STATUTORY INSTRUMENTS

2016 No. 33 (C. 3)

SOCIAL SECURITY

The Welfare Reform Act 2012 (Commencement No. 26 and Transitional and Transitory Provisions and Commencement No. 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2016

Made - - - - 14th January 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. 26 and Transitional and Transitory Provisions and Commencement No. 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;

"the amending provisions" means the provisions referred to in article 4(1)(a) to (c) of the No. 9 Order (day appointed for the abolition of income-related employment and support allowance and income-based jobseeker's allowance)(**2**);

"claimant"—

(a) in relation to an employment and support allowance, has the same meaning as in Part 1 of the Welfare Reform Act 2007(**3**), save as mentioned in article 5(1A) of the No. 9 Order as applied by article 4(7) of this Order(**4**);

(b) in relation to a jobseeker's allowance, has the same meaning as in the Jobseekers Act 1995(**5**) (as it applies apart from the amendments made by Part 1 of Schedule 14 to the Act

(**1**) 2012 c. 5.
(**2**) Article 4 was substituted by S.I. 2014/1452 (C. 56) and amended by S.I. 2014/1923 (C. 88).
(**3**) 2007 c. 5.
(**4**) Article 5(1A) was inserted by S.I. 2014/3067 (C. 129).
(**5**) 1995 c. 18.

that remove references to an income-based jobseeker's allowance), save as mentioned in article 5(1A) of the No. 9 Order as applied by article 4(7) of this Order;

(c) in relation to universal credit, has the same meaning as in Part 1 of the Act(**6**);

"the Claims and Payments Regulations 1987" means the Social Security (Claims and Payments) Regulations 1987(**7**);

"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;

"joint claimants", in relation to universal credit, has the same meaning as in Part 1 of the Act(**8**);

"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(**9**);

"the No. 22 Order" means the Welfare Reform Act 2012 (Commencement No. 22 and Transitional and Transitory Provisions) Order 2015(**10**);

"the No. 23 Order" means the Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015(**11**);

"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(**12**);

"the Part 1 designated postcodes" means the postcode districts and part-districts specified in Part 1 of the Schedule;

"the Part 2 designated postcodes" means the postcode part-districts specified in Part 2 of the Schedule;

"the Part 3 designated postcodes" means the postcode part-districts specified in Part 3 of the Schedule;

"the Part 4 designated postcode" means the postcode part-district specified in Part 4 of the Schedule;

"the Part 5 designated postcodes" means the postcode districts and part-districts specified in Part 5 of the Schedule;

"the Part 6 designated postcodes" means the postcode district and part-districts specified in Part 6 of the Schedule;

"the Part 7 designated postcodes" means the postcode districts and part-district specified in Part 7 of the Schedule;

"single claimant", in relation to universal credit, has the same meaning as in Part 1 of the Act(**13**).

(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(**14**) apply for the purpose of deciding—

(**6**) *See* section 40.
(**7**) S.I. 1987/1968.
(**8**) *See* section 40.
(**9**) S.I. 2013/983 (C. 41).
(**10**) S.I. 2015/101 (C. 6).
(**11**) S.I. 2015/634 (C. 32).
(**12**) S.I. 2015/1537 (C. 87).
(**13**) *See* section 40.
(**14**) S.I. 2013/380.

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

(b) the date on which such a 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.

(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 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.

(5) 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 (4)(a) is taken, the claim is treated as made on that earlier date.

Day appointed for the coming into force of the universal credit provisions

3.—(1) The day appointed for the coming into force of the provisions of the Act listed in Schedule 2 to the No. 9 Order, 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 claims referred to are—

(a) a claim for universal credit that is made on or after 27th January 2016 in respect of a period that begins on or after 27th January 2016 where, on the date on which the claim is made, the claimant resides in one of the Part 1 designated postcodes;

(b) a claim for universal credit that is made on or after 24th February 2016 in respect of a period that begins on or after 24th February 2016 where, on the date on which the claim is made, the claimant resides in one of the Part 2 designated postcodes;

(c) a claim for universal credit that is made on or after the date referred to in either sub-paragraph (a) or (b), in respect of a period that begins on or after that date where—

(i) in the case of a single claimant, the claimant gives incorrect information regarding the claimant residing in a postcode as referred to in the sub-paragraph in question and the claimant does not reside in such a postcode on the date on which the claim is made;

(**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, S.I. 2000/1982 and S.I. 2009/1490.

