2019 No. 935 (C. 25)

SOCIAL SECURITY

The Welfare Reform Act 2012 (Commencement No. 31 and Savings and Transitional Provisions (Amendment)) Order 2019

Made - - - - 14th May 2019

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(a):

Citation and interpretation

- 1.—(1) This Order may be cited as the Welfare Reform Act 2012 (Commencement No. 31 and Savings and Transitional Provisions (Amendment)) Order 2019.
- (2) In this Order, "the No. 31 Order" means the Welfare Reform Act 2012 (Commencement No. 31 and Savings and Transitional Provisions and Commencement No. 21 and 23 and Transitional and Transitory Provisions (Amendment)) Order 2019(**b**).

Amendment of the No. 31 Order

- **2.**—(1) The No. 31 Order is amended as follows.
- (2) In article 2—
 - (a) in paragraph (1)—
 - (i) before "the 2002 Act", insert—
 - ""the 1992 Act" means the Social Security Contributions and Benefits Act 1992(c);";
 - (ii) omit the definition of "couple";
 - (b) after paragraph (1), insert—
 - "(1A) In this Order, "couple" has the same meaning as in the 2002 Act(d), save—
 - (a) in reference to entitlement to housing benefit, where it has the same meaning as in Part VII of the 1992 Act(e); and
 - (b) in article 7(3)(a), where it has the meaning given by article 7(2)(b)(ii).";
 - (c) in paragraph (3), after "article 6(2)" insert "and article 8(2)(b)";
 - (d) in paragraph (4)(b)—
 - (i) at the start, insert "save in article 7(3)(a),";

⁽a) 2012 c. 5.

⁽b) S.I. 2019/37 (C. 1).

⁽c) 1992 c. 4

⁽d) See section 17(1). The definition of "couple" was substituted by S.I. 2014/560 in relation to England and Wales and S.I. 2014/3229 in relation to Scotland

⁽e) See section 137(1). The definition of "couple" was substituted by S.I. 2014/560 in relation to England and Wales and S.I. 2014/3229 in relation to Scotland.

- (ii) after "part of a", insert "mixed-age";
- (iii) for "the claim being made, or the person" substitute "a person claiming or";
- (iv) for "a person" substitute "the person"; and
- (v) omit "(save in article 7(3)) a member of".

(3) In article 7—

- (a) in the heading, before "polygamous marriages" insert "application of the rules in universal credit for treatment of couples and";
- (b) in paragraph (1), for "party to a polygamous marriage" substitute "member of a mixed-age couple";
- (c) for paragraph (2) substitute—
 - "(2) For the purposes of paragraph (3)—
 - (a) all secondary legislation relevant to assessment of entitlement to state pension credit or housing benefit applies so that claims and awards may be made in respect of the party specified in paragraph (3)(a) or (b) as a part of a couple or as a single person respectively; and
 - (b) the following rules in regulation 3 of the Universal Credit Regulations 2013 apply—
 - (i) the rule in paragraph (3) (treatment of certain couples), which establishes that a member of a couple may make a claim as a single person;
 - (ii) the rule in paragraph (4) (treatment of polygamous marriages), which establishes that two of the parties to a polygamous marriage are to be treated as a couple and the remaining party (or parties) as a single person (or single persons);
 - (iii) the rule in paragraph (6) (absence from the household), which establishes that members of a couple may cease to be treated as a couple.";
- (d) in paragraph (3)—
 - (i) in sub-paragraph (a), for "(2)(a)" substitute "(2)(b)(ii)";
 - (ii) in sub-paragraph (b), for "(2)(a)" substitute "(2)(b)(i) to (iii)".
- (4) After article 7 insert—

"Transitional provision: where restrictions on claims for universal credit are in place

- **8.**—(1) This article applies to a member of a mixed-age couple who, further to articles 3 to 7, is excluded from entitlement to state pension credit or housing benefit, and is also prevented from claiming universal credit by virtue of—
 - (a) regulation 4 of the Universal Credit (Transitional Provisions) Regulations 2014 (claims for universal credit may not be made in an area or category of case)(a);
 - (b) regulation 4A of those Regulations (restriction on claims for universal credit by persons entitled to a severe disability premium)(**b**); or
 - (c) article 4(11) of the Welfare Reform Act 2012 (Commencement No. 32 and Savings and Transitional Provisions) Order 2019 (no claims for universal credit by frontier workers)(c).
- (2) Where this article applies, the member of the mixed-age couple who has attained the qualifying age for state pension credit is, for the purposes of an award of benefit referred to in the following sub-paragraphs to that member, to be treated as—
 - (a) meeting the basic condition of entitlement (upper age limit) for—

⁽a) S.I. 2014/1230.

