STATUTORY INSTRUMENTS

2018 No. 138 (C. 13)

SOCIAL SECURITY

The Welfare Reform Act 2012 (Commencement No. 9, 21 and 23 (Amendment), Commencement No. 11, 13, 17, 19, 22, 23 and 24 (Modification), Transitional and Transitory Provisions) Order 2018

Made - - - - 2nd February 2018

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by section 150(3) and (4)(a), (b)(i) and (c) of the Welfare Reform Act 2012(**1**):

Citation

1. This Order may be cited as the Welfare Reform Act 2012 (Commencement No. 9, 21 and 23 (Amendment), Commencement No. 11, 13, 17, 19, 22, 23 and 24 (Modification), Transitional and Transitory Provisions) Order 2018.

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(**2**);

(b) in relation to a jobseeker's allowance, has the same meaning as in the Jobseekers Act 1995(**3**) (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(**4**);

(**1**) 2012 c. 5.
(**2**) 2007 c. 5.
(**3**) 1995 c. 18.
(**4**) *See* section 40.

"the Claims and Payments Regulations 1987" means the Social Security (Claims and Payments) Regulations 1987(**5**);

"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. 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(**6**);

"the No. 11 Order" means the Welfare Reform Act 2012 (Commencement No. 11 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2013(**7**);

"the No. 13 Order" means the Welfare Reform Act 2012 (Commencement No. 13 and Transitional and Transitory Provisions) Order 2013(**8**);

"the No. 17 Order" means the Welfare Reform Act 2012 (Commencement No. 17 and Transitional and Transitory Provisions) Order 2014(**9**);

"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(**10**);

"the No. 21 Order" means the Welfare Reform Act 2012 (Commencement No. 21 and Transitional and Transitory Provisions) Order 2015(**11**);

"the No. 22 Order" means the Welfare Reform Act 2012 (Commencement No. 22 and Transitional and Transitory Provisions) Order 2015(**12**);

"the No. 23 Order" means the Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015(**13**);

"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(**14**).

(2) 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(**15**) 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.

(3) For the purposes of this Order, the Claims and Payments Regulations 1987 apply, subject to paragraphs (4) and (5), 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**) S.I. 1987/1968.
(**6**) S.I. 2013/983 (C. 41).
(**7**) S.I. 2013/1511 (C. 60).
(**8**) S.I. 2013/2657 (C. 107).
(**9**) S.I. 2014/1583 (C. 61).
(**10**) S.I. 2014/2321 (C. 99).
(**11**) S.I. 2015/33 (C. 4).
(**12**) S.I. 2015/101 (C. 6).
(**13**) S.I. 2015/634 (C. 32).
(**14**) S.I. 2015/1537 (C. 87).
(**15**) S.I. 2013/380.

(4) Subject to paragraph (5), 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.

(5) Where, by virtue of—

(a) regulation 6(1F)(b) or (c) of the Claims and Payments Regulations 1987(**16**), 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(**17**), 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 (4)(a) is taken, the claim is treated as made on that earlier date.

Amendment of the No. 9 Order: removal of the gateway conditions

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 7th March 2018, where it is made by reference to the claimant's residence in one of the relevant districts, as defined in the No. 9 Order(**18**).

(2) Where this article applies, the No. 9 Order(**19**) is amended as follows—

(a) in article 2(1) (interpretation), omit the definition of "gateway conditions"(**20**);

(b) in article 3(3)(a) (coming into force of the universal credit provisions)(**21**), omit "and meets the gateway conditions";

(c) in article 3(3)(b) (coming into force of the universal credit provisions and incorrect information)(**22**)—

(i) in paragraph (i), omit "or meeting the gateway conditions" and "or does not meet the gateway conditions";

(ii) in paragraph (ii), omit "or meeting the gateway conditions" and "or does not or do not meet those conditions";

(iii) in paragraph (iii), omit "or meeting the gateway conditions";

(d) in the title of article 3A (incorrect information: general provisions)(**23**), omit "or meeting the gateway conditions";

(e) in article 3A(1), for the text from "or meeting the" to "are met" substitute "and the condition referred to in paragraph (2) is met";

(f) for article 3A(2), substitute—

(**16**) Paragraph (1F) was inserted by S.I. 2008/1554 and substituted by S.I. 2009/1490.
(**17**) 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.
(**18**) These are the postcode districts M43, OL6, OL7 and SK16 (see Schedule 1 to the No. 9 Order).
(**19**) Relevant amendments were made by S.I. 2014/1452 (C. 56), 1661 (C. 69), 1923 (C. 88) and 3067 (C. 129) and 2015/32 (C. 3) and 1537 (C. 87).
(**20**) The definition of gateway conditions was inserted by S.I. 2014/1452 (C. 56).
(**21**) Article 3(3) was substituted by S.I. 2014/1452 (C. 56).
(**22**) Sub-paragraph (b) of article 3(3) was substituted by S.I. 2014/1923 (C. 88).
(**23**) Article 3A was inserted by S.I. 2014/1452 (C. 56), amended by S.I. 2014/1661 (C. 69) and substituted by S.I. 2014/1923 (C. 88).

