

---

STATUTORY INSTRUMENTS

---

**2014 No. 1923**

**The Welfare Reform Act 2012 (Commencement  
No. 9, 11, 13, 14, 16 and 17 and Transitional and  
Transitory Provisions (Amendment) (No. 2)) Order 2014**

**Amendment of the No. 9 Order**

- 4.—(1) Where article 3 applies, the No. 9 Order is amended as follows.
- (2) In article 2(1) (interpretation)(1), omit the definition of “existing benefit”.
- (3) In article 3 (day appointed for commencement of the universal credit provisions in Part 1 of the Act)(2)—
- (a) for paragraph (3)(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 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 (3)(d) substitute—
- “**(d)** a claim for universal credit by a former member of a couple who were joint claimants of universal credit, whether or not the claim is made jointly with another person, where the former member is not exempt from the requirement to make a claim by virtue of regulation 9(6) of the Claims and Payments Regulations 2013 (claims for universal credit by members of a couple), where the claim is made during the period of one month starting with the date on which notification is given to the Secretary of State that the former joint claimants have ceased to be a couple, and where the claim complies with paragraph (8);”.
- (4) For article 3A(3) substitute—

---

(1) Article 2(1) was amended by S.I. 2014/1452 (C. 56) and 2014/1661 (C. 69).

(2) Article 3 was amended by S.I. 2014/1452 (C.56).

(3) Article 3A was inserted by S.I. 2014/1452 (C. 56) and amended by S.I. 2014/1661 (C. 69).

**“Incorrect information regarding residence in a relevant district or meeting the gateway conditions**

**3A.—**(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 one of the relevant districts or meeting the gateway conditions and the conditions referred to in paragraph (2) are met.

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

- (a) did not reside in one of the relevant districts (unless paragraph (3) applies); or
- (b) did reside in one of the relevant districts but did not meet the gateway conditions.

(3) This paragraph applies where the claimant resided in an area apart from the relevant districts with respect to which the provisions of the Act referred to in Schedule 2 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.

(4) Where the discovery is made before the claim for universal credit has been decided—

- (a) the claimant is to be informed that the claimant is not entitled to claim universal credit;
- (b) if the claimant (or, in the case of joint claimants, either of them) makes a claim for old style ESA, old style JSA or income support (“the specified benefit”) and the date on which that claim is made (as determined in accordance with the Claims and Payments Regulations 1987) is after the date on which the claim for universal credit was made, but no later than one month after the date on which the information required by sub-paragraph (a) was given—
  - (i) the claim for the specified benefit is to be treated as made on the date on which the claim for universal credit was made or the first date on which the claimant would have been entitled to the specified benefit if a claim had been made for it on that date, if later; and
  - (ii) any provision of the Claims and Payments Regulations 1987 under which the claim for the specified benefit is treated as made on a later date does not apply;
- (c) if the claimant (or, in the case of joint claimants, either of them) makes a claim for housing benefit and the date of that claim (as determined in accordance with the Housing Benefit Regulations 2006<sup>(4)</sup> or, as the case may be, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006<sup>(5)</sup> (together referred to as “the Housing Benefit Regulations”)) is after the date on which the claim for universal credit was made, but no later than one month after the date on which the information required by sub-paragraph (a) was given—
  - (i) the claim for housing benefit is to be treated as made on the date on which the claim for universal credit was made or the first date on which the claimant would have been entitled to housing benefit if a claim had been made for it on that date, if later; and
  - (ii) any provision of the Housing Benefit Regulations under which the claim for housing benefit is treated as made on a later date does not apply;
- (d) if the claimant (or, in the case of joint claimants, either of them) makes a claim for a tax credit and that claim is received by a relevant authority at an appropriate office (within the meaning of the Tax Credits (Claims and Notifications) Regulations

---

(4) S.I. 2006/213.

(5) S.I. 2006/214.

2002(6) (“the 2002 Regulations”)) during the period of one month beginning with the date on which the information required by sub-paragraph (a) was given—

- (i) the claim for a tax credit is to be treated as having been received by a relevant authority at an appropriate office on the date on which the claim for universal credit was made or the first date on which the claimant would have been entitled to a tax credit if a claim had been so received on that date, if later; and
- (ii) any provision of the 2002 Regulations under which the claim is treated as having been made on a later date does not apply.

(5) Where the discovery is made after a decision has been made that the claimant is entitled to universal credit, but before any payment has been made—

- (a) that decision is to cease to have effect immediately, by virtue of this article;
- (b) the claimant is to be informed that they are not entitled to claim universal credit; and
- (c) sub-paragraphs (b) to (d) of paragraph (4) apply.

(6) Where the discovery is made after a decision has been made that the claimant is entitled to universal credit and one or more payments have been made in respect of the claimant, the decision is to be treated as a decision under section 8 of the Social Security Act 1998(7).

(7) For the purposes of paragraph (4), a person makes a claim for old style ESA or old style JSA where he or she makes a claim for an employment and support allowance or a jobseeker’s allowance and the claim is subject to Part 1 of the 2007 Act or the 1995 Act respectively as those provisions have effect apart from the amendments made by the amending provisions.”.

(5) In article 4—

- (a) in paragraph (2)(a), after “is made” insert “or treated as made”;
- (b) 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 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) for paragraph (2)(d) substitute—

“(d) a claim for universal credit by a former member of a couple who were joint claimants of universal credit, whether or not the claim is made jointly with another person, where the former member is not exempt from the requirement to make a claim by virtue of regulation 9(6) of the Claims and Payments Regulations 2013 (claims for universal credit by members of a couple), where the claim is made

(6) S.I. 2002/2014.

(7) In this case, the provisions of the Act listed in Schedule 2 to the No. 9 Order come into force by virtue of article 3(2) and (3) (b) of the No. 9 Order. Article 3(3)(b) is substituted by article 4(3) of this Order.

during the period of one month starting with the date on which notification is given to the Secretary of State that the former joint claimants have ceased to be a couple, and where the claim complies with article 3(8);”.

- (d) in paragraph (2)(g), in the introductory words, for “that does not fall within sub-paragraph (a) and that is made” substitute “other than one referred to in sub-paragraph (a) that is made or treated as made”; and
  - (e) in paragraph (7)(a), after “(b)(i)” insert “, (ii)”.
- (6) In article 5—
- (a) for paragraph (1) substitute—
    - “(1) In determining, for the purposes of article 4(2)(a), whether a claim for an employment and support allowance or a jobseeker’s allowance meets the gateway conditions, Schedule 5 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
      - (b) the reference in paragraph 4 of the Schedule 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.”;
    - (b) in paragraph (4)(a), after “(b)(i)” insert “, (ii)”;
    - (c) in paragraph (7)—
      - (i) in sub-paragraph (a), at the beginning, insert “in the case of a claim for an employment and support allowance,”; and
      - (ii) in sub-paragraph (b), at the beginning, insert “in the case of a claim for a jobseeker’s allowance,”.
- (7) In Schedule 5 (gateway conditions)—
- (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.”.