
STATUTORY INSTRUMENTS

2017 No. 664

The Welfare Reform Act 2012 (Commencement No. 29 and Commencement No. 17, 19, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2017

Citation

1. This Order may be cited as the Welfare Reform Act 2012 (Commencement No. 29 and Commencement No. 17, 19, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2017.

Interpretation

2.—(1) In this Order—

“claimant”—

- (a) in relation to an employment and support allowance, has the same meaning as in Part 1 of the Welfare Reform Act 2007(1);
- (b) in relation to a jobseeker’s allowance, has the same meaning as in the Jobseekers Act 1995(2) (as it applies apart from the amendments made by Part 1 of Schedule 14 to the Welfare Reform Act 2012 that remove references to an income-based jobseeker’s allowance);
- (c) in relation to universal credit, has the same meaning as in Part 1 of the Welfare Reform Act 2012(3);

“the Claims and Payments Regulations 1987” means the Social Security (Claims and Payments) Regulations 1987(4);

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

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

“the No. 17 Order” means the Welfare Reform Act 2012 (Commencement No. 17 and Transitional and Transitory Provisions) Order 2014(5);

“the No. 19 Order” means the Welfare Reform Act 2012 (Commencement No. 19 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2014(6);

“the No. 22 Order” means the Welfare Reform Act 2012 (Commencement No. 22 and Transitional and Transitory Provisions) Order 2015(7);

(1) 2007 c. 5.
(2) 1995 c. 18.
(3) See section 40.
(4) S.I. 1987/1968.
(5) S.I. 2014/1583 (C. 61).
(6) S.I. 2014/2321 (C. 99).
(7) S.I. 2015/101 (C. 6).

“the No. 23 Order” means the Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015⁽⁸⁾;

“the No. 24 Order” means 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⁽⁹⁾;

“the September 2016 Order” means the Welfare Reform Act 2012 (Commencement No. 19, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2016⁽¹⁰⁾.

(2) In this Order, references to “designated postcodes”, by numbered “Part”, are to any postcode district or part-district in the corresponding numbered Part of the Schedule to this Order.

(3) 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⁽¹¹⁾ apply for the purpose of deciding—

- (a) whether a claim for universal credit is made; and
- (b) the date on which the claim is made.

(4) For the purposes of this Order, the Claims and Payments Regulations 1987 apply, subject to paragraphs (5) and (6), for the purposes of deciding—

- (a) whether a claim for an employment and support allowance or a jobseeker’s allowance is made; and
- (b) the date on which the claim is made or treated as made.

(5) Subject to paragraph (6), for the purposes of this Order—

- (a) a person makes a claim for an employment and support allowance or a jobseeker’s allowance if that person takes any action which results in a decision on a claim being required under the Claims and Payments Regulations 1987; and
- (b) it is irrelevant that the effect of any provision of those Regulations is that, for the purposes of those Regulations, the claim is made or treated as made at a date that is earlier than the date on which that action is taken.

(6) Where, by virtue of—

- (a) regulation 6(1F)(b) or (c) of the Claims and Payments Regulations 1987⁽¹²⁾, in the case of a claim for an employment and support allowance; or
- (b) regulation 6(4ZA) to (4ZD) and (4A)(a)(i) and (b) of those Regulations⁽¹³⁾, in the case of a claim for a jobseeker’s allowance,

a claim for an employment and support allowance or a jobseeker’s allowance is treated as made at a date that is earlier than the date on which the action referred to in paragraph (5)(a) is taken, the claim is treated as made on that earlier date.

Modification of the No. 22 and 24 Orders: removal of the gateway conditions from 5th July 2017

3.—(1) This article applies in the case of a claim for universal credit that is made, or a claim for an employment and support allowance or a jobseeker’s allowance that is made or treated as made, on or after 5th July 2017.

⁽⁸⁾ S.I. 2015/634 (C. 32).

⁽⁹⁾ S.I. 2015/1537 (C. 87).

⁽¹⁰⁾ S.I. 2016/963.

⁽¹¹⁾ S.I. 2013/380.

