STATUTORY INSTRUMENTS

2015 No. 101 (C. 6)

SOCIAL SECURITY

The Welfare Reform Act 2012 (Commencement No. 22 and Transitional and Transitory Provisions) Order 2015

Made - - - - 10th February 2015

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. 22 and Transitional and Transitory Provisions) Order 2015.

Interpretation

2.—(1) In this Order—

"the 2015 Amendment Order" means the Welfare Reform Act 2012 (Commencement No. 9, 11, 13, 14, 16, 17 and 19 and Transitional and Transitory Provisions (Amendment)) Order 2015(**2**);

"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)(**3**);

"the Claims and Payments Regulations 1987" means the Social Security (Claims and Payments) Regulations 1987(**4**);

"claimant"—

(a) in relation to an employment and support allowance, has the same meaning as in Part 1 of the Welfare Reform Act 2007(**5**);

(**1**) 2012 c. 5.
(**2**) S.I. 2015/32 (C. 3).
(**3**) S.I. 2013/983 (C. 41); article 4 was substituted by S.I. 2014/1452 (C. 56).
(**4**) S.I. 1987/1968.
(**5**) 2007 c. 5.

(b) in relation to a jobseeker's allowance, has the same meaning as in the Jobseekers Act 1995(**6**) (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(**7**);

"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(**8**);

"Index of Relevant Districts" means the Index of Relevant Districts issued by the Department for Work and Pensions on 10th February 2015(**9**);

"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;

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

(2) In this Order, "gateway conditions" means the conditions specified in Schedule 5 to the No. 9 Order(**10**)—

(a) as that Schedule has effect apart from the amendments made by article 4(5)(b) of the 2015 Amendment Order;

(b) as if that Schedule, as it has effect under sub-paragraph (a), were amended in accordance with paragraph (4) of this article; and

(c) in relation to a case where a claim for universal credit, an employment and support allowance or a jobseeker's allowance is made or treated as made on or after 6th April 2015, as if, in paragraph 4(1) of that Schedule, as that Schedule has effect under sub-paragraph (b), for "£330" there were substituted "£338".

(3) 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.

(4) The amendments to Schedule 5 to the No. 9 Order (gateway conditions) referred to in sub-paragraph (2)(b) are—

(a) after paragraph 1(a) (personal characteristics)(**11**) 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)(**12**) 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 £330.

(**6**) 1995 c. 18.
(**7**) *See* section 40 of the Welfare Reform Act 2012.
(**8**) 1998 c. 14.
(**9**) *See* the Explanatory Note for details of the internet publishing and availability of the Index of Relevant Districts; a copy is also being published alongside this Order in the libraries of both Houses of Parliament.
(**10**) 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) and S.I. 2015/32 (C. 3). By article 3(3) of S.I. 2015/32, the amendment of Schedule 5 with respect to Credit Union accounts takes effect in relation to claims for universal credit, an employment and support allowance or a jobseeker's allowance made on or after 6th April 2015.
(**11**) 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.
(**12**) Amended by S.I. 2014/1923 (C. 88).

(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 8 (declarations)—

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

(ii) omit sub-paragraph (2).

(5) 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(**13**) apply for the purposes of deciding—

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

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

(6) For the purposes of this Order, the Claims and Payments Regulations 1987 apply, subject to paragraphs (7) and (8), 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.

(7) Subject to paragraph (8), 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.

(8) Where, by virtue of—

(a) regulation 6(1F)(b) or (c) of the Claims and Payments Regulations 1987(**14**), 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(**15**), 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.

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 16th February 2015 in respect of a period that begins on or after 16th February 2015 where, on the date on which the claim

(**13**) S.I. 2013/380.
(**14**) Paragraph (1F) was inserted by S.I. 2008/1554 and substituted by S.I. 2009/1490.
(**15**) 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. 29 relevant districts and meets the gateway conditions;

(b) a claim for universal credit that is made on or after 23rd February 2015 in respect of a period that begins on or after 23rd February 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 30 relevant districts and meets the gateway conditions;

(c) a claim for universal credit that is made on or after 2nd March 2015 in respect of a period that begins on or after 2nd March 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 31 relevant districts and meets the gateway conditions;

(d) a claim for universal credit that is made on or after 9th March 2015 in respect of a period that begins on or after 9th March 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 32 relevant districts and meets the gateway conditions;

