

2014 No. 209 (C. 7)

SOCIAL SECURITY

The Welfare Reform Act 2012 (Commencement No. 16 and Transitional and Transitory Provisions) Order 2014

Made - - - -

3rd February 2014

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. 16 and Transitional and Transitory Provisions) Order 2014.

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);

▶²“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;◀

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

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

“No. 6 relevant districts” means the postcode part-districts specified in Part 1 of the Schedule;

“No. 7 relevant districts” means the postcode part-districts specified in Part 2 of 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(d).

¹Defns. of “claimant” & “First-tier Tribunal” inserted in art. 2(1) by art. 21(2)(a) 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. 8(1)(a) & (3)(a)(ii) of S.I. 2014/1661 as from 30.6.14. (See art. 3 of this S.I. for when to apply).

³Defn. of “gateway conditions” substituted by art. 9(2)(a) of S.I. 2014/1923 as from 28.7.14. (See art. 3 of this S.I. for when to apply).

(a) 2012 c. 5.
(b) 2007 c. 5.
(c) 1995 c. 18.
(d) S.I. 2013/983 (c. 41).

Arts. 2-3

¹Defn of “single claimant” inserted by art. 8(3)(a)(iii) of S.I. 2014/1661 as from 30.6.14. (See art. 3 of this S.I. for when to apply).

²Defn. of “upper tribunal” & para. (2) substituted by art. 21(2)(a) & (b) of S.I. 2014/1452. (See art. 3 to this S.I. for when to apply).

³Art. 2(3) omitted by art. 9(2)(b) of S.I. 2014/1923 as from 28.7.14. (See art. 3 to this S.I. for when to apply).

⁴Art. 3(2) substituted by art. 21(3)(a) of S.I. 2014/1452. (See art. 3 to this S.I. for when to apply).

⁵Art. 3(2)(b) & (4)(2)(b) substituted by art. 8(4)(a) & (5)(a) of S.I. 2014/1661 as from 30.6.14. (See art. 3 of this S.I. for when to apply).

⁶Art. 3(4) does not exist for cases as described in art. 3, S.I. 2014/1452.

⁷Art. 3(6) substituted by art. 9(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.◄

►²(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 purposes of deciding—

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

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

(3) ►³◄

Day appointed for the coming into force 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).

►⁴(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

►⁵(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. 6 or a No. 7 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 or treated as made.

►⁶(4) Article 3(5) of the No. 9 Order applies for the purposes of paragraph (2) as it applies for the purposes of sub-paragraphs (a) and (b) of article 3(3) of the No. 9 Order.◄

(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.

►⁷(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. 6 or a No. 7 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.◄

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

►¹4.—(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).

¹Para. (6) inserted & art. 4 substituted by art. 21(3)-(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◄, the claimant—

²Words in art. 4(2)(a) substituted by art. 9(4)(a) of S.I. 2014/1923 as from 28.7.14. (See art. 3 of this S.I. for when to apply).

(i) resides in one of the No. 6 or No. 7 relevant districts; and

(ii) meets the gateway conditions;

►³(b) a claim for universal credit where—

³Art. 4(2)(b) substituted by art. 8(5)(a) of S.I. 2014/1661 as from 30.6.14. (See art. 3 of this S.I. for when to apply).

(i) in the case of a single claimant, 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;

(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.◄

►⁴(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).◄

⁴Art. 4(2)(c) substituted by art. 9(4)(b) of S.I. 2014/1923 as from 28.7.14. (See art. 3 to this S.I. 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)►⁵, (b)(i) or (ii)◄ has been made but a decision has not yet been made on the claim; or

⁵Words in art. 4(5)(a) substituted by art. 8(5)(b) of S.I. 2014/1661. (See art. 3 to this S.I. for when to apply).

(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).

¹Art. (7) substituted by art. 9(4)(b) of S.I. 2014/1923 as from 28.7.14. (See art. 3 to this S.I. for when to apply).

