
STATUTORY INSTRUMENTS

2013 No. 983 (C. 41)

SOCIAL SECURITY

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

Made - - - -

24th April 2013

The Secretary of State, in exercise of the powers conferred by section 150(3) and (4)(a), (b)(i) and (c) of the Welfare Reform Act 2012(1), makes the following Order:

Citation

1. This Order may be cited as 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.

Interpretation

2.—(1) In this Order—

“the Act” means the Welfare Reform Act 2012 (apart from in Schedule 4);

“the 1995 Act” means the Jobseekers Act 1995(2);

“the 2007 Act” means the Welfare Reform Act 2007(3);

“the amending provisions” means the provisions referred to in article 4(1)(a) to (c);

“appointed day” means the day appointed for the coming into force of the amending provisions in accordance with article 4(3);

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

(1) 2012 c.5.
(2) 1995 c.18.
(3) 2007 c.5.
(4) S.I. 1987/1968.

“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)**;

“contribution-based jobseeker’s allowance” means a contribution-based allowance under the 1995 Act as it has effect apart from the amendments made by Part 1 of Schedule 14 to the Act that remove references to an income-based allowance;

“contributory employment and support allowance” means a contributory 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 Act that remove references to an income-related allowance;

“the Decisions and Appeals Regulations 2013” means the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013**(6)**;

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

“the ESA Regulations 2008” means the Employment and Support Allowance Regulations 2008**(7)**;

“the ESA Regulations 2013” means the Employment and Support Allowance Regulations 2013**(8)**;

“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 an allowance under the 1995 Act;

“the JSA Regulations 1996” means the Jobseeker’s Allowance Regulations 1996**(9)**;

“the JSA Regulations 2013” means the Jobseeker’s Allowance Regulations 2013**(10)**;

“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 jobseeker’s allowance;

“old style ESA award” means an award of 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 Act that remove references to an income-related allowance;

“old style JSA award” 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 Act that remove references to an income-based jobseeker’s allowance;

“relevant districts” means the postcode districts specified in Schedule 1;

“the Transitional Regulations” means the Universal Credit (Transitional Provisions) Regulations 2013**(11)**;

(5) [S.I. 2013/380](#).
(6) [S.I. 2013/381](#).
(7) [S.I. 2008/794](#).
(8) [S.I. 2013/379](#).
(9) [S.I. 1996/207](#).
(10) [S.I. 2013/378](#).
(11) [S.I. 2013/386](#).

“the 2010 Transitional Regulations” means the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit)(Existing Awards)(No.2) Regulations 2010(12).

(2) For the purposes of this Order, a reference to a person falling within the Pathfinder Group is a reference to a person who meets the requirements of regulations 5 to 12 of the Transitional Regulations.

Day appointed for commencement of the universal credit provisions in Part 1 of the Act

3.—(1) 29th April 2013 is the day appointed for the coming into force of—

- (a) sections 29 (delegation and contracting out), 37(1), (2), (8) and (9) (capability for work or work-related activity), 38 (information) and 39(1), (2), (3)(b) and (c) (couples) of the Act;
- (b) the following paragraphs of Schedule 2 to the Act (universal credit: amendments) and section 31 of the Act (supplementary and consequential amendments) in so far as it relates to those paragraphs, in so far as they are not already in force—
 - (i) paragraphs 1, 2, 32 to 35, 37 to 42, 52 to 55 and 65;
 - (ii) paragraphs 4, 8, 10 to 23, 25 and 27 to 31 and paragraph 3 in so far as it relates to those paragraphs; and
 - (iii) paragraphs 44, 45, 47, 49, 50(2) and 50(1) in so far as it relates to 50(2), and paragraph 43 in so far as it relates to those paragraphs and sub-paragraphs; and
- (c) paragraph 1 of Schedule 5 to the Act (universal credit and other working-age benefits) and section 35 of the Act in so far as it relates to that paragraph.

(2) The day appointed for the coming into force of the provisions of the Act listed in Schedule 2, in so far as they are not already in force, in relation to the case of a claim referred to in paragraph (3) (a) to (d) and any award that is made in respect of such a claim, and in relation to the case of an award referred to in paragraph (3)(e) or (f), is the day appointed in accordance with paragraph (4).

