
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.

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 18th March 2015 with respect to a period that begins on or after 18th March 2015 and, on the date on which the claim is made, the claimant resides in one of the “No. 50 relevant districts”. Sub-paragraphs (b) and (c) of article 3(2) make the same provision for claims made on or after 10th June 2015 where the claimant resides in one of the “No. 51 relevant districts”, and for claims made on or after 4th November 2015 where the claimant resides in one of the “No. 52 relevant districts”, respectively. See article 2(1) for the definition of those areas.

Under article 3(1) and (2)(d), 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 the dates referred to in article 3(2)(a) to (c) in respect of a period that begins on or after those dates and provides incorrect information regarding the claimant residing in the area in question, 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) (period for which a claim for UC is made) and article 3A (incorrect information regarding entitlement to claim UC) of the No. 9 Order respectively to the cases in article 3(2) of this Order (see below as to the amendment of article 3A by article 8 of this Order).

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

Below, “old style ESA” means employment and support allowance under Part 1 of the Welfare Reform Act 2007 (c. 5) as that Part has effect apart from the amending provisions, and “old style JSA” means jobseeker's allowance under the Jobseekers Act 1995 (c. 18) as that Act has effect apart from the amending provisions.

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 18th March 2015 with respect to a period that begins on or after 18th March 2015 and, on the date on which the claim is made, the claimant resides in one of the “No. 50 relevant districts”. Sub-paragraphs (b) and (c) of article 4(2) make the same provision for claims made on or after 10th June 2015 where the claimant resides in one of the “No. 51 relevant districts”, and for claims made on or after 4th November 2015 where the claimant resides in one of the “No. 52 relevant districts”, respectively.

Under article 4(1) and (2)(d), 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 the dates referred to in article 4(2)(a) to (c) in respect of a period that begins on or after those dates

and provides incorrect information regarding the claimant residing in the area in question, but this is only discovered once payments of UC have been made.

Under article 4(1) and sub-paragraphs (e) to (g) of paragraph (2), 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 the dates referred to in any of those sub-paragraphs and, on the date on which the claim is made, the claimant resides in the area specified in that sub-paragraph.

Under article 4(1) and (2)(h), 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)(e) to (g) 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 (8) of article 4 apply the provisions of article 4(6), (7), (9) and (10) (matters included in the reference to the case of a claim for UC) and article 5(1A), (1B) (claim for ESA or JSA by a member of a couple) and (8) (the period for which a claim for ESA, JSA or UC is made) of the No. 9 Order to the cases in article 4(2).

Article 5 contains a transitory provision to the effect that, where a claim is made for UC, ESA or JSA on or after 18th March 2015 and before 10th June 2015, and where, under articles 3 and 4, a claimant must reside in a specified area in order for the UC provisions and the amending provisions to come into force in relation to the claim, then the claimant must also meet the “specified condition” in order for those provisions to come into force.

Article 6 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 7 contains transitional provisions that provide that, save in specified cases, a person may not make a claim for housing benefit, income support or a tax credit on any date where, if that person made a claim for UC 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 8(2) amends the No. 9 Order, in relation to a claim for UC that is made on or after 18th March 2015, in order to insert in article 3A(3) of that Order (exception to provision allowing backdating of claims for old style ESA, old style JSA, income support, housing benefit or a tax credit) a reference to a determination made under regulation 4 of the Universal Credit (Transitional Provisions) Regulations 2014 (S.I. 2014/1230) (claims for UC may not be made in an area, or category of case) so that backdating can occur where the claimant is not able to claim UC in an area referred to in article 3A(3) owing to such a determination.

Article 8(5) makes a technical amendment to article 5A of the No. 9 Order (determination under regulation 4 and claims for ESA or JSA), in relation to a claim for ESA or JSA that is made on or after 18th March 2015, to align it with articles 4 and 5 of the No. 9 Order following amendments made by S.I. 2015/32 (C. 3) with respect to the date on which claims for ESA and JSA are made. Paragraphs (2) to (4) of article 9 amend articles 2, 3 and 4 of the Welfare Reform Act 2012 (Commencement No. 21 and Transitional and Transitory Provisions) Order 2015 (S.I. 2015/33) (“No. 21 Order”) in order to remove references to the “specified condition” in relation to a claim for UC, ESA or JSA that is made on or after 10th June 2015 (so mirroring the provisions made by articles 3, 4 and 5 of this Order).

Article 9(5) amends article 6 of the No. 21 Order (bar on claiming housing benefit, income support or a tax credit, where a person is able to claim UC under the Order), with effect from 18th March 2015, in order to insert an additional exception regarding the making of a determination under regulation 4 of the Universal Credit (Transitional Provisions) Regulations 2014, mirroring the exception in article 7(2) of this Order, and to make a technical change to align article 6(9) of the No. 21 Order with article 7(10) of this Order.

Article 10 modifies the Universal Credit (Digital Service) Amendment Regulations 2014 (2014/2887) to the effect that the saving in that regulation does not apply (and so the amendments made by those Regulations do apply) where an award of UC is made by reference to residence in the postcode part-districts referred to in articles 3 and 4 of this Order, as well as where such an award is made by reference to residence in postcode part-district SM5 2 (in relation to which the UC provisions come into force under S.I. 2015/33 (C. 4)). Article 11 makes similar provision in relation to the Universal Credit (Surpluses and Self-employed Losses) (Digital Service) Amendment Regulations 2015 (S.I. 2015/345).

Changes to legislation:

There are currently no known outstanding effects for the The Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015.