
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 the 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 27th January 2016 with respect to a period that begins on or after 27th January 2016 and, on the date on which the claim is made, the claimant resides in one of the Part 1 designated postcodes. Sub-paragraph (b) of article 3(2) makes the same provision for claims made on or after 24th February 2016 where the claimant resides in one of the Part 2 designated postcodes. See article 2(1) for the definition of those postcodes.

Under article 3(1) and (2)(c), 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) and (b) in respect of a period that begins on or after those dates and provides incorrect information regarding the claimant residing in the postcode 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.

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 the different cases as set out 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 27th January 2016 with respect to a period that begins on or after 27th January 2016 and, on the date on which the claim is made, the claimant resides in one of the Part 1 designated postcodes. Sub-paragraph (b) of article 4(2) makes the same provision for claims made on or after 24th February 2016 where the claimant resides in one of the Part 2 designated postcodes.

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

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

Under article 4(1) and sub-paragraphs (d) and (e) 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 either of those sub-paragraphs and, on the date on which the claim is made, the claimant resides in one of the postcodes specified in that sub-paragraph.

Under article 4(1) and (2)(f), 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)(d) and (e) 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 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.

In relation to claims made on or after 27th January 2016, paragraphs (1) and (2) of article 6 modify the No. 22 Order so that the restrictions on claiming UC applied in that Order (“the gateway conditions”) do not apply to the provisions of article 3(2) and 4(2) of that Order for the coming into force of the UC provisions and the amending provisions where claims are made (as the case may be) for universal credit, an employment and support allowance or a jobseeker’s allowance by reference to residence in the Part 3 and Part 4 designated postcodes. Paragraph (3) makes consequential modifications to a number of provisions of articles 3 and 4 to allow for claims by couples, which will become possible by virtue of the gateway conditions no longer applying.

Article 7 contains transitional provisions which 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) and (b) of this Order, or by virtue of article 3(1) and (2)(i) and (t) of the No. 22 Order in respect of claims for UC in relation to which sub-paragraphs (i) and (t) of article 3(2) are modified by article 6(2) of this Order.

Paragraphs (1) and (2) of article 8 ensure that the provisions of articles 3(2)(bb) and 4(2)(ccc) and (ddd) of the Welfare Reform Act 2012 (Commencement No. 24 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2015 ([S.I. 2015/1537 \(C. 87\)](#) (“the No. 24 Order”)) for the coming into force of the UC provisions and the amending provisions do not apply in relation to a claim to which articles 3(2) (a) and 4(2)(a) or articles 3(2)(b) and 4(2)(b) (in relation to claims for UC) or sub-paragraph (d) or (e) of article 4(2) (in relation to claims for ESA or JSA) applies. Those provisions of the No. 24 Order were due to take effect on 25th April 2016 for a claimant residing in one of the Part 1 or Part 2 designated postcodes, as being part of “the No. 80 relevant districts” set out in “the Index of Relevant Districts” published on 20th July 2015 (each as defined in the No. 24 Order), subject to the gateway conditions. However they are now superseded by the equivalent provisions of this Order, which take effect from either 27th January 2016 or 24th February 2016 respectively with no gateway conditions attached.

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Paragraph (3) of article 8 modifies the No. 24 Order so that the provisions of article 3(2) and 4(2) of that Order for the coming into force of the UC provisions and the amending provisions (with gateway conditions attached) in relation to claims made on or after 18th January, 15th February or 7th March 2016 where a person resides in the No. 67, No. 71 or No. 74 relevant districts respectively will no longer take effect where a person resides in the Part 5, Part 6 or Part 7 designated postcodes respectively.

Paragraph (4) of article 8 ensures that the modifications by paragraph (3) do not take effect for the purposes of articles 3(2)(cc) and 4(2)(eee) and (fff) of the No. 24 Order (postcode districts and part-districts not otherwise provided for) (“the relevant provisions”). Therefore any reference in the relevant provisions to the provisions modified by paragraph (3) continues to include reference to the Part 5, Part 6 or Part 7 designated postcodes respectively. This has the effect that the UC provisions and the amending provisions do not come into force by reference to residence in the those designated postcodes (in each case with gateway conditions attached) under either the provisions of the No. 24 Order referred to in paragraph (3) (on the dates set out above) or the relevant provisions (on 25th April 2016).

Changes to legislation:

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