
STATUTORY INSTRUMENTS

2014 No. 1661

The Welfare Reform Act 2012 (Commencement No. 9, 11, 13 14, 16 and 17 and Transitional and Transitory Provisions (Amendment)) Order 2014

Amendment of the No. 14 Order

- 7.—(1) With effect from 30th June 2014, the No. 14 Order is amended as follows—
- (a) in article 2(1) (interpretation)(1), in the definition of “claimant”, for “2007 Act” substitute “Welfare Reform Act 2007” and for “1995 Act” substitute “Jobseekers Act 1995”; and
 - (b) in article 3(3) (day appointed for commencement of the universal credit provisions in Part 1 of the Act), omit “or treated as made”.
- (2) Where article 3 applies, the No. 14 Order is amended as set out in paragraphs (3) to (6).
- (3) In article 2 (interpretation)—
- (a) in paragraph (1)—
 - (i) for the definition of “gateway conditions” substitute—

““gateway conditions” means the conditions specified in Schedule 5 to the No. 9 Order as if the amendments referred to in paragraph (3) were made;”;
 - (ii) after the definition of “jobseeker’s allowance” insert—

““joint claimants” in relation to universal credit, has the same meaning as in Part 1 of the Act;”;
 - (iii) after the definition of “the No. 9 Order” insert—

““single claimant”, in relation to universal credit, has the same meaning as in Part 1 of the Act;”;
 - (b) after paragraph (2) insert—

“(3) The amendments of Schedule 5 to the No. 9 Order referred to are—

 - (a) omit paragraph 1(b);
 - (b) for paragraph 4 substitute—

“4.—(1) If the claimant is a single claimant, the claimant must declare that, during the period of one month starting with the date on which the claim for universal credit is made, the claimant’s earned income is expected not to exceed £330.

(2) If the claim for universal credit is made by a couple as joint claimants, they must declare that, during the period of one month starting with the date on which the claim is made—

 - (a) in relation to each member of the couple, the earned income of that member is expected not to exceed £330; and

- (b) the couple's total earned income is expected not to exceed £525.
- (3) If the claimant is a single claimant and is not a member of a couple, the claimant's capital must not exceed £6,000.
- (4) If the claimant is a single claimant and is a member of a couple, the couple's total capital must not exceed £6,000.
- (5) If the claim for universal credit is made by a couple as joint claimants, the couple's total capital must not exceed £6,000.
- (6) For the purposes of this paragraph, "couple" has the same meaning as it has in section 39 of the Act and "earned income" and "capital" have the same meanings as they have in Part 6 of the Universal Credit Regulations."; and
- (c) paragraph 8 becomes sub-paragraph (1) of paragraph 8 and—
 - (i) in sub-paragraph (1) (as so numbered), after "4(1)" insert ", 4(2)"; and
 - (ii) after sub-paragraph (1) (as so numbered), insert—
 - "(2) A declaration which is required by paragraph 4(2) in relation to a couple may be made on behalf of the couple by both members of the couple or by either of them.".
- (4) In article 3 (day appointed for commencement of the universal credit provisions in Part 1 of the Act)(2)—
 - (a) for paragraph (2)(b) substitute—
 - "(b) a claim for universal credit where—
 - (i) in the case of a single claimant, the claimant gives incorrect information regarding the claimant residing in a No. 5 relevant district or meeting the gateway conditions and the claimant does not reside in such a district or does not meet the gateway conditions on the date on which the claim is made;
 - (ii) in the case of joint claimants, either or both of the joint claimants gives or give incorrect information regarding his or her (or their) residing in such a district or meeting the gateway conditions and one or both of them does not or do not reside in such a district or does not or do not meet those conditions on the date on which the claim is made; and
 - (iii) after a decision is made that the single claimant is, or the joint claimants are, entitled to universal credit and one or more payments have been made in respect of the single claimant or the joint claimants, the Secretary of State discovers that incorrect information has been given regarding residence or meeting the gateway conditions."; and
 - (b) for paragraph (6) substitute—
 - "(6) Article 3A of the No. 9 Order applies in connection with a claim for universal credit where a single claimant, or, as the case may be, either or both of joint claimants, gives incorrect information regarding his or her (or their) residing in a No. 5 relevant district or meeting the gateway conditions, as it applies in connection with the giving of incorrect information regarding a claimant residing in a relevant district (as defined in the No. 9 Order) or meeting the gateway conditions, but as if article 3A was amended as follows—
 - (a) for paragraph (1) substitute—
 - (1) This article applies where a claim for universal credit is made and it is subsequently discovered that the single claimant or either or both of two joint claimants gave incorrect

information regarding his or her (or their) residing in a No. 5 relevant district or meeting the gateway conditions and the conditions referred to in paragraph (1A) are met.

(1A) The conditions referred to are that, on the date on which the claim was made, the claimant—

- (a) did not reside in a No. 5 relevant district (unless paragraph (1B) applies); or
- (b) did reside in a No. 5 relevant district and did not meet the gateway conditions.

(1B) This paragraph applies where the claimant resided in an area apart from the No. 5 relevant district with respect to which the provisions of the Act referred to in Schedule 2 to the No. 9 Order were in force in relation to a claim for universal credit and the conditions (if any) that applied to such a claim, for those provisions to come into force, were met.”; and

- (b) in paragraph (2)(b), (c) and (d), after “the claimant”, where it first occurs, insert “(or, in the case of joint claimants, either of them)”.

(5) In article 4 (day appointed for the abolition of income-related employment and support allowance and income-based jobseeker’s allowance)(3)—

(a) for paragraph (2)(b) and (c) substitute—

“(b) a claim for universal credit where—

- (i) in the case of a single claimant, the claimant gives incorrect information regarding the claimant residing in a No. 5 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;
- (ii) in the case of joint claimants, either or both of the joint claimants gives or give incorrect information regarding his or her (or their) residing in such a district or meeting those conditions and one or both of them does not or do not reside in such a district or does not or do not meet those conditions on the date on which the claim is made; and
- (iii) after a decision is made that the single claimant is, or the joint claimants are, entitled to universal credit and one or more payments have been made in respect of the single claimant or the joint claimants, the Secretary of State discovers that incorrect information has been given regarding residence or meeting the gateway conditions;

(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 single claimant of universal credit or by either of two joint claimants of universal credit who has or have made a claim for universal credit within sub-paragraph (a) or (b).”;

(b) in paragraph (5)(a), for “or (b)” substitute “, (b)(i) or (ii)”;

(c) for paragraph (7) substitute—

“(7) In determining, for the purposes of paragraph (2)(a), whether a claim for an employment and support allowance or a jobseeker’s allowance meets the gateway conditions, Schedule 5 to the No. 9 Order, as it has effect under article 2(1), is to be read as though—

- (a) any reference in the Schedule to making a claim for universal credit included a reference to making a claim for an employment and support allowance or a jobseeker’s allowance as the case may be; and

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(b) the reference in paragraph 4 of Schedule 5 to a single claimant, or to joint claimants, of universal credit was construed as a reference to a person who would be a single claimant of universal credit or to persons who would be joint claimants of universal credit, if the claimant of an employment and support allowance or a jobseeker's allowance had made a claim for universal credit.”

(6) In article 5 (application of the No. 9 Order)(4), for “article 4(2)(a) and (b)” substitute “sub-paragraphs (a), (b) and (g) of article 4(2)”.