⁽b) Regulation 4A was inserted by S.I. 2019/10.

⁽c) S.I. 2019/167 (C. 6).

- (i) income support, in section 124(1)(aa) of the 1992 Act(a);
- (ii) a jobseeker's allowance, in section 1(2)(h) of the 1995 Act; or
- (iii) an employment and support allowance, in section 1(3)(c) of the 2007 Act; and
- (b) not having attained that age for housing benefit, for the purposes of regulation 5 of the Housing Benefit Regulations 2006(**b**) and regulation 5 of the Housing Benefit SPC Regulations, so that the Housing Benefit Regulations 2006 apply to the assessment of the award.
- (3) This article continues to apply until the award of benefit referred to in paragraph (2)(a) or (b) terminates, regardless of whether paragraph (1)(a), (b) or (c) continues to apply throughout the award.
- (4) Where a member of a mixed-age couple who has attained the qualifying age for state pension credit is entitled to income support by virtue of paragraph (2)(a)(i), references to a claimant's partner in paragraphs 9 and 9A (conditions for pensioner premium)(c) and in paragraph 10 (condition for higher pensioner premium)(d) of Schedule 2 to the Income Support (General) Regulations 1987(e) have effect as though they were references to the claimant.
 - (5) In this article—

"the 1995 Act" means the Jobseekers Act 1995(f);

"the 2007 Act" means the Welfare Reform Act 2007(g);

"employment and support allowance" means an employment and support allowance under Part 1 of the 2007 Act as it has effect apart from the amendments made by Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related employment and support allowance;

"income support" has the same meaning as in Part VII of the 1992 Act;

"jobseeker's allowance" means a jobseeker's allowance under the 1995 Act as it has effect apart from the amendments made by Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based jobseeker's allowance."

Signed by authority of the Secretary of State for Work and Pensions

Guy Opperman
Parliamentary Under Secretary of State
Department for Work and Pensions

14th May 2019

⁽a) Sub-paragraph (aa) was inserted by section 14 of, and Schedule 2 to, the State Pension Credit Act 2002 (c. 16).

⁽b) S.I. 2006/213.

⁽c) Paragraph 9 was substituted by S.I. 1989/534 and 2002/3019 and amended by S.I. 2009/1488.

⁽d) Sub-paragraph (1) of paragraph 10 was substituted by S.I. 2002/3019 and amended by S.I. 2003/2379, 2007/719 and 2009/1488. Sub-paragraph (6) was inserted by S.I. 2007/719.

⁽e) S.I. 1987/1967.

⁽**f**) 1995 c. 18.

⁽g) 2007 c. 5.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Welfare Reform Act 2012 (Commencement No. 31 and Savings and Transitional Provisions and Commencement No. 21 and 23 and Transitional and Transitory Provisions (Amendment)) Order 2019 (S.I. 2019/37 (C. 1)).

The amendments are technical in nature and provide for the availability of benefit where universal credit is or would be unavailable to a member of a mixed-age couple of state pension credit qualifying age.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Welfare Reform Act 2012 (c. 5) were brought into force by a Statutory Instrument which was made before this Order was made.

