



UC: CLAIMANTS WHO REACH SPC QUALIFYING AGE

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INTRODUCTION

1. This memo gives guidance on the UC (Persons who have attained state pension credit qualifying age) (Amendment) Regulations 2020¹, which came into force on 25.11.20. The memo should be read with Memo DMG 24/20, which gives guidance on the regulations for SPC claimants who are mixed-age couples.

1 UC (SPCQA) Amdt Regs; SI 2020 No. 655

2. The regulations

1. provide for UC entitlement to continue during the whole of the final assessment period in which the claimant reaches SPC qualifying age¹ (see paragraphs 3 - 6)
and

2. make changes to the restrictions on

- 2.1 claims for HB **and**

- 2.2 entitlement to HB and SPC



during the final assessment period in which the UC claimant reaches SPC qualifying age² (see paragraphs 9 - 11) **and**

3. make changes to the restrictions on entitlement to HB and SPC during the first assessment period in which a UC claimant forms a mixed-age couple with a new claimant partner who has reached SPC qualifying age² (see paragraphs 12 - 14).

Note: See DMG 77033 for guidance on SPC qualifying age, ADM E2016 for guidance on UC joint claimants where one member has reached SPC qualifying age, and M5022 for the meaning of new claimant partner.

1 UC (SPCQA) Amdt Regs, reg 4 & 5; 2 reg 6

ENTITLEMENT TO UC, HB AND SPC DURING FINAL UC ASSESSMENT PERIOD

Entitlement to UC

3. A basic condition of entitlement to UC is that the claimant has not reached the qualifying age for SPC¹. When a UC single claimant, or the younger member of a mixed-age couple, reaches SPC qualifying age, the award of UC is superseded and terminated on the grounds of a relevant change of circumstances². Before 25.11.20, the effective date of the supersession was

1. where no advance SPC claim is made, the first day of the assessment period in which the claimant reaches SPC qualifying age³ **or**

2. where the person makes an advance claim for SPC, the date the claimant reaches SPC qualifying age⁴.

1 WR Act 12, s 4(1)(b); SPC Act 02, s 1(6); 2 UC, PIP, JSA & ESA (D&A) Regs, reg 23(1); 3 reg 35(1) & Sch 1 para 20; 4 Sch 1 para 26; UC Regs, reg 47(7)

4. From 25.11.20, when a UC award is superseded because the claimant reaches the qualifying age for SPC, the effective date of the decision is the first day of the assessment period after the assessment period in which the change occurs¹. This applies whether or not the person makes a claim for SPC. The guidance at A4238 and B1027 is **cancelled** and should no longer be followed.

1 UC, PIP, JSA & ESA (D&A) Regs, Sch 1 para 26

5. The guidance at paragraph 4 applies where the UC claimant who reaches SPC qualifying age is



1. a single claimant **or**
2. the younger member of a mixed-age couple.

Note: See paragraphs 7 – 8 below and Memo DMG 24/20 for guidance on claims for SPC where a UC award ends when a mixed-age couple separates, or the younger member of a mixed-age couple dies.

6. The change means that UC continues in payment for the whole assessment period during which the claimant or younger member of a mixed-age couple reaches SPC qualifying age.

Example

Norman and Audrey are UC joint claimants. Their assessment period begins on the 4th of every month. Audrey has already reached SPC qualifying age. Norman reaches SPC qualifying age on 7.12.20. Audrey and Norman's award of UC is superseded and terminated from 4.1.21.

Mixed-age couple ends through separation or bereavement

7. Where a mixed-age couple separates, the guidance at paragraph 4 does **not** apply. The UC award to joint claimants ends from the beginning of the assessment period in which that change occurs¹ – see A4223. See Memo DMG 24/20 for guidance on claims for SPC by the member of the mixed-age couple who has reached SPC qualifying age.

1 UC, PIP, JSA & ESA (D&A) Regs, Sch 1, Part 3, para 20

8. Where the younger member of a mixed-age couple dies, the older member may continue to be entitled to UC for a further two assessment periods after the assessment period in which the death occurs¹ – see E2182 (run-on after death). The guidance at paragraph 4 does **not** apply. The UC award ends at the end of

1. the period of run-on after death **or**
2. the assessment period before the assessment period in which the older member states that they wish to relinquish UC if earlier.

