
STATUTORY INSTRUMENTS

2014 No. 1452

**The Welfare Reform Act 2012 (Commencement
No. 9, 11, 13, 14 and 16 and Transitional and
Transitory Provisions (Amendment)) Order 2014**

PART 3

AMENDMENT OF THE NO. 11, 13, 14 AND 16 ORDERS

Amendment of the No. 16 Order

21.—(1) Where article 3 applies, the No. 16 Order is amended as follows.

(2) In article 2 (interpretation)—

(a) in paragraph (1)—

(i) after the definition of “the amending provisions” insert—

““claimant”, in relation to an employment and support allowance or a jobseeker’s allowance, has the same meaning as in Part 1 of the 2007 Act and the 1995 Act (as it applies apart from the amendments made by Part 1 of Schedule 14 to the Act that remove references to an income-based jobseeker’s allowance) respectively and, in relation to universal credit, has the same meaning as in Part 1 of the Act;”;

(ii) after the definition of “employment and support allowance”, insert—

““First-tier Tribunal” has the same meaning as in the Social Security Act 1998; “gateway conditions” means the conditions referred to in Schedule 5 to the No. 9 Order;”; and

(iii) at the end insert—

““Upper Tribunal” has the same meaning as in the Social Security Act 1998.”; and

(b) for paragraph (2) substitute—

“(2) For the purposes of this Order, the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 apply for the purpose of deciding—

(a) whether a claim for universal credit is made; and

(b) the date on which such a claim is made.”.

(3) In article 3 (day appointed for commencement of the universal credit provisions in Part 1 of the Act)—

(a) for paragraph (2) substitute—

“(2) The claims referred to are—

- (a) a claim for universal credit where, on the date on which the claim is made or treated as made, the claimant resides in one of the No. 6 or No. 7 relevant districts and meets the gateway conditions; and
- (b) a claim for universal credit where—
 - (i) the claimant gives incorrect information regarding the claimant residing in a No. 6 or a No. 7 relevant district or meeting the gateway conditions and does not reside in such a district or does not meet the gateway conditions on the date on which the claim is made; and
 - (ii) after a decision is made that the claimant is entitled to universal credit and one or more payments have been made in respect of the claimant, the Secretary of State discovers that incorrect information regarding residence or meeting the gateway conditions has been given.”;
- (b) omit paragraph (4);
- (c) after paragraph (5), insert—

“(6) Article 3A of the No. 9 Order applies in connection with a claim for universal credit where a claimant makes an incorrect statement regarding the claimant residing in a No. 6 or a No. 7 relevant district or meeting the gateway conditions, as it applies in connection with an incorrect statement regarding the claimant residing in a relevant district (as defined in the No. 9 Order) or meeting the gateway conditions.”.
- (4) For article 4 (day appointed for the abolition of income-related employment and support allowance and income-based jobseeker’s allowance) substitute—

“4.—(1) The day appointed for the coming into force of the amending provisions, in relation to the case of a claim referred to in paragraph (2) and any award that is made in respect of the claim, is the day appointed in accordance with paragraph (3).

(2) The claims referred to are—

 - (a) a claim for universal credit, an employment and support allowance or a jobseeker’s allowance where, on the date on which the claim is made, the claimant—
 - (i) resides in one of the No. 6 or No. 7 relevant districts; and
 - (ii) meets the gateway conditions;
 - (b) a claim for universal credit where—
 - (i) the claimant gives incorrect information regarding the claimant residing in a No. 6 or a No. 7 relevant district or meeting the gateway conditions and does not reside in such a district or does not meet the gateway conditions on the date on which the claim is made; and
 - (ii) after a decision is made that the claimant is entitled to universal credit and one or more payments have been made in respect of the claimant, the Secretary of State discovers that incorrect information has been given regarding residence or meeting the gateway conditions; and
 - (c) a claim for an employment and support allowance or a jobseeker’s allowance that does not fall within sub-paragraph (a) and that is made during the relevant period by a claimant of universal credit who has made a claim for universal credit within sub-paragraph (a) or (b).

(3) The day appointed in relation to the case of a claim referred to in paragraph (2), and any award that is made in respect of the claim, is the first day of the period in respect of which the claim is made.

(4) For the purposes of paragraph (2)(c), “relevant period” means, in relation to a claim for universal credit referred to in paragraph (2)(a) or (b), any UC claim period, and any period subsequent to any UC claim period in respect of which the claimant is entitled to an award of universal credit in respect of the claim.

(5) For the purposes of paragraph (4), a “UC claim period” is a period when—

(a) a claim for universal credit as referred to in paragraph (2)(a) or (b) has been made but a decision has not yet been made on the claim; or

(b) a decision has been made that the claimant is not entitled to universal credit and—

(i) the Secretary of State is considering whether to revise that decision under section 9 of the Social Security Act 1998, whether on an application made for that purpose, or on the Secretary of State’s own initiative; or

(ii) the claimant has appealed against that decision to the First-tier Tribunal and that appeal or any subsequent appeal to the Upper Tribunal or to a court has not been finally determined.

(6) Paragraphs (6) and (7) of article 4 of the No. 9 Order apply in relation to the case of a claim for universal credit referred to in paragraph (2) (and any award that is made in respect of the claim) as they apply in relation to the case of a claim for universal credit referred to in sub-paragraphs (a) and (b) of article 4(2) of the No. 9 Order (and any award that is made in respect of the claim).

(7) Article 5(1) of the No. 9 Order applies for the purposes of paragraph (2)(a) as it applies for the purposes of article 4(2)(a) of the No. 9 Order.

(8) Paragraphs (5) to (7) of article 5 of the No. 9 Order apply for the purposes of sub-paragraphs (a) and (c) of paragraph (2) as they apply for the purposes of paragraphs (a) and (g) of article 4(2) of the No. 9 Order.

(9) Article 5(8) of the No. 9 Order applies for the purposes of paragraph (3) as it applies for the purposes of article 4(3)(a) of the No. 9 Order.”.

(5) In article 5 (application of the No. 9 Order), for “Articles 6 and” substitute “Articles”.