
STATUTORY INSTRUMENTS

2019 No. 167

**The Welfare Reform Act 2012 (Commencement No. 32
and Savings and Transitional Provisions) Order 2019**

Appointed day – coming into force of universal credit provisions and abolition of income-related employment and support allowance and income-based jobseeker's allowance: persons resident outside Great Britain

4.—(1) The day appointed for the coming into force of the UC provisions, 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).

(2) The claim referred to is a claim for universal credit that is made on or after 1st February 2019 in respect of a period that begins on or after 1st February 2019 where, on the date that the claim is made, the claimant (in the case of UC joint claimants, either claimant) resides outside Great Britain.

(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) The day appointed for the coming into force of the provisions referred to in article 4(1)(a) to (c) of the No. 9 Order^{M1}, in so far as they are not already in force, in relation to the case of a claim referred to in paragraph (6), and any award that is made in respect of the claim, is the day appointed in accordance with paragraph (7).

(6) The claims referred to are—

(a) a claim for universal credit that is made on or after 1st February 2019 in respect of a period that begins on or after 1st February 2019 where, on the date that the claim is made, the claimant (in the case of UC joint claimants, either claimant) resides outside Great Britain;

(b) a claim for an employment and support allowance or a jobseeker's allowance that is made on or after 1st February 2019 in respect of a period that begins on or after 1st February 2019 where, on the date that the claim is made, the claimant (in the case of a claim for a jobseeker's allowance by a joint-claim couple, or a claim for either allowance by a person who would form part of a UC couple for the purposes of universal credit, either member of the couple) resides outside Great Britain;

(c) a claim for an employment and support allowance or a jobseeker's allowance other than one referred to in sub-paragraph (b) that is made or treated as made during the relevant period by a UC single claimant or by either of two UC joint claimants who has or have made a claim for universal credit under sub-paragraph (a).

(7) The day appointed in relation to the case of a claim referred to in paragraph (6), 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.

(8) Paragraphs (6), (7), (9) and (10) of article 4 of the No. 9 Order apply in relation to a claim for universal credit referred to in paragraph (6)(a) (and any award that is made in respect of the claim) as they apply to a claim for universal credit referred to in sub-paragraph (a) or (b) of article 4(2) of the No. 9 Order (and any award that is made in respect of the claim).

(9) Article 5(8) of the No. 9 Order applies for the purposes of paragraph (7) as it applies for the purposes of article 4(3)(a) of the No. 9 Order.

(10) Article 7 of the No. 23 Order 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 reference to paragraphs (1) and (2).

^{F1}(11)

(12) Articles 9 to 22 of the No. 9 Order apply in connection with the coming into force of the provisions referred to in article 4(1)(a) to (c) of the No. 9 Order, in relation to the case of a claim referred to in paragraph (6), and any award made in respect of the claim, as they apply in connection with the coming into force of those provisions in relation to the case of a claim referred to in sub-paragraph (a) or (g) of article 4(2) of the No. 9 Order ^{M2} and any award that is made in respect of the claim.

(13) In this article—

(a) “claimant”—

- (i) in relation to an employment and support allowance, has the same meaning as in Part 1 of the Welfare Reform Act 2007;
- (ii) in relation to a jobseeker's allowance, has the same meaning as in the Jobseeker's 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), save as mentioned in paragraph (6)(b);
- (iii) in relation to universal credit, has the same meaning as in Part 1 of the Act, save as mentioned in paragraph (2) and (6)(a);

(b) “relevant period” means, in relation to a claim for universal credit within paragraph (6) (a), 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;

(c) “UC claim period” means a period when—

- (i) a claim for universal credit within paragraph (6)(a) has been made but a decision has not yet been made on the claim; or
- (ii) a decision has been made that the claimant is not entitled to universal credit and—
 - (aa) the Secretary of State is considering whether to revise that decision under section 9 of the Social Security Act 1998 ^{M3}, whether on an application made for that purpose or on the Secretary of State's own initiative; or
 - (bb) the claimant has appealed against that decision to the First-tier Tribunal and that appeal, or any subsequent appeal to the Upper Tribunal or a court, has not yet been finally determined;

(d) the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 ^{M4} apply for the purpose of deciding—

- (i) whether a claim for universal credit is made;
- (ii) the date on which such a claim is made;

(e) the Claims and Payments Regulations 1987 apply, subject to sub-paragraphs (f) and (g), for the purpose of deciding—

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

(f) subject to sub-paragraph (g)—

- (i) a person makes a claim for an employment and support allowance or a jobseeker's allowance if he or she takes any action which results in a decision on a claim being required under the Claims and Payments Regulations 1987; and
 - (ii) 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;
- (g) where, by virtue of—
- (i) regulation 6(1F)(b) or (c) of the Claims and Payments Regulations 1987^{M5}, in the case of a claim for an employment and support allowance; or
 - (ii) regulation 6(4ZA) to (4ZD) and (4A)(a)(i) and (b) of those Regulations^{M6}, 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 sub-paragraph (f)(i) is taken, the claim is treated as made on that earlier date.

F1 [Art. 4\(11\) omitted \(30.3.2022\) by virtue of The Welfare Reform Act 2012 \(Commencement No. 34 and Commencement No. 9, 21, 23, 31 and 32 and Transitional and Transitory Provisions \(Amendment\)\) Order 2022 \(S.I. 2022/302\), art. 4\(1\)\(4\)](#)

Marginal Citations

- M1** [Article 4\(1\)](#) was substituted by [S.I. 2014/1452 \(C. 56\)](#).
- M2** [Article 4\(2\)](#) was substituted by [S.I. 2014/1452 \(C. 56\)](#); sub-paragraph (a) was amended by [S.I. 2014/1923 \(C. 88\)](#) and [2018/138 \(C. 13\)](#); sub-paragraph (g) was amended by [S.I. 2014/1923 \(C. 88\)](#).
- M3** [1998 c. 14](#). Section 9 was amended by the [Welfare Reform Act 2012 \(c. 5\)](#), [Schedule 14, Part 8](#).
- M4** [S.I. 2013/380](#).
- M5** Paragraph (1F) was inserted by [S.I. 2008/1554](#) and substituted by [S.I. 2009/1490](#).
- M6** 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](#).

Changes to legislation:

There are currently no known outstanding effects for the The Welfare Reform Act 2012 (Commencement No. 32 and Savings and Transitional Provisions) Order 2019, Section 4.