(3) The claims and awards referred to are—

- (a) a claim for universal credit that is made or treated as made in respect of a period that begins on or after 29th April 2013 by a person who, on the day on which the claim is made or treated as made, resides in one of the relevant districts;
- (b) a claim for universal credit that is made or treated as made by a person in respect of a period that begins on or after 29th April 2013 where—
 - (i) the person does not reside in one of the relevant districts on the day on which the claim is made or treated as made;
 - (ii) in connection with the claim, the person gives incorrect information regarding their residence in such a district; and
 - (iii) after a decision is made that the person is entitled to universal credit and one or more payments have been made in respect of the person, the Secretary of State discovers that the person gave that incorrect information;
- (c) a claim for universal credit that is treated as made by a couple in the circumstances referred to in regulation 3(4) of the Transitional Regulations (entitlement to claim universal credit);
- (d) a claim for universal credit by a former member of a couple that is made or treated as made in the circumstances referred to in regulation 3(2) of the Transitional Regulations (entitlement to claim universal credit), within the period of one month referred to in that provision;

- (e) an award of universal credit that 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); and
 - (f) an award of universal credit that is made without a claim in the circumstances referred to in regulation 9(6), (7) or (10) the Claims and Payments Regulations 2013 (claims for universal credit by members of a couple).
- (4) The day appointed in relation to the cases of the claims and awards referred to in paragraph (2) is—
- (a) in the case of a claim referred to in paragraph (3)(a) to (d), the first day of the period in respect of which the claim is made or treated as made;
 - (b) in the case of an award referred to in paragraph (3)(e) or (f), the first day on which a person is entitled to universal credit under that award.
- (5) For the purposes of paragraph (3)(a) to (d), the Claims and Payments Regulations 2013 apply for the purpose of deciding—
- (a) whether a claim for universal credit is made or is to be treated as made; and
 - (b) the day on which the claim is made or is to be treated as made.
- (6) For the purposes of paragraph (4)(a), where the time for making a claim for universal credit is extended under regulation 26(2) of the Claims and Payments Regulations 2013, the reference to the first day of the period in respect of which the claim is made or treated as made is a reference to the first day of the period in respect of which the claim is, by reason of the operation of that provision, timeously made or treated as made.

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—
- (a) section 33(1)(a) and (b) and (2) of the Act (abolition of benefits);
 - (b) paragraphs 22 to 26 of Schedule 3 to the Act (abolition of benefits: consequential amendments) and section 33(3) of the Act in so far as it relates to those paragraphs; and
 - (c) the repeals in Part 1 of Schedule 14 to the Act (abolition of benefits superseded by universal credit) that are referred to in Schedule 3,
- in relation to the case of a claim referred to in paragraph (2)(a) to (d) and any award that is made in respect of such a claim, and in relation to the case of an award referred to in paragraph (2)(e) and (f), is the day appointed in accordance with paragraph (3).
- (2) The claims and awards referred to are—
- (a) a claim for universal credit, an employment and support allowance or a jobseeker's allowance that is made or treated as made in respect of a period that begins on or after 29th April 2013 by a person who, on the day on which the claim is made or treated as made, resides in one of the relevant districts and falls within the Pathfinder Group;
 - (b) a claim for universal credit that is made or treated as made by a person in respect of a period that begins on or after 29th April 2013 where—
 - (i) the person does not reside in one of the relevant districts or does not fall within the Pathfinder Group on the day on which the claim is made or treated as made;
 - (ii) in connection with the claim, the person gives incorrect information regarding their residence in such a district or their falling within the Pathfinder Group; and