Provision	Date of commencement	S.I. Number
Section 1 (partially)	29th April 2013	2013/983
Section 1 (partially)	1st July 2013	2013/1511
Section 1 (partially)	29th July 2013	2013/1511
Section 1 (partially)	28th October 2013	2013/2657
Section 1 (partially)	25th November 2013	2013/2846
Section 1 (partially)	24th February 2014	2014/209
Section 1 (partially)	7th April 2014	2014/209
Section 1 (partially)	23rd June 2014	2014/1583
Section 1 (partially)	30th June 2014	2014/1583
Section 1 (partially)	30th June 2014	2014/1661
Section 1 (partially)	7th July 2014	2014/1583
Section 1 (partially)	14th July 2014	2014/1583
Section 1 (partially)	21st July 2014	2014/1583
Section 1 (partially)	28th July 2014	2014/1583
Section 1 (partially)	28th July 1014	2014/1923
Section 1 (partially)	15th September 2014	2014/2321
Section 1 (partially)	22nd September 2014	2014/2321
Section 1 (partially)	29th September 2014	2014/2321
Section 1 (partially)	6th October 2014	2014/2321
Section 1 (partially)	13th October 2014	2014/2321
Section 1 (partially)	20th October 2014	2014/2321
Section 1 (partially)	27th October 2014	2014/2321
Section 1 (partially)	3rd November 2014	2014/2321
Section 1 (partially)	10th November 2014	2014/2321
Section 1 (partially)	17th November 2014	2014/2321
Section 1 (partially)	24th November 2014	2014/2321
Section 1 (partially)	24th November 2014	2014/3067
Section 1 (partially)	26th November 2014	2014/3094
Section 1 (partially)	1st December 2014	2014/2321
Section 1 (partially)	8th December 2014	2014/2321
Section 1 (partially)	15th December 2014	2014/2321
Section 1 (partially)	26th January 2015	2015/32
Section 1 (partially)	28th January 2015	2015/33
Section 1 (partially)	16th February 2015	2015/101

Section 1 (partially)	23rd February 2015	2015/101
Section 1 (partially)	2nd March 2015	2015/32
Section 1 (partially)	2nd March 2015	2015/101
Section 1 (partially)	9th March 2015	2015/101
Section 1 (partially)	16th March 2015	2015/101
Section 1 (partially)	18th March 2015	2015/634
Section 1 (partially)	23rd March 2015	2015/101
Section 1 (partially)	6th April 2015	2015/32
Section 1 (partially)	6th April 2015	2015/101
Section 1 (partially)	13th April 2015	2015/101
Section 1 (partially)	20th April 2015	2015/101
Section 1 (partially)	27th April 2015	2015/101
Section 1 (partially)	4th May 2015	2015/101
Section 1 (partially)	11th May 2015	2015/101
Section 1 (partially)	18th May 2015	2015/101
Section 1 (partially)	25th May 2015	2015/101
Section 1 (partially)	1st June 2015	2015/101
Section 1 (partially)	8th June 2015	2015/101
Section 1 (partially)	10th June 2015	2015/634
Section 1 (partially)	15th June 2015	2015/034
Section 1 (partially)	22nd June 2015	2015/101
Section 1 (partially)		
	29th June 2015	2015/101
Section 1 (partially)	6th July 2015	2015/101
Section 1 (partially)	13th July 2015	2015/101
Section 1 (partially)	20th July 2015	2015/101
Section 1 (partially)	21st September 2015	2015/1537
Section 1 (partially)	28th September 2015	2015/1537
Section 1 (partially)	5th October 2015	2015/1537
Section 1 (partially)	12th October 2015	2015/1537
Section 1 (partially)	19th October 2015	2015/1537
Section 1 (partially)	26th October 2015	2015/1537
Section 1 (partially)	2nd November 2015	2015/1537
Section 1 (partially)	4th November 2015	2015/634
Section 1 (partially)	9th November 2015	2015/1537
Section 1 (partially)	16th November 2015	2015/1537
Section 1 (partially)	23rd November 2015	2015/1537
Section 1 (partially)	30th November 2015	2015/1537
Section 1 (partially)	2nd December 2015	2015/1930
Section 1 (partially)	7th December 2015	2015/1537
Section 1 (partially)	14th December 2015	2015/1537
Section 1 (partially)	11th January 2016	2015/1537
Section 1 (partially)	18th January 2016	2015/1537
Section 1 (partially)	25th January 2016	2015/1537
Section 1 (partially)	27th January 2016	2016/33
Section 1 (partially)	1st February 2016	2015/1537
Section 1 (partially)	8th February 2016	2015/1537
Section 1 (partially)	15th February 2016	2015/1537
Section 1 (partially)	22nd February 2016	2015/1537
Section 1 (partially)	24th February 2016	2015/1337
Section 1 (partially)	29th February 2016	2015/1537
Section 1 (partially)	7th March 2016	2015/1537
	14th March 2016	
Section 1 (partially)	21st March 2016	2015/1537
Section 1 (partially)	218t Watch 2010	2015/1537

