STATUTORY INSTRUMENTS

2016 No. 963

SOCIAL SECURITY

The Welfare Reform Act 2012 (Commencement No. 19, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2016

Made - - - - 29th September 2016

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. 19, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2016.

Interpretation

2.—(1) In this Order—

"the Act" means the Welfare Reform Act 2012;

"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 Act 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 Act(**4**);

"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;

(**1**) 2012 c. 5.
(**2**) 2007 c. 5.
(**3**) 1995 c. 18.
(**4**) *See* section 40.
(**5**) S.I. 1987/1968.

"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. 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(**7**);

"the No. 22 Order" means the Welfare Reform Act 2012 (Commencement No. 22 and Transitional and Transitory Provisions) Order 2015(**8**);

"the No. 23 Order" means the Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015(**9**);

"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(**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 he or she 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,

(**6**) S.I. 2013/983 (C. 41).
(**7**) S.I. 2014/2321 (C. 99).
(**8**) S.I. 2015/101 (C. 6).
(**9**) S.I. 2015/634 (C. 32).
(**10**) S.I. 2015/1537 (C. 87).
(**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.

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. 19 and 24 Orders: removal of the gateway conditions from 5th October 2016

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 October 2016.

(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 designated postcodes referred to in the sub-paragraph in question, as though the reference in those provisions to meeting the gateway conditions were omitted —

(a) articles 3(2)(j) and 4(2)(j) of the No. 19 Order(**14**), in respect of the Part 1 designated postcodes;

(b) articles 3(2)(r) and 4(2)(ii) and (jj) of the No. 24 Order, in respect of the Part 2 designated postcodes.

Modification of the No. 22 and 24 Orders: removal of the gateway conditions from 12th October 2016

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 October 2016.

(2) Where this article applies, the provisions referred to in sub-paragraphs (a) to (g) have effect, with respect to a claimant residing in the designated postcodes referred to in the sub-paragraph in question, 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(**15**), in respect of the Part 3 designated postcodes;

(b) articles 3(2)(h) and 4(2)(o) and (p) of the No. 22 Order(**16**), in respect of the Part 4 designated postcodes;

(c) articles 3(2)(k) and 4(2)(u) and (v) of the No. 22 Order(**17**), in respect of the Part 5 designated postcodes;

(d) articles 3(2)(h) and 4(2)(o) and (p) of the No. 24 Order, in respect of the Part 6 designated postcodes;

(e) articles 3(2)(j) and 4(2)(s) and (t) of the No. 24 Order, in respect of the Part 7 designated postcodes;

(f) articles 3(2)(k) and 4(2)(u) and (v) of the No. 24 Order, in respect of the Part 8 designated postcodes;

(g) articles 3(2)(r) and 4(2)(ii) and (jj) of the No. 24 Order, in respect of the Part 9 designated postcodes.

(**14**) Articles 3(2)(j) and 4(2)(j) were modified by S.I. 2016/596 (C. 41).
(**15**) Articles 3(2)(a) and 4(2)(a) and (b) were modified by S.I. 2016/596 (C. 41).
(**16**) Articles 3(2)(h) and 4(2)(o) and (p) were modified by S.I. 2016/596 (C. 41).
(**17**) Articles 3(2)(k) and 4(2)(u) and (v) were modified by S.I. 2016/596 (C. 41).

Modification of the No. 24 Order: removal of the gateway conditions from 19th October 2016

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 October 2016.

(2) Where this article applies, articles 3(2)(r) and 4(2)(ii) and (jj) of the No. 24 Order have effect, with respect to a claimant residing in the Part 10 designated postcodes, as though the reference in those provisions to meeting the gateway conditions were omitted.

Modification of the No. 22 and 24 Orders: removal of the gateway conditions from 26th October 2016

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 26th October 2016.

(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 designated postcodes referred to in the sub-paragraph in question, as though the reference in those provisions to meeting the gateway conditions were omitted —

(a) articles 3(2)(h) and 4(2)(o) and (p) of the No. 22 Order, in respect of the Part 11 designated postcodes;

(b) articles 3(2)(e) and 4(2)(i) and (j) of the No. 24 Order, in respect of the Part 12 designated postcodes;

(c) articles 3(2)(h) and 4(2)(o) and (p) of the No. 24 Order, in respect of the Part 13 designated postcodes.

Modification of the No. 19, 22 and 24 Orders: removal of the gateway conditions from 2nd November 2016

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 2nd November 2016.

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

(a) articles 3(2)(n) and 4(2)(n) of the No. 19 Order, in respect of the Part 14 designated postcodes;

(b) articles 3(2)(b) and 4(2)(c) and (d) of the No. 22 Order, in respect of the Part 15 designated postcodes;

(c) articles 3(2)(j) and 4(2)(s) and (t) of the No. 24 Order, in respect of the Part 16 designated postcodes;

(d) articles 3(2)(m) and 4(2)(y) and (z) of the No. 24 Order, in respect of the Part 17 designated postcodes.

Modification of the No. 19, 22 and 24 Orders: removal of the gateway conditions from 9th November 2016

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 9th November 2016.

(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 designated postcodes referred to in the sub-paragraph in question, as though the reference in those provisions to meeting the gateway conditions were omitted —

(a) articles 3(2)(n) and 4(2)(n) of the No. 19 Order, in respect of the Part 18 designated postcodes;

(b) articles 3(2)(b) and 4(2)(c) and (d) of the No. 22 Order, in respect of the Part 19 designated postcodes;

(c) articles 3(2)(f) and 4(2)(k) and (l) of the No. 22 Order(**18**), in respect of the Part 20 designated postcodes;

(d) articles 3(2)(r) and 4(2)(ii) and (jj) of the No. 24 Order, in respect of the Part 21 designated postcodes;

(e) articles 3(2)(s) and 4(2)(kk) and (ll) of the No. 24 Order, in respect of the Part 22 designated postcodes.

Modification of the No. 22 and 24 Orders: removal of the gateway conditions from 23rd November 2016

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 23rd November 2016.

(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 designated postcodes referred to in the sub-paragraph in question, 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 23 designated postcodes;

(b) articles 3(2)(t) and 4(2)(mm) and (nn) of the No. 22 Order(**19**), in respect of the Part 24 designated postcodes;

(c) articles 3(2)(d) and 4(2)(g) and (h) of the No. 24 Order, in respect of the Part 25 designated postcodes.

Modification of the No. 22 and 24 Orders: removal of the gateway conditions from 30th November 2016

10.—(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 30th November 2016.

(2) Where this article applies, the provisions referred to in sub-paragraphs (a) to (d) have effect, with respect to a claimant residing in the designated postcodes referred to in the sub-paragraph in

(**18**) Articles 3(2)(f) and 4(2)(k) and (l) were modified by S.I. 2016/596 (C. 41).
(**19**) Articles 3(2)(t) and 4(2)(mm) and (nn) were modified by S.I. 2016/33 (C. 3).