
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 1

CITATION, INTERPRETATION AND APPLICATION

Citation

1. This Order may be cited as the Welfare Reform Act 2012 (Commencement No. 9, 11, 13, 14 and 16 and Transitional and Transitory Provisions (Amendment)) Order 2014.

Interpretation

2.—(1) In this Order—

“the Act” means the Welfare Reform Act 2012;

“the 1995 Act” means the Jobseekers Act 1995(1);

“the 2007 Act” means the Welfare Reform Act 2007(2);

“the amending provisions” means the provisions referred to in article 4(1)(a) to (c) of the No. 9 Order, as inserted by article 6 of this Order;

“claimant”, in relation to an employment and support allowance or a jobseeker’s allowance, has the same meaning as in Part 1 of the 2007 Act and the 1995 Act (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) respectively and, in relation to universal credit, has the same meaning as in Part 1 of the Act(3);

“the Claims and Payments Regulations 1987” means the Social Security (Claims and Payments) Regulations 1987(4);

“the Claims and Payments Regulations 2013” means the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013(5);

“employment and support allowance” means an employment and support allowance under Part 1 of the 2007 Act;

“First-tier Tribunal” has the same meaning as in the Social Security Act 1998(6);

(1) 1995 c.18.

(2) 2007 c.5.

(3) See section 40 of the Welfare Reform Act 2012 (c. 5) (“the Act”).

(4) S.I. 1987/1968.

(5) S.I. 2013/380.

(6) 1998 c.14.

“income-based jobseeker’s allowance” means an income-based jobseeker’s allowance under the 1995 Act;

“income-related employment and support allowance” means an income-related allowance under Part 1 of the 2007 Act;

“jobseeker’s allowance” means a jobseeker’s allowance under the 1995 Act;

“joint claimant” in relation to universal credit, has the same meaning as in Part 1 of the Act;

“new style ESA award” means an award of an employment and support allowance under Part 1 of the 2007 Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Act that remove references to an income-related allowance;

“new style JSA award” means an award of a jobseeker’s allowance under the 1995 Act as amended by the provisions of Part 1 of Schedule 14 to the Act that remove references to an income-based allowance;

“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(7);

“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(8);

“the No. 13 Order” means the Welfare Reform Act 2012 (Commencement No. 13 and Transitional and Transitory Provisions) Order 2013(9);

“the No. 14 Order” means the Welfare Reform Act 2012 (Commencement No. 14 and Transitional and Transitory Provisions) Order 2013(10);

“the No. 16 Order” means the Welfare Reform Act 2012 (Commencement No. 16 and Transitional and Transitory Provisions) Order 2014(11);

“relevant districts”, “No. 2 relevant districts”, “No. 3 relevant districts”, “No. 4 relevant districts”, “No. 5 relevant districts”, “No. 6 relevant districts” and “No. 7 relevant districts” have the respective meanings given in the No. 9 Order, the No. 11 Order (with respect to the No. 2 and No. 3 relevant districts), the No. 13 Order (with respect to the No. 4 relevant districts), the No. 14 Order (with respect to the No. 5 relevant districts) and the No. 16 Order (with respect to the No. 6 and No. 7 relevant districts);

“single claimant”, in relation to universal credit, has the same meaning as in Part 1 of the Act;

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

(2) For the purposes of this Order—

(a) the Claims and Payments Regulations 2013 apply for the purpose of deciding—

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

(ii) the date on which the claim is made or is to be treated as made; and

(b) where a couple is treated, in accordance with regulation 9(8) of the Claims and Payments Regulations 2013, as making a claim for universal credit, references to the date on which the claim is treated as made are to the date of formation of the couple.

(7) S.I. 2013/983 (C. 41).

(8) S.I. 2013/1511 (C. 60).

(9) S.I. 2013/2657 (C. 107).

(10) S.I. 2013/2846 (C. 114).

(11) S.I. 2014/209 (C. 7).

