

## **2014 No. 3094 (C.133)**

### **SOCIAL SECURITY**

#### **The Welfare Reform Act 2012 (Commencement No. 20 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment) Order 2014**

*Made* - - - -

*21st November 2014*

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

#### **Citation**

1. This Order may be cited as the Welfare Reform Act 2012 (Commencement No. 20 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2014.

#### **Interpretation**

2.—(1) In this Order—

“the Act” means the Welfare Reform Act 2012;

“the 1998 Act” means the Social Security Act 1998(b);

“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)(c);

“claimant”—

(a) in relation to an employment and support allowance, has the same meaning as in Part 1 of the Welfare Reform Act 2007(d), save as mentioned in article 5(1A) of the No. 9 Order as applied by article 4(7)(e);

(b) in relation to a jobseeker’s allowance, has the same meaning as in the Jobseekers Act 1995(f) (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), save as mentioned in article 5(1A) of the No. 9 Order as applied by article 4(7);

(c) in relation to universal credit, has the same meaning as in Part 1 of the Act(g);

“the Claims and Payments Regulations 2013” means the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013(h);

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(a) 2012 c. 5.

(b) 1998 c. 14.

(c) Article 4 was substituted by S.I. 2014/1452 (C. 56).

(d) 2007 c. 5.

(e) Article 5(1A) was inserted by S.I. 2014/3067 (C. 129).

(f) 1995 c. 18.

(g) See section 40 of the Welfare Reform Act 2012.

(h) S.I. 2013/380.

**WELFARE REFORM ACT 2012 (COMMENCEMENT NO. 20 AND TRANSITIONAL AND TRANSITORY PROVISIONS AND COMMENCEMENT NO. 9 AND TRANSITIONAL AND TRANSITORY PROVISIONS (AMENDMENT)) ORDER 2014**

“the Digital Service Regulations 2014” means the Universal Credit (Digital Service) Amendment Regulations 2014(a);

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

“First-tier Tribunal” has the same meaning as in the 1998 Act;

“housing benefit” means housing benefit under section 130 of the Social Security Contributions and Benefits Act 1992(b);

“income support” means income support under section 124 of the Social Security Contributions and Benefits Act 1992;

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

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

“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(c);

“the No. 28 relevant district” means the postcode part-district SM5 2;

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

“specified condition” means the condition that a claimant is a British citizen who—

(d) has resided in the United Kingdom throughout the period of two years ending with the date on which the claim for universal credit is made; and

(e) has not, during that period, left the United Kingdom for a continuous period of four weeks or more;

“state pension credit” means state pension credit under the State Pension Credit Act 2002(d);

“tax credit” (including “child tax credit” and “working tax credit”) and “tax year” have the same meanings as in the Tax Credits Act 2002(e);

“Upper Tribunal” has the same meaning as in the 1998 Act.

(2) For the purposes of this Order—

(a) the Claims and Payments Regulations 2013 apply for the purpose of deciding—

(i) whether a claim for universal credit is made or treated as made; and

(ii) the date on which such a claim is made; and

(b) where a couple is treated, in accordance with regulation 9(8) of the Claims and Payments Regulations 2013(f), as making a claim for universal credit, references to the date on which the claim is treated as made are to the date of formation of the couple.

**Day appointed for the coming into force of the universal credit provisions**

**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).

(a) S.I. 2014/2887.

(b) 1992 c. 4.

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

(d) 2002 c. 16.

(e) 2002 c. 21. See sections 1(1) and (2), 48(1) and 67.

(f) Regulation 9(8) is amended by S.I. 2014/2887.