- (iii) after a decision is made that the person is entitled to universal credit and one or more payments have been made in respect of the person, the Secretary of State discovers that the person gave that incorrect information;
 - (c) a claim for universal credit that is treated as made by a couple in the circumstances referred to in regulation 3(4) of the Transitional Regulations (entitlement to claim universal credit);
 - (d) a claim for universal credit by a former member of a couple that is made or treated as made in the circumstances referred to in regulation 3(2) of the Transitional Regulations (entitlement to claim universal credit), within the period of one month referred to in that provision;
 - (e) an award of universal credit that is made 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); and
 - (f) an award of universal credit that 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).
- (3) The day appointed in relation to the cases of the claims and awards referred to in paragraph (1) is—
- (a) in the case of a claim referred to in paragraph (2)(a) to (d), the first day of the period in respect of which the claim is made or treated as made; and
 - (b) in the case of an award referred to in paragraph (2)(e) or (f), the first day on which a person is entitled to universal credit under that award.
- (4) The references in paragraph (1) to an award of universal credit include a reference to any claim for an employment and support allowance or a jobseeker's allowance that does not fall within paragraph (2)(a) and that is made or treated as made during the period of the award by any person to whom the award is made and to any notice under regulation 4 of the 2010 Transitional Regulations that is issued to such a person within that period, and to any—
- (a) award of an employment and support allowance or of a jobseeker's allowance that is made in respect of the claim; or
 - (b) award of an employment and support allowance that is made in respect of the award of incapacity benefit or severe disablement allowance to which the notice relates,
- where, in relation to a claim, the claim meets the condition referred to in paragraph (5).
- (5) The condition referred to is that the claim is made or treated as made in respect of a period that begins on or after the day appointed in relation to—
- (a) where the award of universal credit is made with respect to a claim referred to in paragraph (2)(a) to (d), the case of that claim and the award;
 - (b) where the award of universal credit is an award referred to in paragraph (2)(e) or (f), the case of the award.

Provisions that apply in connection with the abolition of income-related employment and support allowance and income-based jobseeker's allowance under article 4

- 5.—(1) For the purposes of article 4(2)(a), the Claims and Payments Regulations 1987 apply for the purposes of deciding—
- (a) whether a claim for an employment and support allowance or a jobseeker's allowance is made or is to be treated as made; and
 - (b) the day on which the claim is made or is to be treated as made.

(2) For the purposes of article 4(2)(a), in determining whether a person falls within the Pathfinder Group, the requirements of regulations 5 to 12 of the Transitional Regulations are to be read as though any reference to making a claim for universal credit included a reference to making a claim for an employment and support allowance or for a jobseeker's allowance as the case may be.

(3) For the purposes of article 4(2)(a) to (d), the Claims and Payments Regulations 2013 apply for the purpose of deciding—

- (a) whether a claim for universal credit is made or is to be treated as made; and
- (b) the day on which the claim is made or is to be treated as made.

(4) For the purposes of article 4(3)(a)—

- (a) in the case of a claim for universal credit, where the time for making a claim is extended under regulation 26(2) of the Claims and Payments Regulations 2013 (time within which a claim for universal credit is to be made), the reference to the first day of the period in respect of which the claim is made or treated as made is a reference to the first day of the period in respect of which the claim is, by reason of the operation of that provision, timeously made or treated as made;
- (b) in the case of a claim for an employment and support allowance or a jobseeker's allowance, where the time for making a claim is extended under regulation 19 of, and Schedule 4 to, the Claims and Payments Regulations 1987(13), the reference to the first day of the period in respect of which the claim is made or treated as made is a reference to the first day of the period in respect of which the claim is, by reason of the operation of those provisions, timeously made or treated as made.

Transitional provision: where the abolition of income-related employment and support allowance and income-based jobseeker's allowance is treated as not applying

6.—(1) Paragraph (2) applies where—

- (a) a person has or had a new style ESA award or a new style JSA award (“the award”);
- (b) in respect of all or part of the period to which the award relates, the person—
 - (i) makes a claim, or is treated as making a claim, for universal credit; or
 - (ii) makes an application to the Secretary of State for supersession of the decision to make the award, on the basis of a relevant change of circumstances that would relate to the grounds for entitlement to an income-related employment and support allowance or an income-based jobseeker's allowance if the amending provisions had not come into force under article 4(1);
- (c) if the amending provisions had not come into force under article 4(1) and, in the case of a claim for universal credit, an application for supersession of the decision to make the award had been made, the person would be entitled to an income-related employment and support allowance or an income-based jobseeker's allowance, as the case may be, with respect to the period for which the claim for universal credit or application for supersession is made;
- (d) where the person makes an application for supersession of the decision to make the award, the period in respect of which the application is made does not include any period in respect of which the person has been awarded universal credit;
- (e) where the person makes a claim, or is treated as making a claim, for universal credit, the claim does not fall within a case referred to in article 4(2)(b), (c) or (d); and

(13) Relevant amendments to regulation 19 were made by [1997/2290](#), [1999/2572](#), [1999/3108](#), [2000/1982](#), [2000/2978](#), [2002/428](#), [2002/1397](#) and [2006/2377](#). Relevant amendments to Schedule 4 were made by [S.I. 1996/1460](#) and [2008/1554](#).