"(2) The condition referred to is that, on the date on which the claim was made, the claimant did not reside in one of the relevant districts (unless paragraph (3) applies).";

(g) for article 4(2)(a) (abolition of income-related employment and support allowance and income-based jobseeker's allowance)(**24**), substitute—

"(a) a claim for universal credit, an employment and support allowance or a jobseeker's allowance where, on the date on which the claim is made or treated as made, the claimant resides in one of the relevant districts;"

(h) in article 4(2)(b) (abolition of income-related employment and support allowance and income-based jobseeker's allowance and incorrect information)(**25**)—

(i) in paragraph (i), omit "or meeting the gateway conditions" and "or does not meet the gateway conditions";

(ii) in paragraph (ii), omit "or meeting those conditions" and "or does not or do not meet those conditions";

(iii) in paragraph (iii), omit "or meeting the gateway conditions";

(i) in article 5 (provisions that apply in connection with the abolition of income-related employment and support allowance and income-based jobseeker's allowance)(**26**), omit paragraph (1);

(j) in article 5(1A), omit "or Schedule 5 (save in paragraph 4 of that Schedule)"(**27**); and

(k) omit Schedule 5 (the gateway conditions)(**28**).

Modification of the No. 11 Order, the No. 13 Order, the No. 17 Order, the No. 19 Order, the No. 22 Order and the No. 24 Order: removal of the gateway conditions

4. The provisions specified in the first column of the table in the Schedule have effect as though the reference in those provisions to meeting the gateway conditions were omitted, in respect 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, by reference to the claimant's residence in any postcode district or part-district specified in the corresponding entry in the second column, on or after the date specified in the corresponding entry in the third column.

Modifications of the No. 11 Order, the No. 13 Order, the No. 17 Order, the No. 19 Order, the No. 22 Order and the No. 24 Order in consequence of removal of the gateway conditions

5.—(1) This article applies in respect of claims in relation to which provisions of the No. 11 Order, the No. 13 Order, the No. 17 Order, the No. 19 Order, the No. 22 Order and the No. 24 Order are modified by article 4.

(2) Where this article applies, the following modifications also have effect—

(a) those made to the No. 11 Order by article 14(2) of the Welfare Reform Act 2012 (Commencement No. 11, 13, 16, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2017(**29**);

(**24**) Article 4 was substituted by S.I. 2014/1452 (C. 56).
(**25**) Sub-paragraph (b) was substituted by S.I. 2014/1923 (C. 88).
(**26**) Article 5 was substituted by S.I. 2014/1452 (C. 56). Paragraph (1) was substituted by S.I. 2014/1923 (C. 88) and 3067 (C. 129).
(**27**) Paragraph (1A) was substituted by S.I. 2014/3067 (C. 129).
(**28**) Schedule 5 was inserted by S.I. 2014/1452 (C. 56) and relevant amendments were made by S.I. 2014/1452 (C. 56), 1661 (C. 69), 1923 (C. 88) and 3067 (C. 129) and 2015/32 (C. 3) and 1537 (C. 87).
(**29**) S.I. 2017/57 (C. 5).

(b) those made to the No. 13 Order by article 6(2) of the Welfare Reform Act 2012 (Commencement No. 13, 14, 16, 19, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2016(**30**);

(c) those made to the No. 17 Order by article 10(2) of 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(**31**); and

(d) those made to the No. 19 Order, the No. 22 Order and the No. 24 Order by articles 13(2), 14(2) and 15(2) respectively of the Welfare Reform Act 2012 (Commencement No. 19, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2016(**32**).

Amendment of the No. 21 Order and the No. 23 Order: claims for housing benefit in respect of temporary accommodation

6.—(1) The following amendments have effect from 11th April 2018.

(2) Article 6 of the No. 21 Order is amended as follows—

(a) in paragraph (2), at the end insert "or temporary accommodation";

(b) in paragraph (10), at the end insert—

";

(k) "temporary accommodation" means accommodation which falls within Case 1 or Case 2 under paragraph 3B of Schedule 1 to the Universal Credit Regulations(**33**)

(3) Article 7 of the No. 23 Order is amended as follows—

(a) in paragraph (3), at the end insert "or temporary accommodation";

(b) in paragraph (11), at the end insert—

";

(l) "temporary accommodation" means accommodation which falls within Case 1 or Case 2 under paragraph 3B of Schedule 1 to the Universal Credit Regulations".

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

7.—(1) This article applies to claims in relation to which the sub-paragraph referred to in paragraph (2)(a) is amended by article 3(1)(b) and the sub-paragraphs referred to in paragraph (2)(b) to (g) are modified by article 4.

(2) Where this article applies, article 7 of the No. 23 Order (prevention of claims for housing benefit, income support or a tax credit)(**34**) 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—

(a) paragraph (2) and sub-paragraph (a) of paragraph (3) of article 3 of the No. 9 Order;

(b) paragraph (1) and sub-paragraph (a) of paragraph (2) of article 3 of the No. 11 Order;

(c) paragraph (1) and sub-paragraph (a) of paragraph (2) of article 3 of the No. 13 Order;

(d) paragraph (1) and sub-paragraph (a) of paragraph (2) of article 3 of the No. 17 Order;

(**30**) S.I. 2016/596 (C. 41).
(**31**) S.I. 2017/664 (C. 56).
(**32**) S.I. 2016/963.
(**33**) Paragraph 3B is inserted by S.I. 2018/65.
(**34**) Article 7(1) was amended by S.I. 2015/740 (C. 39) and 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), 584 (C. 53), 664 (C. 56) and 952 (C. 86).