⁽¹²⁾ Paragraph (1F) was inserted by S.I. 2008/1554 and substituted by S.I. 2009/1490.

⁽¹³⁾ Paragraphs (4ZA) to (4ZD) were inserted by S.I. 2000/1982 and paragraph (4ZC) was amended by S.I. 2009/1490. Paragraph (4A) was inserted by S.I. 1996/1460, substituted by S.I. 1997/793 and amended by S.I. 1999/3108, 2000/1982 and 2009/1490.

(2) Where this article applies, the provisions referred to in sub-paragraphs (a) to (l) have effect, with respect to a claimant residing in the relevant designated postcodes, as though the reference in those provisions to meeting the gateway conditions were omitted—

- (a) articles 3(2)(a) and 4(2)(a) and (b) of the No. 22 Order(14), in respect of the Part 1 designated postcodes;
- (b) articles 3(2)(c) and 4(2)(e) and (f) of the No. 22 Order(15), in respect of the Part 2 designated postcodes;
- (c) articles 3(2)(f) and 4(2)(k) and (l) of the No. 22 Order(16), in respect of the Part 3 designated postcodes;
- (d) articles 3(2)(g) and 4(2)(m) and (n) of the No. 22 Order, in respect of the Part 4 designated postcodes;
- (e) articles 3(2)(l) and 4(2)(w) and (x) of the No. 22 Order, in respect of the Part 5 designated postcodes;
- (f) articles 3(2)(t) and 4(2)(mm) and (nn) of the No. 22 Order(17), in respect of the Part 6 designated postcodes;
- (g) articles 3(2)(a) and 4(2)(a) and (b) of the No. 24 Order(18), in respect of the Part 7 designated postcodes;
- (h) articles 3(2)(f) and 4(2)(k) and (l) of the No. 24 Order(19), in respect of the Part 8 designated postcodes;
- (i) articles 3(2)(i) and 4(2)(q) and (r) of the No. 24 Order(20), in respect of the Part 9 designated postcodes;
- (j) articles 3(2)(l) and 4(2)(w) and (x) of the No. 24 Order(21), in respect of the Part 10 designated postcodes;
- (k) articles 3(2)(aa) and 4(2)(aaa) and (bbb) of the No. 24 Order, in respect of the Part 11 designated postcodes;
- (l) articles 3(2)(bb) and 4(2)(ccc) and (ddd) of the No. 24 Order(22), in respect of the Part 12 designated postcodes.

Modification of the No. 22 and 24 Orders: removal of the gateway conditions from 12th July 2017

4.—(1) This article applies in the case of a claim for universal credit that is made, or a claim for an employment and support allowance or a jobseeker’s allowance that is made or treated as made, on or after 12th July 2017.

(2) Where this article applies, the provisions referred to in sub-paragraphs (a) to (i) have effect, with respect to a claimant residing in the relevant designated postcodes, as though the reference in those provisions to meeting the gateway conditions were omitted—

- (a) articles 3(2)(a) and 4(2)(a) and (b) of the No. 22 Order, in respect of the Part 13 designated postcodes;

(14) Articles 3(2)(a) and 4(2)(a) and (b) were modified by S.I. 2016/596 (C. 41) and 963 and 2017/584 (C. 53).

(15) Articles 3(2)(c) and 4(2)(e) and (f) were modified by S.I. 2017/57 (C. 5) and 584 (C. 53).

(16) Articles 3(2)(f) and 4(2)(k) and (l) were modified by S.I. 2016/596 (C. 41) and 963 and 2017/57 (C. 5).

(17) Articles 3(2)(t) and 4(2)(mm) and (nn) were modified by S.I. 2016/963 and 2017/57 (C. 5).

(18) Articles 3(2)(a) and 4(2)(a) and (b) were modified by S.I. 2016/596 (C. 41) and 963 and 2017/57 (C. 5) and 584 (C. 53).

(19) Articles 3(2)(f) and 4(2)(k) and (l) were modified by S.I. 2017/584 (C. 53).

(20) Articles 3(2)(i) and 4(2)(q) and (r) were modified by S.I. 2017/584 (C. 53).