(2) The claims referred to are—

- (a) a claim for universal credit that is made on or after 26th November 2014 and before 20th December 2014 in respect of a period that begins on or after 26th November 2014 where, on the date on which the claim is made, the claimant resides in the No. 28 relevant district and meets the specified condition;
- (b) a claim for universal credit that is made on or after 26th November 2014 and before 20th December 2014, in respect of a period that begins on or after 26th November 2014 where—
  - (i) in the case of a single claimant, the claimant gives incorrect information regarding the claimant residing in the No. 28 relevant district or meeting the specified condition and the claimant does not reside in that district or does not meet the specified condition 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 that district or meeting the specified condition and one or both of them does not or do not reside in such a district or does not or do not meet the specified condition 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 such residence or meeting the specified condition as the case may be.

(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) 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.

(5) Article 3A of the No. 9 Order<sup>(a)</sup> 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 or give incorrect information regarding his or her (or their) residing in a No. 28 relevant district or meeting the specified condition, 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 (as defined in the No. 9 Order).

**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 26th November 2014 and before 20th December 2014 in respect of a period that begins on or after 26th November 2014 where, on the date on which the claim is made, the claimant resides in the No. 28 relevant district and meets the specified condition;
- (b) a claim for universal credit that is made on or after 26th November 2014 and before 20th December 2014, in respect of a period that begins on or after 26th November 2014 where—
  - (i) in the case of a single claimant, the claimant gives incorrect information regarding the claimant residing in the No. 28 relevant district or meeting

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<sup>(a)</sup> Article 3A was substituted by S.I. 2014/1923 (C. 88).

**WELFARE REFORM ACT 2012 (COMMENCEMENT NO. 20 AND TRANSITIONAL AND TRANSITORY PROVISIONS AND COMMENCEMENT NO. 9 AND TRANSITIONAL AND TRANSITORY PROVISIONS (AMENDMENT)) ORDER 2014**

the specified condition and the claimant does not reside in that district or does not meet the specified condition 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 that district or meeting the specified condition and one or both of them does not or do not reside in such a district or does not or do not meet the specified condition 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 such residence or meeting the specified condition as the case may be;

- (c) a claim for an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 26th November 2014 and before 20th December 2014 where, on the date on which the claim is made or treated as made, the claimant resides in the No. 28 relevant district and meets the specified condition;
- (d) a claim for an employment and support allowance or a jobseeker's allowance other than one referred to in sub-paragraph (c) 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).

(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)(d), "relevant period" means, in relation to a claim for universal credit within 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 within sub-paragraph (a) of paragraph (2), or within sub-paragraph (b)(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 1998 Act, 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<sup>(a)</sup> 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<sup>(b)</sup> apply for the purposes of paragraph (2)(c) as they apply for the purposes of article 4(2)(a) of the No. 9 Order (but as if the reference in paragraph (1A) to Schedule 5 of the No. 9 Order were omitted).

(a) Article 4 was substituted by S.I. 2014/1452 (C. 56) and amended by S.I. 2014/1923 (C. 88).

(b) 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).

(8) Paragraphs (5) to (7) of article 5 of the No. 9 Order<sup>(a)</sup> apply for the purposes of sub-paragraphs (c) and (d) 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**

**5.** Articles 9 to 22 of the No. 9 Order<sup>(b)</sup> 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), (b) and (g) of article 4(2) of the No. 9 Order and any award made in respect of the claim.

### **Transitional provision: claims for housing benefit, income support or a tax credit**

**6.—**(1) Except as provided by paragraphs (2) to (5) and (8), a person may not make a claim for housing benefit, income support or a tax credit (in the latter case, whether or not as part of a Tax Credits Act couple) on any date where, if that person made a claim for universal credit on that date (whether or not as part of a couple), the provisions of the Act listed in Schedule 2 to the No. 9 Order would come into force under article 3(1) and (2)(a) of this Order in relation to that claim for universal credit.

(2) Paragraph (1) does not apply to a claim for housing benefit in respect of specified accommodation.