Note: See Memo DMG 24/20 for guidance on claims for SPC by the surviving member of the mixed-age couple.

1 UC Reg 3(2)(a) & 37(a); UC, PIP, JSA & ESA (C&P) Reg 9(1)



Claims for HB

9. Normally a UC claimant is precluded from claiming HB¹ – see M6020 - M6022. However, there are exceptions to this² – see M6023. From 25.11.20 the exceptions include a claim for pension age HB by a UC claimant who reaches the SPC qualifying age and whose award of UC ends as in paragraph 4³.

*1 UC (TP) Regs, reg 6(1); 2 reg 6(5)-(9);
3 reg 6(8A); UC, PIP, JSA & ESA (D&A) Regs, Sch 1 para 26; HB (SPC) Regs*

Entitlement to HB and SPC

10. Normally a UC claimant is not entitled to HB or SPC for any period of UC entitlement¹ – see M6010. However, there are exceptions² to this – see M6011. From 25.11.20 the exceptions include entitlement to HB and SPC for UC claimants who reach the qualifying age for SPC, and whose UC awards terminate as in paragraph 4³.

*1 UC (TP) Regs, reg 5(1)(b) & (d); 2 reg 5(2);
3 reg 5(2)(c); UC, PIP, JSA & ESA (D&A) Regs, Sch 1 para 26; HB (SPC) Regs; SPC Act 02*

11. DMs are reminded that SPC is not retirement pension income and, as with HB, is not taken into account as unearned income for the purposes of UC¹ – see H5002 - H5003. The guidance at M6130 does not apply, as the claimant remains entitled to SPC or HB.

1 UC Regs, reg 66(1) & 67

ENTITLEMENT TO HB AND SPC DURING FIRST UC ASSESSMENT PERIOD

12. Normally a UC claimant is not entitled to HB or SPC for any period of UC entitlement¹ – see M6010. However, there are exceptions to this during the first UC assessment period where the claimant is a new claimant partner² – see M6011.

Note: See M5022 for the meaning of new claimant partner.

1 UC (TP) Regs, reg 5(1); 2 reg 5(2)

13. From 25.11.20 the exceptions include where the new claimant partner

1. has reached SPC qualifying age **and**
2. is entitled to an award of pension age HB or SPC



and the award of pension age HB or SPC ends after the first day of entitlement¹.

Note: See M6101 - M6102 and M6104 and paragraph 14 for guidance on when a pension age HB award terminates when a new claimant partner forms a couple with a UC claimant.

1 UC (TP) Regs, reg 5(2)(b)(ii) & (iv) and 7(5)(b) & (c); SPC Act 02; HB (SPC) Regs

Example

Sarah has been entitled to UC as a single claimant since 10.11.18. On 28.1.21 she joins her partner Lee who has reached the qualifying age for SPC, and is entitled to SPC and pension age HB. Sarah and Lee are treated as claiming UC as joint claimants from 10.1.21, the first day of the assessment period in which they formed a couple. Lee is paid SPC in arrears, so his award of SPC ends with effect from the first day of the SPC benefit week which includes 28.1.21 (the day on which they formed a couple). His award of pension age HB ends with effect from the first day of the HB benefit week following the benefit week which includes 28.1.21. The awards of HB and SPC do not affect the amount of UC entitlement.

Termination of HB award

14. Normally an award of HB terminates on the day before the first day of UC entitlement as joint claimants, where a new claimant partner forms a couple with a UC claimant, and they are treated as claiming UC¹. M6104 gives guidance on exceptions to this². From 25.11.20, this includes an award of pension age HB made to the new claimant partner who has reached the SPC qualifying age³. Instead, the award ends from the first day of the benefit week following the benefit week in which the couple forms⁴.

*1 UC (TP) Regs, reg 7(2); 2 reg 7(5)(a) & (b); 3 reg 7(5)(c); HB (SPC) Regs; 4 reg 59(8);
HB & CTB (D&A) Regs, reg 8(2)*

ANNOTATIONS

Please annotate the number of this memo (Memo ADM 28/20) against the following ADM paragraphs:

A4238, B1027, M6010 heading, M6020 heading, M6104

Memo DMG 24/20



CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in Memo ADM [7/19](#) Requesting case guidance from DMA Leeds for all benefits.

DMA Leeds: December 2020

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