose of this section if a relevant registered medical practitioner has determined that the claimant has a reasonable probability of death within 6 months.
- (3) In this section “relevant registered medical practitioner” means a registered medical practitioner by whom or under whose direction the claimant has been assessed or treated in relation to the terminal illness. 35
- (4) Where a claimant meets the requirements of subsection (2) that person (or a representative on their behalf) shall be entitled to receive, from the relevant registered medical professional, a medical report that includes – 40
- (a) diagnosis and other relevant conditions;
  - (b) information about whether the person is aware of their condition and prognosis, and, where the person is unaware, the name and address of the person’s representative requesting the report;

- (c) clinical features which indicate a severe progressive condition (examination findings and results of investigations including staging if appropriate); and
  - (d) relevant treatment including response and planned treatment or interventions that may significantly alter the prognosis. 5
- (5) Where a claimant has provided, for the purpose of an application of universal credit, a report under subsection (4), the claimant shall –
- (a) not be required to provide further evidence relating to their health,
  - (b) be entitled to receive any universal credit payments, for which they qualify, within two weeks of providing the report, and 10
  - (c) not be required to meet any work-related requirement.

**4 Implicit consent for certain persons providing assistance on behalf of claimants of universal credit**

- (1) A claimant will not be required to provide explicit consent for any Member of Parliament, Member of the Scottish Parliament, or Member of the National Assembly for Wales representing the constituency in which the claimant is ordinarily resident to provide assistance on the claimant’s behalf in relation to an application for universal credit. 15
- (2) The Secretary of State shall by regulations made by statutory instrument provide other relevant individuals or advisory bodies with implicit consent to provide assistance on behalf of claimants of universal credit. 20
- (3) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

**5 Equality impact assessment**

- (1) It shall be the duty of the Secretary of State to conduct an equality impact assessment of – 25
  - (a) the universal credit application process,
  - (b) the arrangements for payments of universal credit,
  - (c) the changes in relation to the matters specified in paragraphs (a) and (b) made by this Act, and 30
  - (d) any further changes in relation to the matters specified in paragraphs (a) and (b).
- (2) Any equality impact assessment under this section must be completed – 35
  - (a) in respect of the matters specified in subsection (1)(a) to (c), within three months of the passing of this Act,
  - (b) in respect of the matters specified in subsection (1)(d), prior to the implementation of the changes.
- (3) In conducting an equality impact assessment under this section, the Secretary of State must consult the Scottish Government and the Welsh Government and have regard to their views. 40
- (4) Any equality impact assessment under this section must be laid before each House of Parliament as soon as practicable after its completion.

## 6 Interpretation

In this Act –

- “claim”, “claimant”, and “joint claimants” have the meaning given by section 40 of the Welfare Reform Act 2012;
- “first payment of universal credit” means the first universal credit payment received by a claimant who has submitted an initial application for universal credit, in respect of that application; 5
- “housing payment” has the meaning given by article 2 of the Rent Officers (Universal Credit Functions) Order 2013;
- “initial application” means an application for universal credit by a claimant that is, at the time of submitting the application, not already receiving any universal credit payments for which they are eligible; 10
- “initial period of entitlement” has the meaning given by section 1(5);
- “joint claimants” has the meaning given by section 39 of the Welfare Reform Act 2012; 15
- “submitting a claim” means the point at which a claimant completes and approves the submission of the completed universal credit form to the Secretary of State, and references to a claim being submitted by a claimant shall be construed accordingly;
- “work-related requirement” has the meaning given by section 13 of the Welfare Reform Act 2012. 20

## 7 Financial provision

*The following are to be paid out of money provided by Parliament –*

- (a) *any expenditure incurred under or by virtue of this Act by the Secretary of State, and* 25
- (b) *any increases attributable to this Act in the sums payable under any other Act out of money so provided.*

## 8 Extent, commencement and short title

- (1) This Act extends to England and Wales and Scotland.
- (2) Sections 1 to 3 of this Act come into force at the end of the period of three months beginning with the day on which this Act is passed. 30
- (3) Sections 4 to 8 this Act come into force on the day on which this Act is passed.
- (4) This Act may be cited as the Universal Credit (Application, Advice and Assistance) Act 2018.

# Universal Credit (Application, Advice and Assistance) Bill

---

---

A

## B I L L

To reform the Universal Credit application process; to make provision about advice and assistance for claimants, and arrangements for payments; and for connected purposes.

*Ordered to be brought in by Dr Philippa Whitford,  
Neil Gray, Drew Hendry,  
Kirsty Blackman, Chris Stephens,  
Alison Thewliss, Frank Field,  
Norman Lamb, Sarah Champion,  
Liz Saville Roberts,  
Paula Sherriff and Lady Hermon.*

---

*Ordered, by The House of Commons,  
to be Printed, 27 November 2017.*

---

© Parliamentary copyright House of Commons 2018  
*This publication may be reproduced under the terms of the Open Parliament Licence, which is published at  
[www.parliament.uk/site-information/copyright](http://www.parliament.uk/site-information/copyright)*

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS