

2013 No. 2657 (C. 107)

SOCIAL SECURITY

The Welfare Reform Act 2012 (Commencement No. 13 and Transitional and Transitory Provisions) Order 2013

Made - - - -

14th October 2013

The Secretary of State, in exercise of the powers conferred by section 150(3) and (4)(a), (b)(i) and (c) of the Welfare Reform Act 2012(a), makes the following Order:

Citation

1. This Order may be cited as the Welfare Reform Act 2012 (Commencement No. 13 and Transitional and Transitory Provisions) Order 2013.

Art. 2 has been amended by the following S.I. 2014/3067. These amendments are subject to transitional provisions where a claim is made or treated as made, or, awarded, before 17.11.14. Refer to art. 3 of the respective S.I. for when to apply.

Interpretation

2.—(1) In this Order—

“the Act” means the Welfare Reform Act 2012;

“the amending provisions” means the provisions referred to in article 4(1)(a) to (c) of the No. 9 Order (day appointed for the abolition of income-related employment and support allowance and income-based jobseeker’s allowance);

▶¹“claimant”, in relation to an employment and support allowance or a jobseeker’s allowance, has the same meaning as in Part 1 of the ▶²Welfare Reform Act 2007◀ and the ▶²Jobseekers Act 1995◀ (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;◀

“employment and support allowance” means an employment and support allowance under Part 1 of the Welfare Reform Act 2007(b);

▶¹“First-tier Tribunal” has the same meaning as in the Social Security Act 1998;

▶³“gateway conditions” means the conditions specified in Schedule 5 to the No. 9 Order(c);◀

“jobseeker’s allowance” means a jobseeker’s allowance under the Jobseekers Act 1995(d);

▶²“joint claimants” in relation to universal credit, has the same meaning as in Part 1 of the Act;◀

“No. 4 relevant districts” means the postcode part-districts specified in the Schedule;

“the No. 9 Order” means 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(e).

¹Defn. of “claimant”, First-tier Tribunal”, “Upper Tribunal” & “gateway conditions” inserted in art. 2(1) & para. (2) substituted by art. 19(2)(a)-(b) of S.I. 2014/1452. See art. 3 to this S.I. for when to apply.

²Words in defn. of “claimant” substituted, & defn. of “joint claimants” inserted by art. 6(a) & (3)(a) of S.I. 2014/1661 as from 30.6.14. (See art. 3 for when to apply).

³Defn. of “gateway conditions” substituted by art. 7(2)(a) of S.I. 2014/1923 as from 28.7.14. (See art. 4 for when to apply).

(a) 2012 c. 5.

(b) 2007 c. 5.

(c) Schedule 5 was inserted by S.I. 2014/1452 (c. 56) and amended by S.I. 2014/1661 (c. 69); it is further amended by article 4 of this Order.

(d) 1995 c. 18.

(e) S.I. 2013/983 (C. 41).

Arts. 2-3

¹Defns. of “single claimant” inserted by art. 6(3)(a) of S.I. 2014/1661 as from 30.6.14. (See art. 3 for when to apply).

²Defn. of “Upper Tribunal” inserted in art. 2(1) & para. (2) substituted by art. 19(2)(a)-(b) of S.I. 2014/1452. See art. 3 to this S.I. for when to apply.

³Art. 2(2) substituted but kept in force for certain situations. (See art. 3 to S.I. 2014/1452 for when to apply).

⁴Art. 2(3) & (4) omitted by art. 7(2)(b) of S.I. 2014/1923 as from 28.7.14. (See art. 3 for when to apply).

⁵Art. 3(2) substituted, para. (4) omitted by art. 19(3)(a) & (b) of S.I. 2014/1452. See art. 3 to this S.I. for when to apply.

⁶Art. 3(2)(b) substituted by art. 6(3)(b) & (4)(a) of S.I. 2014/1661 as from 30.6.14. (See art. 3 for when to apply).

⁷Words omitted in art. 3(3) by art. 6(1)(b) of S.I. 2014/1661 as from 30.6.14.

⁸Art. 3(6) substituted by art. 7(3), of S.I. 2014/1923 as from 28.7.14. (See art. 3 of this S.I. for when to apply).

►¹“single claimant”, in relation to universal credit, has the same meaning as in Part 1 of the Act;◀

►²“Upper Tribunal” has the same meaning as in the Social Security Act 1998.◀

►³(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.◀

►⁴◀

Day appointed for commencement of the universal credit provisions in Part 1 of the Act

3.—(1) The day appointed for the coming into force of the provisions of the Act listed in Schedule 2 to the No. 9 Order, in so far as they are not already in force, 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).

►⁵(2) The claim referred to are–

(a) a claim for universal credit where, on the date on which the claim is made, the claimant resides in one of the No. 4 relevant districts and meets the gateway conditions; and

►⁶(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. 4 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.◀

(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 ►⁷◀.

(4) ►⁵◀

(5) Article 3(6) of the No. 9 Order applies for the purposes of paragraph (3) as it applies for the purposes of article 3(4)(a) of the No. 9 Order.

