STATUTORY INSTRUMENTS

2016 No. 596 (C. 41)

SOCIAL SECURITY

The Welfare Reform Act 2012 (Commencement No. 13, 14, 16, 19, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2016

Made - - - - 23rd May 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. 13, 14, 16, 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. 13 Order" means the Welfare Reform Act 2012 (Commencement No. 13 and Transitional and Transitory Provisions) Order 2013(**7**);

"the No. 14 Order" means the Welfare Reform Act 2012 (Commencement No. 14 and Transitional and Transitory Provisions) Order 2013(**8**);

"the No. 16 Order" means the Welfare Reform Act 2012 (Commencement No. 16 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. 22 Order" means the Welfare Reform Act 2012 (Commencement No. 22 and Transitional and Transitory Provisions) Order 2015(**11**);

"the No. 23 Order" means the Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015(**12**);

"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(**13**).

(2) In this Order, references to "designated postcodes", by numbered "Part", are to the postcode districts and part-districts 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(**14**) apply for the purpose of deciding—

(a) whether a claim for universal credit is made; and

(b) the date on which such a 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**) S.I. 2013/983 (C. 41).
(**7**) S.I. 2013/2657 (C. 107).
(**8**) S.I. 2013/2846 (C. 114).
(**9**) S.I. 2014/209 (C. 7).
(**10**) S.I. 2014/2321 (C. 99).
(**11**) S.I. 2015/101 (C. 6).
(**12**) S.I. 2015/634 (C. 32).
(**13**) S.I. 2015/1537 (C. 87).
(**14**) S.I. 2013/380.

(6) Where, by virtue of—

(a) regulation 6(1F)(b) or (c) of the Claims and Payments Regulations 1987(**15**), 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(**16**), 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. 14, 16, 22 and 24 Orders: removal of the gateway conditions from 25th May 2016

3.—(1) This article applies in the case of a claim for universal credit, an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 25th May 2016.

(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 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) of the No. 14 Order(**17**), in respect of the Part 1 designated postcodes;

(b) articles 3(2)(a) and 4(2)(a) of the No. 16 Order(**18**), in respect of the Part 2 designated postcodes;

(c) articles 3(2)(e) and 4(2)(i) and (j) of the No. 22 Order, in respect of the Part 3 designated postcodes;

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

(e) articles 3(2)(h) and 4(2)(o) and (p) of the No. 22 Order, in respect of the Part 5 designated postcodes;

(f) articles 3(2)(i) and 4(2)(q) and (r) of the No. 22 Order(**19**), in respect of the Part 6 designated postcodes;

(g) articles 3(2)(c) and 4(2)(e) and (f) of the No. 24 Order, in respect of the Part 7 designated postcode;

(h) articles 3(2)(n) and 4(2)(aa) and (bb) of the No. 24 Order, in respect of the Part 8 designated postcodes;

(i) articles 3(2)(bb) and 4(2)(ccc) and (ddd) of the No. 24 Order, in respect of the Part 9 designated postcodes.

Modification of the No. 13, 14, 16, 22 and 24 Orders: removal of the gateway conditions from 29th June 2016

4.—(1) This article applies in the case of a claim for universal credit, an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 29th June 2016.

(**15**) Paragraph (1F) was inserted by S.I. 2008/1554 and substituted by S.I. 2009/1490.
(**16**) 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.
(**17**) Articles 3(2) and 4 were substituted by S.I. 2014/1452 (C. 56) so as to include reference to meeting the gateway conditions; article 4(2)(a) was amended by S.I. 2014/1923 (C. 88).
(**18**) Articles 3(2) and 4 were substituted by S.I. 2014/1452 (C. 56) so as to include reference to meeting the gateway conditions; article 4(2)(a) was amended by S.I. 2014/1923 (C. 88).
(**19**) Articles 3(2)(i) and 4(2)(q) and (r) were modified by S.I. 2016/33 (C. 3) and 407 (C. 20).