(e) a claim for universal credit that is made on or after 16th March 2015 in respect of a period that begins on or after 16th March 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 33 relevant districts and meets the gateway conditions;

(f) a claim for universal credit that is made on or after 23rd March 2015 in respect of a period that begins on or after 23rd March 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 34 relevant districts and meets the gateway conditions;

(g) a claim for universal credit that is made on or after 13th April 2015 in respect of a period that begins on or after 13th April 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 35 relevant districts and meets the gateway conditions;

(h) a claim for universal credit that is made on or after 20th April 2015 in respect of a period that begins on or after 20th April 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 36 relevant districts and meets the gateway conditions;

(i) a claim for universal credit that is made on or after 27th April 2015 in respect of a period that begins on or after 27th April 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 37 relevant districts and meets the gateway conditions;

(j) a claim for universal credit that is made on or after 4th May 2015 in respect of a period that begins on or after 4th May 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 38 relevant districts and meets the gateway conditions;

(k) a claim for universal credit that is made on or after 11th May 2015 in respect of a period that begins on or after 11th May 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 39 relevant districts and meets the gateway conditions;

(l) a claim for universal credit that is made on or after 18th May 2015 in respect of a period that begins on or after 18th May 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 40 relevant districts and meets the gateway conditions;

(m) a claim for universal credit that is made on or after 25th May 2015 in respect of a period that begins on or after 25th May 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 41 relevant districts and meets the gateway conditions;

(n) a claim for universal credit that is made on or after 1st June 2015 in respect of a period that begins on or after 1st June 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 42 relevant districts and meets the gateway conditions;

(o) a claim for universal credit that is made on or after 8th June 2015 in respect of a period that begins on or after 8th June 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 43 relevant districts and meets the gateway conditions;

(p) a claim for universal credit that is made on or after 15th June 2015 in respect of a period that begins on or after 15th June 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 44 relevant districts and meets the gateway conditions;

(q) a claim for universal credit that is made on or after 22nd June 2015 in respect of a period that begins on or after 22nd June 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 45 relevant districts and meets the gateway conditions;

(r) a claim for universal credit that is made on or after 29th June 2015 in respect of a period that begins on or after 29th June 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 46 relevant districts and meets the gateway conditions;

(s) a claim for universal credit that is made on or after 6th July 2015 in respect of a period that begins on or after 6th July 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 47 relevant districts and meets the gateway conditions;

(t) a claim for universal credit that is made on or after 13th July 2015 in respect of a period that begins on or after 13th July 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 48 relevant districts and meets the gateway conditions;

(u) a claim for universal credit that is made on or after 20th July 2015 in respect of a period that begins on or after 20th July 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 49 relevant districts and meets the gateway conditions;

(v) a claim for universal credit that is made on or after the date referred to in any of sub-paragraphs (a) to (u), in respect of a period that begins on or after that date where—

(i) the claimant gives incorrect information regarding the claimant residing in a district as referred to in the sub-paragraph in question or meeting the gateway conditions and the claimant does not reside in such a district or does not meet the gateway conditions on the date on which the claim is made; and

(ii) after a decision is made that the claimant is entitled to universal credit and one or more payments have been made in respect of the claimant, the Secretary of State discovers that incorrect information has been given regarding residence or meeting the gateway conditions.

(3) The day appointed in relation to a claim referred 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(**16**) applies in connection with a claim for universal credit where a claimant gives incorrect information regarding his or her residing in one of the No. 29, No. 30, No. 31, No. 32, No. 33, No. 34, No. 35, No. 36, No. 37, No. 38, No. 39, No. 40, No. 41, No. 42, No. 43, No. 44, No. 45, No. 46, No. 47, No. 48, or No. 49 relevant districts or meeting the gateway conditions, as it applies in connection with the giving of incorrect information regarding a claimant residing in a relevant district (as defined in the No. 9 Order) or meeting the gateway conditions (as defined in the No. 9 Order)(**17**).

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 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—

(**16**) Article 3A was substituted by S.I. 2014/1923 (C. 88).

(**17**) *See* the definition of "relevant districts" and "gateway conditions" in article 2(1) of the No. 9 Order; the definition of "gateway conditions", and Schedule 5 to the No. 9 Order, referred to in that definition, were inserted by S.I. 2014/1452 (C. 56); Schedule 5 was amended by S.I. 2014/1661 (C. 69) and 1923 (C. 88) and S.I. 2015/32 (C. 3).