- (f) on the day on which the claim for universal credit is made or treated as made, or the application for supersession is received, as the case may be, the person—
 - (i) does not reside in one of the relevant districts; or
 - (ii) does not fall within the Pathfinder Group.

(2) Where this paragraph applies, then, in relation to the award and with effect from the first day of the period in respect of which the claim is made or treated as made, or the application for supersession is made, the 1995 Act or Part 1 of the 2007 Act, as the case may be, is to apply as though the amending provisions had not come into force under article 4(1).

(3) For the purposes of paragraph (1)(f)—

- (a) the Claims and Payments Regulations 2013 apply for the purpose of deciding—
 - (i) whether a claim for universal credit is made or is to be treated as made; and
 - (ii) the day on which the claim is made or is to be treated as made; and
- (b) in determining whether a person falls within the Pathfinder Group, the requirements of regulations 5 to 12 of the Transitional Regulations are to be read as though any reference to making a claim for universal credit included a reference to making an application for supersession of a decision to make an award of an employment and support allowance or of a jobseeker's allowance, as the case may be.

(4) For the purposes of paragraph (2), the reference to the period in respect of which the application for supersession is made is a reference to the period beginning with the day from which the superseding decision takes effect in accordance with section 10(5) of the Social Security Act 1998(14) and regulation 35 of, and Schedule 1 to, the Decisions and Appeals Regulations 2013 (effectives dates: Secretary of State decisions).

(5) For the purposes of paragraph (2), the reference to the first day of the period in respect of which the claim for universal credit is made or treated as made, in a case where the time for making a claim for universal credit is extended under regulation 26(2) of the Claims and Payments Regulations 2013, is a reference to the first day of the period in respect of which the claim is, by reason of the operation of that provision, timeously made or treated as made.

Day appointed for commencement of provisions relating to claimant responsibilities with respect to employment and support allowance and jobseeker's allowance, and transitional provisions

7.—(1) The day appointed for the coming into force of—

- (a) section 44(2) of the Act and section 44(1) of the Act in so far as it relates to section 44(2) (claimant commitment for jobseeker's allowance);
- (b) section 49(2) and (3) to (5) of the Act (and section 49(1) of the Act in so far as it relates to those provisions) (claimant responsibilities for jobseeker's allowance);
- (c) section 54(2) of the Act (and section 54(1) of the Act in so far as it relates to that provision) (claimant commitment for employment and support allowance);
- (d) section 57(2), (4), (5) and (9) of the Act (and section 57(1) of the Act in so far as it relates to those provisions) (claimant responsibilities for employment and support allowance);
- (e) the repeals in Part 4 of Schedule 14 to the Act (jobseeker's allowance: responsibilities after introduction of universal credit); and
- (f) the repeals in Part 5 of Schedule 14 to the Act (employment and support allowance: responsibilities after introduction of universal credit),

in so far as they are not already in force, is, in relation to a particular case, the day on which the amending provisions come into force, under any secondary legislation, in relation to that case.

(2) Where, under any secondary legislation, in relation to a new style JSA award, the 1995 Act applies as though the amending provisions had not come into force, the 1995 Act is to apply in relation to that award as though the provisions referred to in paragraph (1)(a), (b) and (e) had not come into force.

(3) Where, under any secondary legislation, in relation to a new style ESA award, Part 1 of the 2007 Act applies as though the amending provisions had not come into force, that Part is to apply in relation to that award as though the provisions referred to in paragraph (1)(c), (d) and (f) had not come into force.

(4) For the purposes of paragraphs (1) to (3), “secondary legislation” means an instrument made under an Act.

Day appointed for commencement of provisions concerning consideration of revision before appeal

8. 29th April 2013 is the day appointed for the coming into force of paragraphs 1 to 11 and 15 to 18 of Schedule 11 to the Act (power to require consideration of revision before appeal) and section 102(6) of the Act in so far as it relates to those paragraphs, to the extent that those provisions are not already in force.

Transitional provision: conversion of incapacity benefits

9.—(1) Subject to paragraph (2), where the amending provisions come into force under article 4(1) in relation to the case of a claim referred to in article 4(2)(a) to (d) and any award made in respect of the claim, or the case of an award referred to in article 4(2)(e) or (f)(15), the 2010 Transitional Regulations are to apply in relation to that case as if the modifications set out in Schedule 4 were made.