(3) Paragraph (1) does not apply to a claim for housing benefit or a tax credit where—

- (a) in the case of a claim for housing benefit, the claim is made by a person who has reached the qualifying age for state pension credit, or by a person who is a member of a State Pension Credit Act couple the other member of which has reached that age;
- (b) in the case of a claim for a tax credit, the claim is made by—
  - (i) a person who has reached the qualifying age for state pension credit;
  - (ii) a Tax Credits Act couple both members of which have reached, or either member of which has reached, that age; or
  - (iii) in a case not covered by paragraph (i), a person who is a member of a State Pension Credit Act couple where the other member of the couple has reached that age.

(4) Paragraph (1) does not apply to a claim for a tax credit where a person or persons makes or make a claim for child tax credit or working tax credit and on the date on which he or she (or they) makes or make the claim he or she (or they) is or are entitled to working tax credit or child tax credit respectively.

(5) Paragraph (1) does not apply to a claim for a tax credit where a person is or was, or persons are or were, entitled to child tax credit or working tax credit in respect of a tax year and that person or those persons makes or make (or is or are treated as making) a claim for that tax credit for the next tax year.

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<sup>(a)</sup> Article 5(7) was amended by S.I. 2014/1923 (C. 88).

<sup>(b)</sup> Articles 10 to 13 of, and Schedule 4 to, the No. 9 Order (Schedule 4 takes effect under article 9) were amended by S.I. 2013/1511 (C. 60); article 11 of the No. 9 Order was amended by S.I. 2013/2657 (C. 107); articles 9, 11, 13, 15, 18 and 22 of the No. 9 Order were amended by S.I. 2014/1452 (C. 56); articles 10, 11, 12 and 13 were amended by S.I. 2014/3067 (C. 129).

**WELFARE REFORM ACT 2012 (COMMENCEMENT NO. 20 AND TRANSITIONAL AND TRANSITORY PROVISIONS AND COMMENCEMENT NO. 9 AND TRANSITIONAL AND TRANSITORY PROVISIONS (AMENDMENT)) ORDER 2014**

(6) In paragraph (4), the reference to a person being entitled to a tax credit includes where a person is treated as being entitled to a tax credit in the circumstances referred to in regulation 11 of the Universal Credit (Transitional Provisions) Regulations 2014(a) but as if regulation 11 were amended as follows—

- (a) in paragraph (1), for “For the purposes of regulations 7(7) and 8(4)” substitute “For the purposes of article 6(4) of the Welfare Reform Act 2012 (Commencement No. 20 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2014”; and
- (b) for paragraph (2)(d)(iii), substitute—
  - “(iii) the person’s claim for child tax credit or working tax credit is made during the period of 30 days starting with the date on the notice referred to in paragraph (ii).”.

(7) For the purposes of this article—

- (a) a person makes a claim for income support, housing benefit or a tax credit if the person takes any action which results in a decision on a claim being required under the relevant Regulations; and
- (b) except as provided in paragraph (8), it is irrelevant that the effect of any provision of the relevant Regulations is that, for the purpose of those Regulations, the claim is made or treated as made on a date that is earlier than the date on which that action was taken.

(8) Paragraph (1) does not apply to a claim for housing benefit or income support where—

- (a) in the case of a claim for housing benefit—
  - (i) first notification of the person’s intention to make the claim is given (within the meaning of regulation 83(5)(d) of the Housing Benefit Regulations 2006 (“the 2006 Regulations”)(b) or, as the case may be, regulation 64(6)(d) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (“the 2006 (SPC) Regulations”)(c) before 26th November 2014; or
  - (ii) a defective claim for housing benefit (within the meaning of the 2006 Regulations or the 2006 (SPC) Regulations) is made before 26th November 2014 and it is corrected or completed on or after that date; .
- (b) in the case of a claim for income support, first notification of the person's intention to make the claim is made, or deemed to be made, for the purposes of regulation 6(1A)(c) of the Social Security (Claims and Payments) Regulations 1987(d), before 26th November 2014.

(9) Paragraph (10) applies where a person makes a claim for universal credit and the provisions of the Act listed in Schedule 2 to the No. 9 Order come into force under article 3(1) and (2)(a) or (b) of this Order in relation to that claim (and any award made in respect of the claim).

(10) Where this paragraph applies, regulation 6 of the Universal Credit (Transitional Provisions) Regulations 2014 applies in relation to the person who makes the claim as referred to in paragraph (9), in relation to any time when they are a “universal credit claimant” as referred to in paragraph (2) of that regulation, as if, in paragraphs (5) to (7) of that regulation, the reference to the date on which the claim for universal credit was made were a reference to 26th November 2014.

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(a) S.I. 2014/1230.

(b) S.I. 2006/213. Regulation 83(5) was amended by S.I. 2007/2911, 2008/1082, 2299 and 2013/2070.

(c) S.I. 2006/214. Regulation 64(6) was amended by S.I. 2007/2911 and 2008/2299.

(d) S.I. 1987/1968. Regulation 6(1A) was inserted by S.I. 1997/793.

(11) For the purposes of this article—

- (a) “couple” (apart from in the expressions “State Pension Credit Act couple” and “Tax Credit Act couple”), has the meaning given in section 39 of the Act;
- (b) “qualifying age for state pension credit” means the qualifying age referred to in section 1(6) of the State Pension Credit Act 2002(a);
- (c) the “relevant Regulations” means—
  - (i) in the case of a claim for income support, the Social Security (Claims and Payments) Regulations 1987;
  - (ii) in the case of a claim for housing benefit, the 2006 Regulations or, as the case may be, the 2006 (SPC) Regulations;
  - (iii) in the case of a claim for a tax credit, the Tax Credits (Claims and Notifications) Regulations 2002(b);
- (d) “specified accommodation” means accommodation to which one or more of sub-paragraphs (2) to (5) of paragraph 3A of Schedule 1 to the Universal Credit Regulations 2013(e) applies;
- (e) “State Pension Credit Act couple” means a couple as defined in section 17 of the State Pension Credit Act 2002(d);
- (f) “Tax Credits Act couple” means a couple as defined in section 3(5A) of the Tax Credits Act 2002(e).

**Amendment of the No. 9 Order: claim for universal credit treated as made and awards of universal credit without a claim**

7.—(1) Paragraph (2) applies in relation to a case where(f)—

- (a) an award of universal credit is made without a claim as a consequence of a couple forming or separating at a time when both members of the couple in question were entitled to an award of universal credit;
- (b) a claim for universal credit is treated as made as a consequence of a couple forming at a time when one member of the couple was entitled to an award of universal credit;
- (c) a claim for universal credit is made 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), as that provision has effect apart from the amendments made by the Digital Service Regulations 2014, 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; or
- (d) an award of universal credit is made without a claim in the circumstances referred to in regulation 6(1) or (2) of the Claims and Payments Regulations 2013 (claims not required for entitlement to universal credit in some cases),

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(a) 2002 c. 16.

(b) S.I. 2002/2014.

(c) S.I. 2013/376. Paragraph 3A was inserted by S.I. 2014/771.

(d) The definition of “couple” in section 17 was substituted by S.I. 2014/560.

(e) 2002 c. 21. Subsection (5A) was inserted by section 254(1) of, and paragraph 144(1) and (3) of Schedule 24 to, the Civil Partnership Act 2004 (c. 33).

(f) Regulation 3 of S.I. 2014/2887 (“the Digital Service Regulations”) omits regulation 6 of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (S.I. 2013/380), and amends regulation 9(6) and (8) of those Regulations, but that omission and those amendments do not apply to certain awards of universal credit as described in regulation 5 of the Digital Service Regulations.

**WELFARE REFORM ACT 2012 (COMMENCEMENT NO. 20 AND TRANSITIONAL AND TRANSITORY PROVISIONS AND COMMENCEMENT NO. 9 AND TRANSITIONAL AND TRANSITORY PROVISIONS (AMENDMENT)) ORDER 2014**

and the claim for universal credit is made or treated as made, or, as the case may be, the award of universal credit is made without a claim, on or after 26th November 2014.