(21) Articles 3(2)(l) and 4(2)(w) and (x) were modified by S.I. 2017/57 (C. 5) and 584 (C. 53).

(22) Articles 3(2)(bb) and 4(2)(ccc) and (ddd) were modified by S.I. 2016/596 (C. 41) and 2017/584 (C. 53).

- (b) articles 3(2)(e) and 4(2)(i) and (j) of the No. 22 Order(23), in respect of the Part 14 designated postcodes;
- (c) articles 3(2)(g) and 4(2)(m) and (n) of the No. 22 Order, in respect of the Part 15 designated postcodes;
- (d) articles 3(2)(h) and 4(2)(o) and (p) of the No. 22 Order(24), in respect of the Part 16 designated postcodes;
- (e) articles 3(2)(j) and 4(2)(s) and (t) of the No. 22 Order(25), in respect of the Part 17 designated postcodes;
- (f) articles 3(2)(n) and 4(2)(aa) and (bb) of the No. 22 Order(26), in respect of the Part 18 designated postcodes;
- (g) articles 3(2)(s) and 4(2)(kk) and (ll) of the No. 22 Order, in respect of the Part 19 designated postcodes;
- (h) articles 3(2)(a) and 4(2)(a) and (b) of the No. 24 Order, in respect of the Part 20 designated postcodes;
- (i) articles 3(2)(l) and 4(2)(w) and (x) of the No. 24 Order, in respect of the Part 21 designated postcodes.

Modification of the No. 17, 19, 22 and 24 Orders: removal of the gateway conditions from 19th July 2017

5.—(1) This article applies in the case of a claim for universal credit that is made, or a claim for an employment and support allowance or a jobseeker’s allowance that is made or treated as made, on or after 19th July 2017.

(2) Where this article applies, the provisions referred to in sub-paragraphs (a) to (j) have effect, with respect to a claimant residing in the relevant designated postcodes, as though the reference in those provisions to meeting the gateway conditions were omitted—

- (a) articles 3(2)(a) and 4(2)(a) of the No. 17 Order, in respect of the Part 22 designated postcodes;
- (b) articles 3(2)(i) and 4(2)(i) of the No. 17 Order, in respect of the Part 23 designated postcodes;
- (c) articles 3(2)(k) and 4(2)(k) of the No. 17 Order, in respect of the Part 24 designated postcodes;
- (d) articles 3(2)(b) and 4(2)(b) of the No. 19 Order, in respect of the Part 25 designated postcodes;
- (e) articles 3(2)(g) and 4(2)(m) and (n) of the No. 22 Order, in respect of the Part 26 designated postcodes;
- (f) articles 3(2)(h) and 4(2)(o) and (p) of the No. 22 Order, in respect of the Part 27 designated postcodes;
- (g) articles 3(2)(d) and 4(2)(g) and (h) of the No. 24 Order(27), in respect of the Part 28 designated postcodes;
- (h) articles 3(2)(h) and 4(2)(o) and (p) of the No. 24 Order(28), in respect of the Part 29 designated postcodes;

(23) Articles 3(2)(e) and 4(2)(i) and (j) were modified by S.I. 2016/596 (C. 41) and 963 and 2017/57 (C. 5) and 584 (C. 53).

(24) Articles 3(2)(h) and 4(2)(o) and (p) were modified by S.I. 2016/596 (C. 41) and 963 and 2017/57 (C. 5).

(25) Articles 3(2)(j) and 4(2)(s) and (t) were modified by S.I. 2016/963 and 2017/57 (C. 5).

(26) Articles 3(2)(n) and 4(2)(aa) and (bb) were modified by S.I. 2016/963 and 2017/57 (C. 5).

(27) Articles 3(2)(d) and 4(2)(g) and (h) were modified by S.I. 2016/963.

(28) Articles 3(2)(h) and 4(2)(o) and (p) were modified by S.I. 2016/963 and 2017/57 (C. 5).

- (i) articles 3(2)(p) and 4(2)(ee) and (ff) of the No. 24 Order(29), in respect of the Part 30 designated postcodes;
- (j) articles 3(2)(q) and 4(2)(gg) and (hh) of the No. 24 Order, in respect of the Part 31 designated postcodes.