(ii) in the case of joint claimants, either or both of the joint claimants gives or give incorrect information regarding his or her (or their) residing in such a postcode and one or both of them does not or do not reside in such a postcode on the date on which the claim is made,

and after a decision is made that the single claimant is, or the joint claimants are, entitled to universal credit and one or more payments have been made in respect of the single claimant or the joint claimants, the Secretary of State discovers that incorrect information has been given regarding residence.

(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) Article 3A of the No. 9 Order(**17**) applies in connection with a claim for universal credit where a single claimant, or, as the case may be, either or both of joint claimants, gives or give incorrect information regarding his or her (or their) residing in one of the Part 1 or Part 2 designated postcodes, as it applies in connection with the giving of incorrect information regarding a claimant residing in one of the relevant districts (as defined in the No. 9 Order).

Day appointed for the abolition of income-related employment and support allowance and income-based jobseeker's allowance

4.—(1) The day appointed for the coming into force of the amending provisions, 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 claims referred to are—

(a) a claim for universal credit that is made on or after 27th January 2016 in respect of a period that begins on or after 27th January 2016 where, on the date on which the claim is made, the claimant resides in one of the Part 1 designated postcodes;

(b) a claim for universal credit that is made on or after 24th February 2016 in respect of a period that begins on or after 24th February 2016 where, on the date on which the claim is made, the claimant resides in one of the Part 2 designated postcodes;

(c) a claim for universal credit that is made on or after the date referred to in either sub-paragraph (a) or (b), in respect of a period that begins on or after that date where—

(i) in the case of a single claimant, the claimant gives incorrect information regarding the claimant residing in a postcode as referred to in the sub-paragraph in question and the claimant does not reside in such a postcode on the date on which the claim is made;

(ii) in the case of joint claimants, either or both of the joint claimants gives or give incorrect information regarding his or her (or their) residing in such a postcode and one or both of them does not or do not reside in such a postcode on the date on which the claim is made,

and after a decision is made that the single claimant is, or the joint claimants are, entitled to universal credit and one or more payments have been made in respect of the single claimant or the joint claimants, the Secretary of State discovers that incorrect information has been given regarding residence;

(**17**) Article 3A was substituted by S.I. 2014/1923 (C. 88) and amended by S.I. 2015/634 (C. 32).

(d) a claim for an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 27th January 2016 where, on the date on which the claim is made or treated as made, the claimant resides in one of the Part 1 designated postcodes;

(e) a claim for an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 24th February 2016 where, on the date on which the claim is made or treated as made, the claimant resides in one of the Part 2 designated postcodes;

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

(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) For the purposes of paragraph (2)(f), "relevant period" means, in relation to a claim for universal credit within any of sub-paragraphs (a) to (c) of paragraph (2), 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.

(5) For the purposes of paragraph (4), a "UC claim period" is a period when—

(a) a claim for universal credit within either sub-paragraph (a) or (b) of paragraph (2), or within sub-paragraph (c)(i) or (ii) of that paragraph, has been made but a decision has not yet been made on the claim; or

(b) a decision has been made that the claimant is not entitled to universal credit and—

(i) the Secretary of State is considering whether to revise that decision under section 9 of the Social Security Act 1998(**18**), whether on an application made for that purpose or on the Secretary of State's own initiative; or

(ii) the claimant has appealed against that decision to the First-tier Tribunal and that appeal, or any subsequent appeal to the Upper Tribunal or to a court, has not been finally determined(**19**).

(6) Paragraphs (6), (7), (9) and (10) of article 4 of the No. 9 Order(**20**) apply in relation to a claim for universal credit referred to in paragraph (2) (and any award that is made in respect of the claim) as they apply in relation to a claim for universal credit referred to in sub-paragraphs (a) and (b) of article 4(2) of the No. 9 Order (and any award that is made in respect of the claim).

(7) Paragraphs (1A) and (1B) of article 5 of the No. 9 Order(**21**) apply for the purposes of sub-paragraphs (d) and (e) of paragraph (2) 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).

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

(**18**) 1998 c. 14.
(**19**) *See* section 3 of the Tribunals, Courts and Enforcement Act 2007 (c. 15) as to the meaning of "First-tier Tribunal" and "Upper Tribunal".
(**20**) Paragraphs (9) and (10) of article 4 were inserted by S.I. 2015/32 (C. 3) as amended by S.I. 2015/101 (C. 6).
(**21**) Article 5 was substituted by S.I. 2014/1452 (C. 56) and amended by S.I. 2014/1923 (C. 88); paragraphs (1) to (1B) of article 5 were inserted by S.I. 2014/3067 (C. 129).