- (2) Where this paragraph applies, the No. 9 Order is amended as set out below—
- (a) in article 2(1) (interpretation), after the definition of “the Decisions and Appeals Regulations 2013” insert—
    - “the Digital Service Regulations 2014” means the Universal Credit (Digital Service) Amendment Regulations 2014;”;
  - (b) in article 3 (day appointed for commencement of the universal credit provisions in Part 1 of the Act)—
    - (i) in paragraph (7), omit “as a single person”;
    - (ii) in paragraph (8), for the words from “the former member” to the end substitute “neither the former member nor his or her partner (if any) is entitled to state pension credit”;
    - (iii) in paragraph (9), for the text from “-” to the end substitute “state pension credit”;
    - (iv) in paragraph (10)(b), after “2013,” insert “as that paragraph has effect apart from the amendments made by the Digital Service Regulations 2014;”;
    - (v) after paragraph (10)(b), insert—
      - “(ba) where an award of universal credit is made in the circumstances referred to in paragraph (6) of regulation 9 of the Claims and Payments Regulations 2013, as that paragraph has effect as amended by the Digital Service Regulations 2014, the former joint claimant of universal credit to whom a new award of universal credit is made as referred to in sub-paragraph (a) or (b) of that paragraph;” and
    - (vi) after paragraph (10) insert—
      - “(10A) In paragraph (3)—
        - (a) in sub-paragraph (c), the reference to regulation 9(8) of the Claims and Payments Regulations 2013 is a reference to that provision both as it has effect as amended by the Digital Service Regulations 2014 and as it has effect apart from that amendment;
        - (b) in sub-paragraph (d), the reference to regulation 9(6) of the Claims and Payments Regulations 2013 is a reference to that provision as it has effect apart from the amendment made by the Digital Service Regulations 2014;
        - (c) in sub-paragraph (f), the reference to regulation 9(6) of the Claims and Payments Regulations 2013 is a reference to that provision both as it has effect as amended by the Digital Service Regulations 2014 and as it has effect apart from that amendment.”;
  - (c) in article 4 (day appointed for the abolition of income-related employment and support allowance and income-based jobseeker’s allowance)—
    - (i) in paragraph (2)(c), omit “and the Secretary of State is of the view referred to in article 5(2)”;
    - (ii) after paragraph (7) insert—
      - “(8) In paragraph (2)—
        - (a) in sub-paragraph (c), the reference to regulation 9(8) of the Claims and Payments Regulations 2013 is a reference to that provision both as it has effect as amended by the Digital Service Regulations 2014 and as it has effect apart from that amendment;
        - (b) in sub-paragraph (d), the reference to regulation 9(6) of the Claims and Payments Regulations 2013 is a reference to that provision as it has effect apart from the amendments made by the Digital Service Regulations 2014;



**WELFARE REFORM ACT 2012 (COMMENCEMENT NO. 20 AND TRANSITIONAL AND TRANSITORY PROVISIONS AND COMMENCEMENT NO. 9 AND TRANSITIONAL AND TRANSITORY PROVISIONS (AMENDMENT)) ORDER 2014**

SI 2014/3094 (C. 133)

Art. 7

- (c) in sub-paragraph (f), the reference to regulation 9(6) of the Claims and Payments Regulations 2013 is a reference to that provision both as it has effect as amended by the Digital Service Regulations 2014 and as it has effect apart from that amendment.”; and
  - (d) in article 5 (provisions that apply in connection with the abolition of income-related employment and support allowance and income-based jobseeker’s allowance), omit paragraph (2).
- (3) For the purposes of paragraph (1), “couple” has the meaning given in section 39 of the Act.

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

21st November 2014

*Esther McVey*  
Minister of State  
Department for Work and Pensions

### 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, in relation to the cases set out in articles 3 and 4. The Order also makes other provision as referred to in articles 6 and 7 (as to which, see below).

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 (S.I. 2013/983 (C. 41) (“the No. 9 Order”), in relation to a number of different cases as set out below.