(2) Where article 6(2) applies in relation to a new style ESA award (such that the award continues as an old style ESA award), the 2010 Transitional Regulations are to apply in relation to the award, in its continuation as an old style ESA award, as if those modifications had not been made.

Limited capability for work or work-related activity: transition from old style ESA

10.—(1) This article applies where—

- (a) a person is entitled to a new style ESA award and they were previously entitled to an old style ESA award that was not in existence immediately before the first day on which the person in question is entitled to the new style ESA award; or
- (b)
 - (i) the amending provisions have come into force under article 4(1) in relation to the case of a claim for universal credit referred to in article 4(2)(b) to (d) (and any award that is made in respect of the claim) or an award of universal credit referred to in article 4(2)(e) or (f); and
 - (ii) the person in question had an old style ESA award immediately before the appointed day, which consisted of or included a contributory employment and support allowance (which allowance therefore continues as a new style ESA award).

(2) Where this article applies, the ESA Regulations 2013 are to be read as if—

(15) See article 4(4); the reference in article 4(1) to an award of universal credit includes a reference to a claim or notice referred to in article 4(4) and any award made in respect of the claim or in respect of the award of incapacity benefit or severe disablement allowance to which the notice relates.

- (a) (i) in the definitions of “period of limited capability for work” in regulations 2 (interpretation) and 3 (further interpretation), the reference to a period throughout which a person has, or is treated as having, limited capability for work included a reference to a period throughout which the person in question had, or was treated as having, limited capability for work under the ESA Regulations 2008; and
- (ii) the reference, in the definition in regulation 2, to regulation 28 of the Claims and Payments Regulations 2013 (time within which a claim for employment and support allowance is to be made) included a reference to regulation 19 of, and Schedule 4 to, the Claims and Payments Regulations 1987 (prescribed times for claiming benefit);
- (b) in regulation 6 (the assessment phase—previous claimants)—
 - (i) any reference to an employment and support allowance included a reference to an old style ESA award; and
 - (ii) in paragraph (2)(b)(v) and (c)(iii), the reference to regulation 26 (conditions for treating a claimant as having limited capability for work until a determination about limited capability for work has been made) included a reference to regulation 30 of the ESA Regulations 2008 (conditions for treating a claimant as having limited capability for work until a determination about limited capability for work has been made)(**16**);
- (c) in regulation 7 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arises does not apply)—
 - (i) any reference to an employment and support allowance included a reference to an old style ESA award; and
 - (ii) in paragraph (3)(b)(iv), (c)(iii), (c)(iv) and (d)(iii), the reference to regulation 26 included a reference to regulation 30 of the ESA Regulations 2008;
- (d) in regulation 11 (condition relating to youth—previous claimants), any reference to an employment and support allowance included a reference to an old style ESA award;
- (e) in regulation 15 (determination of limited capability for work)—
 - (i) the reference in paragraph (7)(a) to a claimant having been determined to have limited capability for work included a reference to such a determination made under Part 5 of the ESA Regulations 2008; and
 - (ii) the reference in paragraph (7)(b) to a person being treated as having limited capability for work included a reference to a person being so treated under regulation 20 (certain claimants to be treated as having limited capability for work)(**17**), 25 (hospital patients)(**18**), 26 (claimants receiving certain regular treatment)(**19**) or 29 (exceptional circumstances)(**20**) of the ESA Regulations 2008 ;
- (f) in regulation 26 (conditions for treating a claimant as having limited capability for work until a determination about limited capability for work has been made)—
 - (i) in paragraph (2)(b), the reference to regulation 18 (failure to provide information in relation to limited capability for work) and 19 (claimant may be called for a medical examination to determine whether the claimant has limited capability for work) included a reference to regulation 22 (failure to provide information in relation to limited capability for work)(**21**) and 23 (claimant may be called for a medical

(16) Regulation 30 was amended by S.I. 2010/840 and 2011/674.

(17) Regulation 20 was amended by S.I. 2011/228, 2011/2425 and 2012/3096.

(18) Regulation 25 was substituted by S.I. 2012/3096.

(19) Regulation 26 was amended by S.I. 2008/2428 and 2012/3096.

(20) Regulation 29 was amended by S.I. 2012/3096.

(21) Regulation 22 was amended by S.I. 2011/2425.