Modification of the No. 24 Order: removal of the gateway conditions from 6th September 2017

6.—(1) This article applies in the case of a claim for universal credit that is made, or a claim for an employment and support allowance or a jobseeker’s allowance that is made or treated as made, on or after 6th September 2017.

(2) Where this article applies, the provisions referred to in sub-paragraphs (a) and (b) have effect, with respect to a claimant residing in the relevant designated postcodes, as though the reference in those provisions to meeting the gateway conditions were omitted—

- (a) articles 3(2)(d) and 4(2)(g) and (h) of the No. 24 Order, in respect of the Part 32 designated postcodes;
- (b) articles 3(2)(p) and 4(2)(ee) and (ff) of the No. 24 Order, in respect of the Part 33 designated postcodes.

Modification of the No. 22 and 24 Orders: removal of the gateway conditions from 13th September 2017

7.—(1) This article applies in the case of a claim for universal credit that is made, or a claim for an employment and support allowance or a jobseeker’s allowance that is made or treated as made, on or after 13th September 2017.

(2) Where this article applies, the provisions referred to in sub-paragraphs (a) to (e) have effect, with respect to a claimant residing in the relevant designated postcodes, as though the reference in those provisions to meeting the gateway conditions were omitted—

- (a) articles 3(2)(a) and 4(2)(a) and (b) of the No. 22 Order, in respect of the Part 34 designated postcodes;
- (b) articles 3(2)(c) and 4(2)(e) and (f) of the No. 22 Order, in respect of the Part 35 designated postcodes;
- (c) articles 3(2)(h) and 4(2)(o) and (p) of the No. 24 Order, in respect of the Part 36 designated postcodes;
- (d) articles 3(2)(o) and 4(2)(cc) and (dd) of the No. 24 Order, in respect of the Part 37 designated postcodes;
- (e) articles 3(2)(aa) and 4(2)(aaa) and (bbb) of the No. 24 Order, in respect of the Part 38 designated postcodes.

Modification of the No. 22 and 24 Orders: removal of the gateway conditions from 20th September 2017

8.—(1) This article applies in the case of a claim for universal credit that is made, or a claim for an employment and support allowance or a jobseeker’s allowance that is made or treated as made, on or after 20th September 2017.

(2) Where this article applies, the provisions referred to in sub-paragraphs (a) to (c) have effect, with respect to a claimant residing in the relevant designated postcodes, as though the reference in those provisions to meeting the gateway conditions were omitted—

(29) Articles 3(2)(p) and 4(2)(ee) and (ff) were modified by [S.I. 2016/963](#) and [2017/57 \(C. 5\)](#) and [584 \(C. 53\)](#).

- (a) articles 3(2)(l) and 4(2)(w) and (x) of the No. 22 Order, in respect of the Part 39 designated postcodes;
- (b) articles 3(2)(a) and 4(2)(a) and (b) of the No. 24 Order, in respect of the Part 40 designated postcodes;
- (c) articles 3(2)(q) and 4(2)(gg) and (hh) of the No. 24 Order, in respect of the Part 41 designated postcodes.

Modification of the No. 22 and 24 Orders: removal of the gateway conditions from 27th September 2017

9.—(1) This article applies in the case of a claim for universal credit that is made, or a claim for an employment and support allowance or a jobseeker’s allowance that is made or treated as made, on or after 27th September 2017.

(2) Where this article applies, the provisions referred to in sub-paragraphs (a) to (e) have effect, with respect to a claimant residing in the relevant designated postcodes, as though the reference in those provisions to meeting the gateway conditions were omitted—

- (a) articles 3(2)(f) and 4(2)(k) and (l) of the No. 22 Order, in respect of the Part 42 designated postcodes;
- (b) articles 3(2)(l) and 4(2)(w) and (x) of the No. 22 Order, in respect of the Part 43 designated postcodes;
- (c) articles 3(2)(c) and 4(2)(e) and (f) of the No. 24 Order⁽³⁰⁾, in respect of the Part 44 designated postcodes;
- (d) articles 3(2)(l) and 4(2)(w) and (x) of the No. 24 Order, in respect of the Part 45 designated postcodes;
- (e) articles 3(2)(r) and 4(2)(ii) and (jj) of the No. 24 Order⁽³¹⁾, in respect of the Part 46 designated postcodes.

