
STATUTORY INSTRUMENTS

2014 No. 1452

The Welfare Reform Act 2012 (Commencement
No. 9, 11, 13, 14 and 16 and Transitional and
Transitory Provisions (Amendment)) Order 2014

PART 2

AMENDMENT OF THE NO. 9 ORDER

Insertion into No. 9 Order of a new article 24

15. With effect from 16th June 2014, the No. 9 Order is amended by the insertion after article 23 of—

“Appeals relating to ESA and JSA

24.—(1) This article applies where, after an award of universal credit has been made to a claimant (where that award is made by virtue of the coming into force of the provisions of the Act referred to in Schedule 2, under any secondary legislation) —

- (a) an appeal against a decision relating to the entitlement of the claimant to an old style ESA award or an old style JSA award is finally determined; or
- (b) a decision relating to the claimant’s entitlement to such an award is revised under section 9 of the Social Security Act 1998 (“the 1998 Act”) or superseded under section 10 of that Act.

(2) Where this article applies, the Secretary of State is to consider whether it is appropriate to revise under section 9 of the 1998 Act the decision in relation to entitlement to universal credit or, if that decision has been superseded under section 10 of that Act, the decision as so superseded (in either case, “the UC decision”).

(3) Where it appears to the Secretary of State to be appropriate to revise the UC decision, it is to be revised in such manner as appears to the Secretary of State to be necessary to take account of—

- (a) the decision of the First-tier Tribunal, Upper Tribunal or court, or, as the case may be, the decision relating to entitlement to an old style ESA award or an old style JSA award, as revised or superseded; and
- (b) any finding of fact by the First-tier Tribunal, Upper Tribunal or court.

(4) For the purposes of this article, “secondary legislation” means an instrument made under an Act.”