Amendment of the No. 9, 11, 13, 14 and 16 Orders: cases to which the amendments apply

3.—(1) This article applies in relation to a case where—

- (a) a claim is made for universal credit, an employment and support allowance or a jobseeker’s allowance and, on the date on which the claim is made, the claimant resides in one of the specified districts;
- (b) a claim for universal credit is made where—
 - (i) the claimant gives incorrect information regarding the claimant residing in a specified district and does not reside in such a district 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 regarding residence has been given;
- (c) a claim for universal credit is treated as made by a couple in the circumstances referred to in regulation 9(8) of the Claims and Payments Regulations 2013 (claims for universal credit by members of a couple);
- (d) a claim for universal credit is made by a former member of a couple who is not exempt from the requirement to make a claim by virtue of regulation 9(6) of the Claims and Payments Regulations 2013 (claims for universal credit by members of a couple), whether or not the claim is made jointly with another person, where the claim is made during the period of one month starting with the date on which notification is given to the Secretary of State that the claimants have ceased to be a couple;
- (e) an award of universal credit is made without a claim in the circumstances referred to in regulation 6(1) or (2) of the Claims and Payments Regulations 2013 (claims not required for entitlement to universal credit in some cases); or
- (f) an award of universal credit is made without a claim in the circumstances referred to in regulation 9(6), (7) or (10) of the Claims and Payments Regulations 2013 (claims for universal credit by members of a couple),

and the claim is made or treated as made, or, as the case may be, the award is made without a claim, on or after 16th June 2014.

(2) This article also applies in relation to a case where a claim for an employment and support allowance or a jobseeker’s allowance, that does not fall within paragraph (1)(a), is made—

- (a) during the relevant period by a single claimant of universal credit or, in the case of joint claimants of universal credit, by either of the joint claimants, where the single claimant has made or the joint claimants have made, or been treated as having made, a claim for universal credit within paragraph (1)(a) to (d);
- (b) during the relevant period by a single claimant of universal credit or, in the case of joint claimants of universal credit, by either of the joint claimants, where the single claimant has been awarded, or the joint claimants have been awarded, universal credit without a claim within paragraph (1)(e) or (f);
- (c) by a person who is entitled to make a claim for universal credit in the circumstances referred to in paragraph (1)(d) but has not yet done so; or
- (d) by a person who may be entitled to an award of universal credit in the circumstances referred to in paragraph (1)(e) or (f) but where no decision has yet been made as to the person’s entitlement.

(3) For the purposes of paragraph (2), “relevant period” means—

- (a) in relation to a claim for universal credit within paragraph (1)(a) to (d), any UC claim period, and any period subsequent to any UC claim period in respect of which the single

- claimant or the joint claimants is or are entitled to an award of universal credit in respect of the claim;
- (b) in relation to an award of universal credit within paragraph (1)(e) or (f), any period when the single claimant or the joint claimants to whom the award was made is or are entitled to the award.
- (4) For the purposes of paragraph (3)(a), a “UC claim period” is a period when—
- (a) a claim for universal credit within paragraph (1)(a), (b)(i) or (d) has been made but a decision has not yet been made on the claim;
- (b) a claim for universal credit within paragraph (1)(c) has been treated as made and no decision has yet been made as to the joint claimants’ entitlement; or
- (c) a decision has been made that a single claimant or joint claimants is or are 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, whether on an application made for that purpose, or on the Secretary of State’s own initiative; or
- (ii) the single claimant or the joint claimants has or have 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.
- (5) Subject to paragraph (6), for the purposes of paragraphs (1)(a) and (2), the Claims and Payments Regulations 1987 apply for the purpose 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 is to be treated as made.
- (6) For the purposes of paragraph (2)—
- (a) a person makes a claim for an employment and support allowance or a jobseeker’s allowance if they take any action which results in a decision on a claim being required under the Claims and Payments Regulations 1987; and
- (b) except as provided in paragraph (7), it is irrelevant that the effect of any provision of the Claims and Payments Regulations 1987 is that, for the purposes of those Regulations, the claim is not made or treated as made during the relevant period or at a time referred to in paragraph (2)(c) or (d).
- (7) The following provisions of the Claims and Payments Regulations 1987 apply for the purpose of deciding whether or not a claim for an employment and support allowance or a jobseeker’s allowance is made or is to be treated as made during the relevant period or at a time referred to in paragraph (2)(c) or (d)—
- (a) regulation 6(1F)(b) or (c); and
- (b) regulation 6(4ZA) to (4ZD) and (4A)(a)(i) and (b).
- (8) For the purposes of this article, “specified districts” means the relevant districts, No. 2 relevant districts, No. 3 relevant districts, No. 4 relevant districts, No. 5 relevant districts, No. 6 relevant districts and No. 7 relevant districts.