Modifications in consequence of removal of the gateway conditions: the No. 17 Order

10.—(1) This article applies in the case of a claim in relation to which provisions of the No. 17 Order are modified under article 5(2)(a), (b) or (c).

(2) Where this article applies, the No. 17 Order has effect as though—

- (a) in article 2(1) (interpretation), the definition of “gateway conditions” were omitted;
- (b) in article 3(2)(b), (d), (f), (h), (j) and (l) (coming into force of the universal credit provisions and incorrect information)⁽³²⁾—
 - (i) in paragraph (i), “or meeting the gateway conditions” and “or does not meet the gateway conditions” were omitted;
 - (ii) in paragraph (ii), “or meeting the gateway conditions” and “or does not or do not meet those conditions” were omitted;
 - (iii) in paragraph (iii), “or meeting the gateway conditions” were omitted;
- (c) in article 3(5) (article 3A of the No. 9 Order and incorrect information)⁽³³⁾—
 - (i) for the text from “No. 8” to “No. 13 relevant district” there were substituted “numbered relevant district referred to in paragraph (2)”;

⁽³⁰⁾ Articles 3(2)(c) and 4(2)(e) and (f) were modified by S.I. 2016/596 (C. 41) and 963 and 2017/57 (C. 5).

⁽³¹⁾ Articles 3(2)(r) and 4(2)(ii) and (jj) were modified by S.I. 2016/963.

⁽³²⁾ Sub-paragraphs (b), (d), (f), (h), (j) and (l) were substituted by S.I. 2014/1923 (C. 88).

⁽³³⁾ Substituted by S.I. 2014/1923 (C. 88).

- (ii) “or meeting the gateway conditions” were omitted in both places it occurs;
- (d) in article 4(2)(b), (d), (f), (h), (j) and (l) (abolition of income-related employment and support allowance and income-based jobseeker’s allowance and incorrect information)(34)—
 - (i) in paragraph (i), “or meeting the gateway conditions” and “or does not meet the gateway conditions” were omitted;
 - (ii) in paragraph (ii), “or meeting the gateway conditions” and “or does not or do not meet those conditions” were omitted;
 - (iii) in paragraph (iii), “or meeting the gateway conditions” were omitted; and
- (e) for article 4(7) (claims by couples)(35) there were substituted—
 - “(7) Paragraphs (1A) and (1B) of article 5 of the No. 9 Order apply for the purposes of paragraph (2)(a), (c), (e), (g), (i) and (k) as they apply for the purposes of article 4(2)(a) of the No. 9 Order (but as if the references in paragraph (1A) to Schedule 5 to the No. 9 Order were omitted).”.

Modifications in consequence of removal of the gateway conditions: the No. 19 Order

11.—(1) This article applies in the case of a claim in relation to which provisions of the No. 19 Order are modified under article 5(2)(d).

(2) Where this article applies, the modifications to the No. 19 Order made by article 13(2) of the September 2016 Order have effect.

Modifications in consequence of removal of the gateway conditions: the No. 22 Order

12.—(1) This article applies in the case of a claim in relation to which provisions of the No. 22 Order are modified under—

- (a) article 3(2)(a), (b), (c), (d), (e) or (f);
- (b) article 4(2)(a), (b), (c), (d), (e), (f) or (g);
- (c) article 5(2)(e) or (f);
- (d) article 7(2)(a) or (b);
- (e) article 8(2)(a); or
- (f) article 9(2)(a) or (b).

(2) Where this article applies, the modifications to the No. 22 Order made by article 14(2) of the September 2016 Order have effect.

Modifications in consequence of removal of the gateway conditions: the No. 24 Order

13.—(1) This article applies in the case of a claim in relation to which provisions of the No. 24 Order are modified under—

- (a) article 3(2)(g), (h), (i), (j), (k) or (l);
- (b) article 4(2)(h) or (i);
- (c) article 5(2)(g), (h), (i) or (j);
- (d) article 6(2);
- (e) article 7(2)(c), (d) or (e);

(34) Sub-paragraphs (b), (d), (f), (h), (j) and (l) were substituted by [S.I. 2014/1923 \(C. 88\)](#).