Section 1 (partially)	23rd March 2016	2016/407
Section 1 (partially)	28th March 2016	2015/1537
Section 1 (partially)	11th April 2016	2015/1537
Section 1 (partially)	18th April 2016	2015/1537
Section 1 (partially)	25th April 2016	2015/1537
Section 1 (partially)	27th April 2016	2016/407
Section 1 (partially)	1st February 2019	2019/167
Section 2(1) (partially)	As section 1	As section 1
Section 2(2)	25th February 2013	2013/358
Section 3 (partially)	As section 1	As section 1
Section 4(1) and (4) (partially)	As section 1	As section 1
Section 4(2), (3) and (5) to (7)	25th February 2013	2013/358
Section 5 (partially)	25th February 2013	2013/358
Section 5 (partially)	As section 1	As section 1
Section 6(1)(a) and (3) (partially)	25th February 2013	2013/358
Section 6 (partially)	As section 1	As section 1
Section 7(1) and (4) (partially)	As section 1	As section 1
Section 7(2) and (3)	25th February 2013	2013/358`
Section 8 (partially)	As section 1	As section 1
Section 8(3) (partially)	25th February 2013	2013/358
Section 9(1) (partially)	As section 1	As section 1
Sections 9(2) and (3), 10(2) to (5) and	25th February 2013	2013/358
11(3) to (5)	20111 0014411	2010/000
Section 10(1) (partially)	As section 1	As section 1
Section 11(1) and (2) (partially)	As section 1	As section 1
Section 12(1) (partially)	25th February 2013	2013/358
Section 12(1) and (2) (partially)	As section 1	As section 1
Section 12(3) and (4)	25th February 2013	2013/358
Section 13 (partially)	As section 1	As section 1
Section 14 (partially)	As section 1	As section 1
Section 14(5) (partially)	25th February 2013	2013/358
Section 15(1) and (4) (partially)	As section 1	As section 1
Sections 15(1) and (1) (partially) Sections 15(2) and (3) and 17(3)(f)	25th February 2013	2013/358
Section 16 (partially)	As section 1	As section 1
Section 17 (partially) Section 17(1), (2), (3)(a) to (e), (4) and	As section 1	As section 1
(5) (partially)	As section 1	713 Section 1
Section 17(4) and (5) (partially)	25th February 2013	2013/358
Section 18 (partially)	As section 1	As section 1
Section 18(3) and (5) (partially)	25th February 2013	2013/358
Section 19(1), (2)(a) to (c), (5) and (6)	As section 1	As section 1
(partially)	As section 1	713 Section 1
Section 19(2)(d), (3) and (4)	25th February 2013	2013/358
Section 20(1) (partially)	25th February 2013	2013/358
Section 20 (partially)	As section 1	As section 1
Section 21 (partially)	As section 1 As section 1	As section 1
Section 22 (partially)	As section 1 As section 1	As section 1
Section 22 (partially) Section 22(2) (partially)	25th February 2013	2013/358
Section 23 (partially)	As section 1	As section 1
Section 23 (partially) Sections 24(1), (5) and (6) and 25	25th February 2013	2013/358
Section 24(1), (3) and (6) and 23 Section 24(2), (3) and (4) (partially)	As section 1	As section 1
Section 24(2), (5) and (4) (partially) Section 26(1) to (5) (partially)	As section 1	As section 1 As section 1
Section 26(1) to (3) (partially) Section 26(2)(a) (partially)		2013/358
	25th February 2013	
Sections 26(6) to (8), 27(4), (5) and (9)	25th February 2013	2013/358