Under article 3(1) and (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 claim is made on or after 26th November 2014 and before 20th December 2014 with respect to a period that begins on or after 26th November 2014 and, on the date on which the claim is made, the claimant resides in the “No. 28 relevant district” and complies with the “specified condition” (see article 2(1) for definitions of these terms).

Under article 3(1) and (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 26th November 2014 and before 20th December 2014 in respect of a period that begins on or after 26th November 2014 and provides incorrect information regarding the claimant residing in the No. 28 relevant district or meeting the specified condition, but this is only discovered once payments of UC have been made.

Under article 3(3), the day appointed for the coming into force of the UC provisions in the above cases is the first day of the period in respect of which the claim is made.

Paragraphs (4) and (5) of article 3 apply the provisions of article 3(6) and article 3A of the No. 9 Order respectively to the cases in article 3(2) of this Order.

Article 4 brings into force provisions in the Act relating to the abolition of income-related employment and support allowance and of income-based jobseeker’s allowance (“the amending provisions”), in relation to a number of different cases as referred to below.

Under article 4(1) and (2)(a), 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 claim is made on or after 26th November 2014 and before 20th December 2014 with respect to a period that begins on or after 26th November 2014 and, on the date on which the claim is made, the claimant resides in the No. 28 relevant district and meets the specified condition.

Under article 4(1) and (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 claimant claims UC on or after 26th November 2014 and before 20th December 2014 in respect of a period that begins on or after 26th November 2014 and provides incorrect information regarding the claimant residing in the No. 28 relevant district or meeting the specified condition, but this is only discovered once payments of UC have been made.

Under article 4(1) and (2)(c), the amending provisions come into force in relation to a claim for an employment and support allowance (“ESA”) or a jobseeker’s allowance (“JSA”), and any award that is made in respect of the claim, where the claim is made on or after 26th November 2014 and before 20th December 2014 and, on the date on which the claim is made, the claimant resides in the No. 28 relevant district and meets the specified condition.

Under article 4(1) and (2)(d), the amending provisions come into force in relation to the case of a claim for ESA or JSA where the claim is not a claim for ESA or JSA as referred to in article 4(2)(c) and where the claim is made during the “relevant period” (mainly the period when a claim for UC is being considered or an award of UC is extant).

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.

Paragraphs (6) to (9) of article 4 apply the provisions of article 4(6) and (7) and article 5(1A) and (1B) and (5) to (8) of the No. 9 Order to the cases in article 4(2).

Article 5 provides that articles 9 to 22 of the No. 9 Order 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 article 4(2)(a), (b) or (g) of the No. 9 Order, and any award made in respect of the claim.

Article 6 contains transitional provisions that provide that, save in specified cases, a person may not make a claim for housing support, income support or a tax credit on any date where, if that person made a claim for universal credit on that date, the UC provisions would come into force in relation to the claim by virtue of article 3(1) and (2)(a) of this Order. Article 6 also makes a consequential modification of regulation 6 of the Universal Credit (Transitional Provisions) Regulations 2014 (S.I. 2014/1230) (exclusion of claims for certain existing benefits).

Article 7 amends articles 2 to 5 of the No. 9 Order—

- (a) to omit certain conditions that currently apply to the making of awards of UC without a claim where claimants cease to be a couple or a new couple forms, as these are no longer needed;
- (b) to clarify, in relation to provisions of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 that have been amended by the Universal Credit (Digital Service) Amendment Regulations 2014 (S.I. 2014/2887) (the amendments apply to entitlement to universal credit that arises by virtue of claims for universal credit made by reference to residence in the No. 28 relevant district, and other cases related to such claims), which version of those provisions applies;
- (c) to omit a condition for the coming into force of the amending provisions in a case where a claim for universal credit is treated as made in consequence of a couple forming at a time when one member of the couple is entitled to an award of UC, as the condition is no longer needed in the light of the removal of conditions for the coming into force of the amending provisions in relation to claims for UC generally.

