Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to 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. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2015 No. 1537 (C. 87)

SOCIAL SECURITY

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

Made - - - - 20th July 2015

The Secretary of State 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. 24 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2015.

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**);

"the Claims and Payments Regulations 1987" means the Social Security (Claims and Payments) Regulations 1987(**3**);

"claimant"—

(a) in relation to an employment and support allowance, has the same meaning as in Part 1 of the Welfare Reform Act 2007(**4**);

(**1**) 2012 c. 5.
(**2**) S.I. 2013/983 (C. 41); article 4 was substituted by S.I. 2014/1452 (C. 56).
(**3**) S.I. 1987/1968.
(**4**) 2007 c. 5.

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(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 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(**6**);

"employment and support allowance" means an employment and support allowance under Part 1 of the Welfare Reform Act 2007;

"First-tier Tribunal" has the same meaning as in the Social Security Act 1998(**7**);

"gateway conditions" means the conditions specified in Schedule 5 to the No. 9 Order(**8**)—

(a) as that Schedule has effect apart from the amendments made by article 4(5)(b) of the Welfare Reform Act 2012 (Commencement No. 9, 11, 13, 14, 16, 17 and 19 and Transitional and Transitory Provisions (Amendment)) Order 2015(**9**); and

(b) as if that Schedule, as it has effect under sub-paragraph (a), were amended in accordance with paragraph (3) of this article.

"Index of Relevant Districts" means the Index of Relevant Districts issued by the Department for Work and Pensions on 20th July 2015(**10**);

"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;

"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(**11**);

"the No. 13 Order" means the Welfare Reform Act 2012 (Commencement No. 13 and Transitional and Transitory Provisions) Order 2013(**12**);

"the No. 14 Order" means the Welfare Reform Act 2012 (Commencement No. 14 and Transitional and Transitory Provisions) Order 2013(**13**);

"the No. 16 Order" means the Welfare Reform Act 2012 (Commencement No. 16 and Transitional and Transitory Provisions) Order 2014(**14**);

"the No. 17 Order" means the Welfare Reform Act 2012 (Commencement No. 17 and Transitional and Transitory Provisions) Order 2014(**15**);

"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(**16**);

(**5**) 1995 c. 18.
(**6**) *See* section 40 of the Welfare Reform Act 2012.
(**7**) 1998 c. 14.
(**8**) Schedule 5 was inserted by S.I. 2014/1452 (C. 56); relevant amending instruments are S.I. 2014/1661 (C. 69) and 1923 (C. 88), S.I. 2015/32 (C. 3) and article 5 of this Order.
(**9**) S.I. 2015/32 (C. 3).
(**10**) *See* the Explanatory Note for details of the availability of the Index of Relevant Districts.
(**11**) S.I. 2013/1511 (C. 60).
(**12**) S.I. 2013/2657 (C. 107).
(**13**) S.I. 2013/2846 (C. 114).
(**14**) S.I. 2014/209 (C. 7).
(**15**) S.I. 2014/1583 (C. 61).
(**16**) S.I. 2014/2321 (C. 99).

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"the No. 20 Order" means the Welfare Reform Act 2012 (Commencement No. 20 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2014(**17**);

"the No. 21 Order" means the Welfare Reform Act 2012 (Commencement No. 21 and Transitional and Transitory Provisions) Order 2015(**18**);

"the No. 22 Order" means the Welfare Reform Act 2012 (Commencement No. 22 and Transitional and Transitory Provisions) Order 2015(**19**);

"the No. 23 Order" means the Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015(**20**);

"the UC commencement orders" means the No. 9 Order, the No. 11 Order, the No. 13 Order, the No. 14 Order, the No. 16 Order, the No. 17 Order, the No. 19 Order, the No. 20 Order, the No. 21 Order, the No. 22 Order and the No. 23 Order;

"Upper Tribunal" has the same meaning as in the Social Security Act 1998.

(2) In this Order, references to numbered "relevant districts" are to the postcode districts and part-districts specified in the first column of the table in the Index of Relevant Districts corresponding to the number relating to those relevant districts that is specified in the third column of that table.

(3) The amendments to Schedule 5 to the No. 9 Order referred to in sub-paragraph (b) of the definition of gateway conditions in paragraph (1) are—

(a) after paragraph 1(a) (personal characteristics)(**21**) insert—

"(b) a single person (where that expression has the meaning given by section 40 of the Act);";

(b) for paragraph 4 (income and capital)(**22**) substitute—

"**4.**—(1) The claimant must declare that, during the period of one month starting with the date on which the claim for universal credit is made, the claimant's earned income is expected not to exceed £338.