►¹(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. ◀

Application of the No. 9 Order

²Words in art. 6 substituted by art. 21(5) of S.I. 2014/1452. (See art. 3 to this S.I. for when to apply).

³Words in art. 5 substituted by art. 8(6) of S.I. 2014/1661. (See art. 3 to this S.I. for when to apply).

5. ►²Articles◀ 9 to 22 of the No. 9 Order (a) 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 ►³sub-paragraphs (a), (b) and (g) of article 4(2)◀ of the No. 9 Order and any award made in respect of the claim.

[Reg. 6 brings into force s. 139 of S.I. 2012 c. 5.]

[Sch. 1 lists the No. 6 & 7 relevant districts for UC.]

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

3rd February 2014

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

(a) Articles 10 to 13 of, and Schedule 4 to, the Order (Schedule 4 takes effect under article 9) were amended by S.I. 2013/1511 (C. 60); article 11 of the Order was amended by article 5 of S.I. 2013/2657 (C. 107).

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. This Order also brings into force section 139 of the Act, which relates to child support maintenance.

Article 3 brings into force provisions relating to UC in Part 1 of the Act (“the UC provisions”), as set out in Schedule 2 to 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 (“the No. 9 Order”) in relation to four different cases.

Under article 3(2)(a), the UC provisions come into force in relation to a claim for UC, and any award that is made in respect of the claim, where the claimant claims UC on or after 24th February 2014 in respect of a period that begins on or after 24th February 2014 and, at the time that the claim is made, resides in a “No. 6 relevant district” (the “No. 6 relevant districts” are described in Part 1 of 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).

Under article 3(2)(b), the UC provisions come into force in relation to a claim for UC, and any award that is made in respect of the claim, where the claimant claims UC on or after 24th February 2014 in respect of a period that begins on or after 24th February 2014 and provides incorrect information as to their residence in a No. 6 relevant district, but this is only discovered once payments of UC have been made.

Sub-paragraphs (c) and (d) of article 3(2) make identical provision to sub-paragraphs (a) and (b) of article 3(2) in relation to claims that are made on or after 7th April 2014 in respect of a period that begins on or after 7th April 2014 and in relation to residence in a No. 7 relevant district.

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.

Paragraphs (4) and (5) of article 3 apply the provisions of paragraphs (5) and (6) of article 3 of the No. 9 Order to the cases referred to in paragraph (2) of article 3.

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 four 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 24th February 2014 in respect of a period that begins on or after 24th February 2014 and, at the time that the claim is made, resides in a No. 6 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 the claimant claims UC on or after 24th February 2014 in respect of a period that begins on or after 24th February 2014 and provides incorrect information as to their residence in a No. 6 relevant district, or as to their meeting the Pathfinder Group conditions, but this is only discovered once payments of UC have been made.

Sub-paragraphs (c) and (d) of article 4(2) make identical provision to sub-paragraphs (a) and (b) of article 4(2) in relation to claims that are made on or after 7th April 2014 in respect of a period that begins on or after 7th April 2014 and in relation to residence in a No. 7 relevant district.

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.

Paragraphs (4) to (7) of article 4 apply the provisions of paragraphs (4) and (5) of article 4, and article 5, of the No. 9 Order to the cases in paragraph (2) of article 4.

Article 5 provides that articles 6 and 9 to 22 of the No. 9 Order (transitional and transitory provisions) 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 sub-paragraphs (a) and (b) of article 4(2) of the No. 9 Order, and any award made in respect of the claim.

Article 6 brings into force section 139 of the Act on the day following the day on which the Order is made. Section 139 substitutes subsections (1) and (2) of section 43 of the Child Support Act 1991 (c. 48) with two new subsections. The new subsections allow for child support maintenance, arrears of child support maintenance and fees payable by a non-resident parent under section 6 of the Child Maintenance and Other Payments Act 2008 (c. 6) to be recovered from a non-resident parent by way of deduction from benefit.