STATUTORY INSTRUMENTS

2016 No. 33

The Welfare Reform Act 2012 (Commencement No. 26 and Transitional and Transitory Provisions and Commencement No. 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2016

Day appointed for the abolition of income-related employment and support allowance and income-based jobseeker's allowance

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 that is made on or after 27th January 2016 in respect of a period that begins on or after 27th January 2016 where, on the date on which the claim is made, the claimant resides in one of the Part 1 designated postcodes;

(b) a claim for universal credit that is made on or after 24th February 2016 in respect of a period that begins on or after 24th February 2016 where, on the date on which the claim is made, the claimant resides in one of the Part 2 designated postcodes;

(c) a claim for universal credit that is made on or after the date referred to in either sub-paragraph (a) or (b), in respect of a period that begins on or after that date where—

(i) in the case of a single claimant, the claimant gives incorrect information regarding the claimant residing in a postcode as referred to in the sub-paragraph in question and the claimant does not reside in such a postcode 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 postcode and one or both of them does not or do not reside in such a postcode on the date on which the claim is made,

and 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;

(d) a claim for an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 27th January 2016 where, on the date on which the claim is made or treated as made, the claimant resides in one of the Part 1 designated postcodes;

(e) a claim for an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 24th February 2016 where, on the date on which the claim is made or treated as made, the claimant resides in one of the Part 2 designated postcodes;

(f) a claim for an employment and support allowance or a jobseeker's allowance other than one referred to in sub-paragraphs (d) and (e) that is made or treated as 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 any of sub-paragraphs (a) to (c).

(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)(f), "relevant period" means, in relation to a claim for universal credit within any of sub-paragraphs (a) to (c) of paragraph (2), 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 within either sub-paragraph (a) or (b) of paragraph (2), or within sub-paragraph (c)(i) or (ii) of that paragraph, 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(**1**), 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(**2**).

(6) Paragraphs (6), (7), (9) and (10) of article 4 of the No. 9 Order(**3**) apply in relation to 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 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) Paragraphs (1A) and (1B) of article 5 of the No. 9 Order(**4**) apply for the purposes of sub-paragraphs (d) and (e) of paragraph (2) as they apply for the purposes of article 4(2)(a) of the No. 9 Order (but as if the references in paragraph (1A) to Schedule 5 to the No. 9 Order were omitted).

(8) 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.

(**1**) 1998 c. 14.
(**2**) *See* section 3 of the Tribunals, Courts and Enforcement Act 2007 (c. 15) as to the meaning of "First-tier Tribunal" and "Upper Tribunal".
(**3**) Paragraphs (9) and (10) of article 4 were inserted by S.I. 2015/32 (C. 3) as amended by S.I. 2015/101 (C. 6).
(**4**) Article 5 was substituted by S.I. 2014/1452 (C. 56) and amended by S.I. 2014/1923 (C. 88); paragraphs (1) to (1B) of article 5 were inserted by S.I. 2014/3067 (C. 129).