(2) The claimant's capital must not exceed £6,000.

(3) For the purposes of this paragraph, "earned income" and "capital" have the same meanings as they have in Part 6 of the Universal Credit Regulations.";

(c) in paragraph 7(e) (other requirements) omit "or, in the case of joint claimants, either member of the couple must have such an account"(**23**); and

(d) in paragraph 8 (declarations)—

(i) in sub-paragraph (1) omit ", 4(2)";

(ii) omit sub-paragraph (2).

(4) 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(**24**) apply for the purposes of deciding—

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

(**17**) S.I. 2014/3094 (C. 133).
(**18**) S.I. 2015/33 (C. 4).
(**19**) S.I. 2015/101 (C. 6).
(**20**) S.I. 2015/634 (C. 32) amended by S.I. 2015/740 (C. 39).
(**21**) S.I. 2014/1923 (C. 88) revoked sub-paragraph 1(b); article 2(4)(a) reinserts the revoked provision for the purposes of this Order.
(**22**) Amended by S.I. 2014/1923 (C. 88).
(**23**) These words are inserted by article 5 of this Order.
(**24**) S.I. 2013/380.

(b) the date on which such a claim is made.

(5) For the purposes of this Order, the Claims and Payments Regulations 1987 apply, subject to paragraphs (6) and (7), 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.

(6) Subject to paragraph (7), 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.

(7) Where, by virtue of—

(a) regulation 6(1F)(b) or (c) of the Claims and Payments Regulations 1987(**25**), 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(**26**), 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 (7)(a) is taken, the claim is treated as made on that earlier date.

Modifications etc. (not altering text)

C1 Art. 2 modified (25.5.2016) by The Welfare Reform Act 2012 (Commencement No. 13, 14, 16, 19, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2016 (S.I. 2016/596), **art. 11(1)**(2)(a)(b)

C2 Art. 2 modified (with application in accordance with art. 15 of the amending S.I.) by The Welfare Reform Act 2012 (Commencement No. 19, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2016 (S.I. 2016/963), **art. 15(1)**(2)(a)(b)

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 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 21st September 2015 in respect of a period that begins on or after 21st September 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 53 relevant districts and meets the gateway conditions;

(b) a claim for universal credit that is made on or after 28th September 2015 in respect of a period that begins on or after 28th September 2015 where, on the date on which the claim

(**25**) Paragraph (1F) was inserted by S.I. 2008/1554 and substituted by S.I. 2009/1490.

(**26**) 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.

is made, the claimant resides in one of the No. 54 relevant districts and meets the gateway conditions;

(c) a claim for universal credit that is made on or after 5th October 2015 in respect of a period that begins on or after 5th October 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 55 relevant districts and meets the gateway conditions;

(d) a claim for universal credit that is made on or after 12th October 2015 in respect of a period that begins on or after 12th October 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 56 relevant districts and meets the gateway conditions;

(e) a claim for universal credit that is made on or after 19th October 2015 in respect of a period that begins on or after 19th October 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 57 relevant districts and meets the gateway conditions;

(f) a claim for universal credit that is made on or after 26th October 2015 in respect of a period that begins on or after 26th October 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 58 relevant districts and meets the gateway conditions;

(g) a claim for universal credit that is made on or after 2nd November 2015 in respect of a period that begins on or after 2nd November 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 59 relevant districts and meets the gateway conditions;

(h) a claim for universal credit that is made on or after 9th November 2015 in respect of a period that begins on or after 9th November 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 60 relevant districts and meets the gateway conditions;

(i) a claim for universal credit that is made on or after 16th November 2015 in respect of a period that begins on or after 16th November 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 61 relevant districts and meets the gateway conditions;

(j) a claim for universal credit that is made on or after 23rd November 2015 in respect of a period that begins on or after 23rd November 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 62 relevant districts and meets the gateway conditions;

(k) a claim for universal credit that is made on or after 30th November 2015 in respect of a period that begins on or after 30th November 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 63 relevant districts and meets the gateway conditions;

(l) a claim for universal credit that is made on or after 7th December 2015 in respect of a period that begins on or after 7th December 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 64 relevant districts and meets the gateway conditions;

(m) a claim for universal credit that is made on or after 14th December 2015 in respect of a period that begins on or after 14th December 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 65 relevant districts and meets the gateway conditions;

(n) a claim for universal credit that is made on or after 11th January 2016 in respect of a period that begins on or after 11th January 2016 where, on the date on which the claim is made, the claimant resides in one of the No. 66 relevant districts and meets the gateway conditions;