Section 27(1) to (3) and (6) to (8) (partially) Section 29 Section 30 and 31 (partially) Section 30 and 31 (partially) Section 32 Section 33(1)(a) and (b), (2) and (3) Section 33(1)(b) Section 33(1)(c) Section 33(1)(f) Section 33(1)(f) Section 33(1)(g) Section 35 (partially) Section 35 (partially) Section 35 (partially) Section 35 (partially) Section 36 (partially) Section 36 (partially) Section 37 (for all remaining purposes) Section 39 (partially) Section 30 (partially) Section 40 (partially) Section 51 (pa	and 28		
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Section 51 (partially) 20th March 2012 2012/863 Section 51 (for all remaining purposes) 1st May 2012 2012/863 Sections 52 and 53 1st May 2012 2012/863 Section 54(1) (partially) 25th February 2013 2013/358 Section 54(1) and (2) (partially) As section 33(1)(a) and (b) As section 33(1)(a) and (b)	-		33(1)(a) and (b)
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Section 54(6) 25th February 2013 2013/358	Section 54(1) and (2) (partially)	As section 33(1)(a) and (b)	
	Section 54(6)	25th February 2013	2013/358

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Section 55	3rd December 2012	2012/2530
Section 56	26th November 2012	2012/2530
Section 57(1) and (2) (partially)	25th February 2013	2013/358
Section 57(1), (2), (4), (5) and (9)	As section 33(1)(a) and (b)	As section
(partially)		33(1)(a) and (b)
Section 57(6)	25th February 2013	2013/358
Section 58(1) and (2)	20th March 2012	2012/863
Section 64 (partially)	30th October 2012	2012/2530
Section 64 (for all remaining purposes)	5th December 2012	2012/2530
Section 65	5th December 2012	2012/2530
Section 66 (partially)	30th October 2012	2012/2530
Section 66 (partially)	31st October 2013	2013/2534
Sections 67 and 68	5th December 2012	2012/2530
Section 69 (partially)	27th November 2012	2012/2946
Section 69 (for all remaining purposes)	1st January 2013	2012/2946
Section 70(1) and (3) to (10)	1st April 2013	2012/3090
Section 70(2)	1st August 2013	2012/3090
Section 73	1st April 2013	2012/3090
Section 77(3) (partially)	25th February 2013	2013/358
Section 77(1) to (3) (partially)	8th April 2013	2013/358
Section 77(1) to (3) (for all remaining	10th June 2013	2013/1250
purposes)		
Section 78(1), (2), (5) and (6) (partially)	8th April 2013	2013/358
Section 78(1), (2), (5) and (6) (for all	10th June 2013	2013/1250
remaining purposes)		
Section 78(3) and (4)	25th February 2013	2013/358
Section 79(1), (2), (5) and (6) (partially)	8th April 2013	2013/358
Section 79(1), (2), (5) and (6) (for all	10th June 2013	2013/1250
remaining purposes)		
Section 79(3), (4) and (7)	25th February 2013	2013/358
Sections 80 and 81	25th February 2013	2013/358
Section 82 (partially)	8th April 2013	2013/358
Section 82 (for all remaining purposes)	10th June 2013	2013/1250
Section 83(3) (partially)	25th February 2013	2013/358
Section 83(1) to (3) and 84 (partially)	8th April 2013	2013/358
Section 83(1) to (3) and 84 (for all	10th June 2013	2013/1250
remaining purposes)		
Sections 85 and 86	25th February 2013	2013/358
Section 87 (partially)	25th February 2013	2013/358
Section 87 (partially)	8th April 2013	2013/358
Section 87 (for all remaining purposes)	10th June 2013	2013/1250
Sections 88 and 89 (partially)	8th April 2013	2013/358
Sections 88 and 89 (for all remaining	10th June 2013	2013/1250
purposes)		
Section 91 (partially)	25th February 2013	2013/358
Section 91 (partially)	8th April 2013	2013/358
Section 91 (partially)	10th June 2013	2013/1250
Sections 92, 93 and 94	25th February 2013	2013/358
Section 95 (partially)	25th February 2013	2013/358
