
EXPLANATORY NOTE

(This note is not part of the Order)

This Order commences provisions of the Welfare Reform Act 2012 (c.5) (“the Act”) that relate to universal credit (“UC”) and the abolition of income-related employment and support allowance and of income-based jobseeker’s allowance, by reference to the cases set out in articles 3 and 4. It also amends certain transitional provisions in the Welfare Reform Act 2012 (Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions (Amendment)) Order 2013 (S.I. 2013/ 983, C.41) (“the No. 9 Order”).

An award of an employment and support allowance (“ESA”) under Part 1 of the Welfare Reform Act 2007 (c.5) in a case where income-related employment and support allowance has been abolished is referred to as a “new style ESA award” and an award of a jobseeker’s allowance (“JSA”) under the Jobseekers Act 1995 (c.18) (“the 1995 Act”) in a case where income-based jobseeker’s allowance has been abolished is referred to as a “new style JSA award”.

An award of ESA under Part 1 of the Welfare Reform Act 2007 (“the 2007 Act”) in a case where income-related employment and support allowance has not been abolished is referred to as an “old style ESA award” and an award of JSA under the Jobseekers Act 1995 in a case where income-based jobseeker’s allowance has not been abolished is referred to as an “old style JSA award”.

Article 3 brings into force provisions relating to UC in Part 1 of the Act, as set out in Schedule 2 to the No. 9 Order (“the UC provisions”) in relation to four different cases.

The case in article 3(2)(a) relates to the making of a claim for UC on or after 1st July 2013 in respect of a period that begins on or after 1st July 2013 where a person resides in a “No. 2 relevant district” at the time that the claim is made (the “No. 2 relevant districts” are described in Part 1 of the Schedule). Other conditions (“Pathfinder Group conditions”) for making a claim for UC are set out in the Universal Credit (Transitional Provisions) Regulations 2013 (S.I. 2013/386).

The case in article 3(2)(b) relates to the making of a claim for UC where a person claims UC on or after 1st July 2013 in respect of a period that begins on or after 1st July 2013 and provides incorrect information as to their residence in a No. 2 relevant district, but this is only discovered once payments of UC have been made.

The cases in article 3(2)(c) and (d) relate, respectively, to the making of a claim for UC on or after 29th July 2013 in respect of a period that begins on or after 29th July 2013 where a person resides in a “No. 3 relevant district” at the time that the claim is made (the “No. 3 relevant districts” are described in Part 2 of the Schedule) and to the making of a claim for UC on or after 29th July 2013 where a person claims UC in respect of a period that begins on or after 29th July 2013 and provides incorrect information as to their residence in a No. 3 relevant district.

Under article 3(3), the day appointed for the commencement of the UC provisions in the above cases is the first day of the period in respect of which the claim is made or treated as made.

Article 3(4) and (5) applies the provisions of article 3(5) and (6) of the No. 9 Order to the cases in article 3(2)(a) to (d) of this Order.

Article 4(1) brings into force provisions relating to the abolition of income-related employment and support allowance and of income-based jobseeker’s allowance (“the amending provisions”), where one of four different cases applies.

Under article 4(2)(a), the amending provisions come into force in relation to a claim for UC, ESA or JSA, and any award that is made in respect of the claim, where a person claims UC, ESA or JSA on

Status: This is the original version (as it was originally made).

or after 1st July 2013 in respect of a period that begins on or after 1st July 2013 and, at the time that the claim is made, resides in a No. 2 relevant district and meets the Pathfinder Group conditions.

Under article 4(2)(b), the amending provisions come into force in relation to a claim for UC and any award that is made in respect of the claim where a person claims UC on or after 1st July 2013 in respect of a period that begins on or after 1st July 2013 and provides incorrect information as to their residence in a No. 2 relevant district, or as to their meeting the Pathfinder Group conditions, but this is only discovered once payments of UC have been made.

Articles 4(2)(c) and (d) make identical provision to articles 4(2)(a) and (b) with respect to claims that are made on or after 29th July 2013 in respect of a period that begins on or after 29th July 2013 and with respect to residence in a No. 3 relevant district.

Under article 4(3), the day appointed for the coming into force of the amending provisions in the above cases is the first day of the period in respect of which the claim is made or treated as made.

Article 4(4) to (6) applies the provisions of article 4(4) and (5) and article 5 of the No. 9 Order to the cases in article 4(2).

Article 5 provides that articles 6 and 9 to 22 of the No. 9 Order apply in relation to the case of a claim referred to in article 4(2), and any award made in respect of the claim, as they apply in relation to the case of a claim referred to in article 4(2)(a) and (b) of the No. 9 Order, and any award made in respect of the claim.

Article 6 amends article 7 of the No. 9 Order (claimant responsibilities with respect to ESA and JSA) with respect to certain cases that are to occur after the Order is made. In relation to the case where, under any secondary legislation, Part 1 of the 2007 Act or the 1995 Act applies in relation to a new style ESA award or a new style JSA award respectively as though the amending provisions had not come into force, the amendments clarify the Acts that are to apply in relation to such an award as though the provisions referred to in article 7(1) of the No. 9 Order had not come into force.

Article 7 amends Schedule 4 to the No. 9 Order to ensure consistency between the wording of section 1 and 1A of the Welfare Reform Act 2007 (c.5) as modified by the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit)(Existing Awards) (No.2) Regulations 2010, and the wording of that Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance.

Articles 8 to 11 amend articles 10 and 11 of the No. 9 Order, and substitute new articles 12 and 13 of the No. 9 Order (transition from old style ESA to new style ESA and vice versa, and old style JSA to new style JSA and vice versa) with respect to claims that are made on or after 1st July 2013 and awards of old style ESA or JSA that continue as awards of new style ESA or JSA (or vice versa) on or after that date. The amendments clarify the cases to which the modifications made by those articles apply and provide for additional modifications of legislation relating to ESA and JSA.