►⁸(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. 4 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.◀

Art. 4 has been amended by the following S.I. 2014/3067. These amendments are subject to transitional provisions where a claim is made or treated as made, or, awarded, before 17.11.14. Refer to art. 3 of the respective S.I. for when to apply.

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

4.—(1) ¹The 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).

¹Art. 4 substituted by art. 19(4) of S.I. 2014/1452. (See art. 3 to this S.I. for when to apply).

(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 ²or treated as made ⁴, the claimant—
 - (i) resides in one of the No. 4 relevant districts; and
 - (ii) meets the gateway conditions;
- ³(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. 4 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 claimant, the Secretary of State discovers that incorrect information has been given regarding residence or meeting the gateway conditions; ⁴
- ²(c) a claim for an employment and support allowance or a jobseeker's allowance other than one referred to in sub-paragraph (a) 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 sub-paragraph (a) or (b). ⁴

²Words in 4(2)(a) & (c) inserted & substituted by art. 7(4)(a) & (b) of S.I. 2014/1923 as from 28.7.14. (See art. 3 of this S.I. for when to apply).

³Art. 4(2)(b) & words in (5)(a) substituted by art. 6(5)(a) & (b) of S.I. 2014/1661 as from 30.6.14. (See art. 3 for when to apply).

(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) ³, (b)(i) or (ii) ⁴ 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.

Arts. 4-6

¹Words in art. 4(6) substituted by art. 9 of S.I. 2015/32 as from 26.1.15.

(6) Paragraphs ►¹(6) to (9)◄ 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).

²Art. 4(7) substituted by art. 7(4)(c) of S.I. 2014/1923 as from 28.7.14. (See art. 3 for when to apply).

►²(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 that 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 sub-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.◄

Amendment of the No. 9 Order**5. With effect from 29th October 2013–**

- (a) in article 11(2)(f)(ii) of the No. 9 Order, for “paragraph (2)(b)(iii)” substitute “paragraph (4)(c)”; and
- (b) in article 5 of the Welfare Reform Act 2012 (Commencement No. 11 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2013(a), the reference to article 11 of the No. 9 Order is a reference to article 11 as amended by paragraph (a).

Application of the No. 9 Order

³Words in art. 6 substituted by art. 19(5) of S.I. 2014/1452. (See art. 3 to this S.I. for when to apply).

6. ►³Articles◄ 9 to 22 of the No. 9 Order(b) apply in connection with the coming into force of the amending provisions 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 connection with the coming into force of the amending provisions in relation to the case of a claim referred to in ►⁴sub-paragraphs (a), (b) and (g) of article 4(2)◄ of the No. 9 Order and any award made in respect of the claim.

⁴Words in art. 6 substituted by art. 6(6) of S.I. 2014/1661 as from 30.6.14. (See art. 3 for when to apply).

Signed by authority of the Secretary of State for Work and Pensions.

14th October 2013

Freud
Parliamentary Under Secretary of State.
Department for Work and Pensions

(a) S.I. 2013/1511 (C. 60).

(b) Articles 10 to 13 of, and Schedule 4 (which takes effect under article 9) to, the Order were amended by S.I. 2013/1511 (C. 60); article 11 of the Order was amended by article 5 of this Order.

SCHEDULE

Article 2(1)

The No. 4 relevant districts

1. M35 5.
2. W6 0.
3. W6 6 to W6 9.
4. W14 0.
5. W14 4.
6. W14 8 and W14 9.
7. WN1 3.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force 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 income-based jobseeker’s allowance, by reference to the cases set out in articles 3 and 4. It also amends a transitional provision 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”).

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 two different cases.

The case in article 3(2)(a) relates to the making of a claim for UC on or after 28th October 2013 in respect of a period that begins on or after 28th October 2013 where a person resides in a “No. 4 relevant district” at the time that the claim is made (the “No. 4 relevant districts” are described in 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 28th October 2013 in respect of a period that begins on or after 28th October 2013 and provides incorrect information as to their residence in a No. 4 relevant district, but this is only discovered once payments of UC have been made.

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) of this Order.

Article 4 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”), in relation to two different cases.

Under article 4(2)(a), the amending provisions come into force in relation to a claim for UC, an employment and support allowance (“ESA”) or a jobseeker’s allowance (“JSA”), and any award that is made in respect of the claim, where a person claims UC, ESA or JSA on or after 28th October 2013 in respect of a period that begins on or after 28th October 2013 and, at the time that the claim is made, resides in a No. 4 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 28th October 2013 in respect of a period that begins on or after 28th October 2013 and provides incorrect information as to their residence in a No. 4 relevant district, or as to their meeting the Pathfinder Group conditions, but this is only discovered once payments of UC have been made.

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 (7) 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 amends article 11(2)(f)(ii) of the No. 9 Order (transition from new style ESA) consequent on a technical amendment made to regulation 30 of the Employment and Support Allowance Regulations 2008 (S.I. 2008/794) by the Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 (S.I. 2013/2536).

Article 6 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.