(35) Paragraph (7) was substituted by [S.I. 2014/3067 \(C. 129\)](#).

- (f) article 8(2)(b) or (c); or
- (g) article 9(2)(c), (d) or (e).

(2) Where this article applies, the modifications to the No. 24 Order made by article 15(2) of the September 2016 Order have effect.

Modification of the No. 23 Order: claims for housing benefit, income support or a tax credit

14. Article 7 of the No. 23 Order (prevention of claims for housing benefit, income support or a tax credit)⁽³⁶⁾ applies as though the reference in paragraph (1) of that article to article 3(1) and (2)(a) to (c) of that Order included—

- (a) a reference to paragraph (1) and sub-paragraphs (a), (i) and (k) of paragraph (2) of article 3 of the No. 17 Order, in respect of claims in relation to which those sub-paragraphs are modified respectively by article 5(2)(a), 5(2)(b) and 5(2)(c) of this Order;
- (b) a reference to paragraph (1) and sub-paragraph (b) of paragraph (2) of article 3 of the No. 19 Order, in respect of claims in relation to which that sub-paragraph is modified by article 5(2)(d) of this Order;
- (c) a reference to paragraph (1) and sub-paragraphs (e), (j), (n), (s) and (t) of paragraph (2) of article 3 of the No. 22 Order, in respect of claims in relation to which those sub-paragraphs are modified respectively by articles 4(2)(b), 4(2)(e), 4(2)(f), 4(2)(g) and 3(2)(f) of this Order;
- (d) a reference to paragraph (1) and sub-paragraphs (a), (c), (f), (g), (h) and (l) of paragraph (2) of article 3 of the No. 22 Order, in respect of claims in relation to which those sub-paragraphs are modified respectively by articles 3(2)(a), 4(2)(a) and 7(2)(a), articles 3(2)(b) and 7(2)(b), articles 3(2)(c) and 9(2)(a), articles 3(2)(d), 4(2)(c) and 5(2)(e), articles 4(2)(d) and 5(2)(f), and articles 3(2)(e), 8(2)(a) and 9(2)(b) of this Order;
- (e) a reference to paragraph (1) and sub-paragraphs (c), (f), (i), (o), (r) and (bb) of paragraph (2) of article 3 of the No. 24 Order, in respect of claims in relation to which those sub-paragraphs are modified respectively by articles 9(2)(c), 3(2)(h), 3(2)(i), 7(2)(d), 9(2)(e) and 3(2)(l) of this Order; and
- (f) a reference to paragraph (1) and sub-paragraphs (a), (d), (h), (l), (p), (q) and (aa) of paragraph (2) of article 3 of the No. 24 Order, in respect of claims in relation to which those sub-paragraphs are modified respectively by articles 3(2)(g), 4(2)(h) and 8(2)(b), articles 5(2)(g) and 6(2)(a), articles 5(2)(h) and 7(2)(c), articles 3(2)(j), 4(2)(i) and 9(2)(d), articles 5(2)(i) and 6(2)(b), articles 5(2)(j) and 8(2)(c), and articles 3(2)(k) and 7(2)(e) of this Order.

Appointed day

15. 19th June 2017 is the day appointed for the coming into force of section 46(1) (sanctions) of the Welfare Reform Act 2012 for the purpose of the substitution of section 19C (hardship payments) of the Jobseekers Act 1995.

⁽³⁶⁾ Paragraphs (1) and (10)(b) of article 7 were amended by S.I. 2015/740 (C. 39). Paragraph (1) was modified by S.I. 2015/1930 (C. 118), 2016/33 (C. 3), 407 (C. 20), 596 (C. 41) and 963 and 2017/57 (C. 5) and 584 (C. 53). Paragraph (2) was amended by S.I. 2017/376.

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

19th May 2017

Damian Hinds
Minister of State
Department for Work and Pensions