(2) Where this article applies, the provisions referred to in sub-paragraphs (a) to (f) 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) of the No. 13 Order(**20**), in respect of the Part 10 designated postcodes;

(b) articles 3(2)(a) and 4(2)(a) of the No. 14 Order, in respect of the Part 11 designated postcodes;

(c) articles 3(2)(a) and 4(2)(a) of the No. 16 Order, in respect of the Part 12 designated postcodes;

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

(e) articles 3(2)(k) and 4(2)(u) and (v) of the No. 22 Order, in respect of the Part 14 designated postcodes;

(f) articles 3(2)(a) and 4(2)(a) and (b) of the No. 24 Order, in respect of the Part 15 designated postcode.

Modification of the No. 13, 19 and 22 Orders: removal of the gateway conditions from 27th July 2016

5.—(1) This article applies in the case of a claim for universal credit, an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 27th July 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)(a) and 4(2)(a) of the No. 13 Order, in respect of the Part 16 designated postcodes;

(b) articles 3(2)(j) and 4(2)(j) of the No. 19 Order, in respect of the Part 17 designated postcodes;

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

(d) articles 3(2)(e) and 4(2)(i) and (j) of the No. 22 Order, in respect of the Part 19 designated postcodes.

Modifications in consequence of removal of the gateway conditions: the No. 13 Order

6.—(1) This article applies in the case of a claim in relation to which provisions of the No. 13 Order are modified under articles 4(2)(a) or 5(2)(a).

(2) Where this article applies, the No. 13 Order has effect as though—

(a) in article 2(1) (interpretation), the definition of "gateway conditions" were omitted(**21**);

(b) in article 3(2)(b) (coming into force of the universal credit provisions and incorrect information)(**22**)—

(**20**) Articles 3(2) and 4 were substituted by S.I. 2014/1452 (C. 56) so as to include reference to meeting the gateway conditions; article 4(2)(a) was amended by S.I. 2014/1923 (C. 88).
(**21**) The definition was inserted by S.I. 2014/1452 (C. 56) and substituted by S.I. 2014/1661 (C. 69) and 1923 (C. 88).
(**22**) Sub-paragraph (b) was substituted by S.I. 2014/1661 (C. 69).

(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(6) (article 3A of the No. 9 Order and incorrect information)(**23**), "or meeting the gateway conditions" were omitted in both places it occurs;

(d) in article 4(2)(b) (abolition of income-related employment and support allowance and income-based jobseeker's allowance and incorrect information)(**24**)—

(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 those 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)(**25**) there were substituted—

"(7) Paragraphs (1A) and (1B) of article 5 of the No. 9 Order apply for the purposes of paragraph (2)(a) 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. 14 Order

7.—(1) This article applies in the case of a claim in relation to which provisions of the No. 14 Order are modified under articles 3(2)(a) or 4(2)(b).

(2) Where this article applies, the No. 14 Order has effect as though—

(a) in article 2(1) (interpretation), the definition of "gateway conditions" were omitted(**26**);

(b) in article 3(2)(b) (coming into force of the universal credit provisions and incorrect information)(**27**)—

(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(6) (article 3A of the No. 9 Order and incorrect information)(**28**), "or meeting the gateway conditions" were omitted in both places it occurs;

(d) in article 4(2)(b) (abolition of income-related employment and support allowance and income-based jobseeker's allowance and incorrect information)(**29**)—

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

(**23**) Inserted by S.I. 2014/1452 (C. 56) and substituted by S.I. 2014/1661 (C. 69) and 1923 (C. 88).
(**24**) Sub-paragraph (b) was substituted by S.I. 2014/1661 (C. 69).
(**25**) Paragraph (7) was substituted by S.I. 2014/1661 (C. 69), 1923 (C. 88) and 3067 (C. 129).
(**26**) The definition was inserted by S.I. 2014/1452 (C. 56) and substituted by S.I. 2014/1661 (C. 69) and 1923 (C. 88).
(**27**) Sub-paragraph (b) was substituted by S.I. 2014/1661 (C. 69).
(**28**) Inserted by S.I. 2014/1452 (C. 56) and substituted by S.I. 2014/1661 (C. 69) and 1923 (C. 88).
(**29**) Sub-paragraph (b) was substituted by S.I. 2014/1661 (C. 69).