Section 95 (partially)	8th April 2013	2013/358
Section 95 (for all remaining purposes)	10th June 2013	2013/1250
Section 96 (partially)	27th November 2012	2012/2946
Section 96 (for all remaining purposes)	15th April 2013	2012/2946
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Section 97(1) to (4)	27th November 2012	2012/2946
Section 97(5) and (6)	15th April 2013	2012/2946
Sections 98 and 99	25th February 2013	2013/358
Section 100	25th February 2013	2013/358
Section 101(1) (partially)	25th February 2013	2013/358
Section 101(2)	1st April 2013	2013/358
Section 102(1) (partially)	25th February 2013	2013/358
Section 102(2) to (5)	25th February 2013	2013/358
Section 102(6) (partially)	25th February 2013	2013/358
Section 102(6) (partially)	29th April 2013	2013/983
Section 104	25th February 2013	2013/358
Section 105(1) (partially)	1st July 2012	2012/1246
Section 105(1) (partially)	1st October 2012	2012/1246
Section 105(1) (partially)	29th April 2013	2013/358
Section 105(3), (5) and (6)	29th April 2013	2013/358
Section 105(4)	1st October 2012	2012/1246
Section 105(7) (partially)	29th April 2013	2013/358
Section 106	1st July 2012	2012/1246
Section 110 (partially)	17th June 2013	2013/1250
Section 110	1st October 2013	2013/1250
Section 112(1) and (2) (partially)	20th April 2016	2016/511
Section 112(1) and (2) (for all remaining	24th May 2016	2016/511
purposes)	2 (11) (12) 2010	2010/311
Section 112(3) to (6)	24th May 2016	2016/511
Sections 113 to 115	8th May 2012	2012/863
Section 116(1) (partially)	10th May 2012	2012/1246
Section 116(1) (for all remaining	1st October 2012	2012/1246
purposes)	180 0000001 2012	2012/12 10
Section 116(2)	10th May 2012	2012/1246
Section 117(1) (partially)	1st April 2013	2013/358
Section 117(1) (for all remaining	6th April 2013	2013/358
purposes)		
Section 117(2)	1st April 2013	2013/358
Section 117(3)	6th April 2013	2013/358
Section 118(1), (2), (5) and (8)(b)	25th February 2013	2013/358
(partially)		
Section 118(1), (2), (5) and (8)(b) (for	1st April 2013	2013/358
all remaining purposes)	1	
Sections 118(3), (4), (6), (7) and (8)(a)	1st April 2013	2013/358
and (c) and 119	•	
Section 120 (partially)	1st February 2013	2013/178
Section 120 (for all remaining purposes)	6th April 2013	2013/178
Sections 122, 123 and 125(a)	6th June 2012	2012/1246
Sections 128 and 129	20th March 2012	2012/863
Section 130 (partially)	20th March 2012	2012/863
Section 130 (for all remaining purposes)	8th May 2012	2012/863
Section 131 (partially)	20th March 2012	2012/863
Section 131 (for all remaining purposes)	8th May 2012	2012/863
Section 132(8)	20th March 2012	2012/863
Section 132 (for all remaining purposes)	8th May 2012	2012/863
Section 133(1) to (4)	20th March 2012	2012/863
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⁽a) S.I. 2012/1246 (C. 42) was amended by S.I. 2012/1440 (C. 55) and 2530 (C. 102).

Section 133(6) 2nd July 2012 2012/1651 Sections 136, 140 and 141 25th November 2013 2013/2947 Sections 143, 144 and 146 8th May 2012 2012/863 Section 147 (partially) 31st March 2022 2018/145 Schedule 1 (partially) 25th February 2013 2013/358 Schedule 2 (partially) 1st April 2013 2013/358 Schedule 2 (partially) 29th April 2013 2013/358 Schedule 2 (partially) 1st April 2013 2013/358 Schedule 3 (partially) 1st April 2013 2013/358 Schedule 3 (partially) 2sth February 2013 2013/358 Schedule 5 (partially) 25th February 2013 2013/358 Schedule 5 (partially) 25th February 2013 2013/358 Schedule 6 (partially) 25th February 2013 2013/358 Schedule 6 (partially) 25th February 2013 2012/2530 Sc	0 1 100(6)	2 17 1 2012	2012/1671
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