- examination to determine whether the claimant has limited capability for work) of the ESA Regulations 2008; and
- (ii) in paragraph (4)(c), the reference to regulation 18 included a reference to regulation 22 of the ESA Regulations 2008;
 - (g) in regulation 30(4) (determination of limited capability for work-related activity), the reference to a determination about whether a claimant has, or is to be treated as having or not having, limited capability for work-related activity included such a determination that was made under Part 6 of the ESA Regulations 2008; and
 - (h) in regulation 87(1) (claimants appealing a decision), the reference to a determination that the claimant does not have limited capability for work under the ESA Regulations 2013 included a reference to such a determination under the ESA Regulations 2008.

Limited capability for work or work-related activity: transition from new style ESA

11.—(1) This article applies where—

- (a) a person is entitled to an old style ESA award and they were previously entitled to a new style ESA award that was not in existence immediately before the first day on which the person in question is entitled to the old style ESA award; or
 - (b) article 6(2) applies in relation to a new style ESA award (such that it continues as an old style ESA award).
- (2) Where this article applies, the ESA Regulations 2008 are to be read as if—
- (a)
 - (i) in the definitions of “period of limited capability for work” in regulation 2(1) and (5) (interpretation)(**22**), the reference to a period throughout which a person has, or is treated as having, limited capability for work included a reference to a period throughout which the person in question had, or was treated as having, limited capability for work under the ESA Regulations 2013; and
 - (ii) the reference, in the definition in regulation 2(1), to regulation 19 of the Claims and Payments Regulations 1987 (time for claiming benefit) included a reference to regulation 28 of the Claims and Payments Regulations 2013 (time within which a claim for an employment and support allowance is to be made);
 - (b) in regulation 5 (the assessment phase—previous claimants)(**23**)—
 - (i) any reference to an employment and support allowance included a reference to a new style ESA award; and
 - (ii) in paragraph (2)(b)(v) and (c)(iii), the reference to regulation 30 (conditions for treating a claimant as having limited capability for work until a determination about limited capability for work has been made) included a reference to regulation 26 of the ESA Regulations 2013 (conditions for treating a claimant as having limited capability for work until a determination about limited capability for work has been made);
 - (c) in regulation 7 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arises does not apply)(**24**)—
 - (i) any reference to an employment and support allowance included a reference to a new style ESA award; and

(22) The definition in regulation 2(1) was amended, and the definition in regulation 2(5) inserted, by [S.I. 2010/840](#).

(23) Regulation 5 was amended by [S.I. 2010/840](#) and [2012/913](#).

(24) Regulation 7 was amended by [S.I. 2008/3051](#), [2010/840](#), [2012/874](#) and [2012/913](#).

- (ii) in paragraph (1B)(b)(iv), (c)(iii), (c)(iv) and (d)(iii), the reference to regulation 30 included a reference to regulation 26 of the ESA Regulations 2013;
- (d) in regulation 10 (condition relating to youth – previous claimants), any reference to an employment and support allowance included a reference to a new style ESA award;
- (e) in regulation 19 (determination of limited capability for work)(**25**)—
 - (i) the reference in paragraph (7)(a) to a claimant having been determined to have limited capability for work included a reference to such a determination made under Part 4 of the ESA Regulations 2013; and
 - (ii) the reference in paragraph (7)(b) to a person being treated as having limited capability for work included a reference to a person being so treated under regulation 16 (certain claimants to be treated as having limited capability for work), 21 (hospital patients), 22 (claimants receiving certain treatment) or 25 (exceptional circumstances) of the ESA Regulations 2013;
- (f) in regulation 30 (conditions for treating a claimant as having limited capability for work until a determination about limited capability for work has been made)—
 - (i) in the initial words of paragraph (2)(b), the reference to regulation 22 (failure to provide information in relation to limited capability for work) and 23 (claimant may be called for a medical examination to determine whether the claimant has limited capability for work) included a reference to regulation 18 (failure to provide information in relation to limited capability for work) and 19 (claimant may be called for a medical examination to determine whether the claimant has limited capability for work) of the ESA Regulations 2013; and
 - (ii) in paragraph (2)(b)(iii), the reference to regulation 22 included a reference to regulation 18 of the ESA Regulations 2013;
- (g) in regulation 34(4) (determination of limited capability for work-related activity), the reference to a determination about whether a claimant has, or is to be treated as having or not having, limited capability for work-related activity included such a determination that was made under Part 5 of the ESA Regulations 2013; and
- (h) in regulation 147A(1) (claimants appealing a decision)(**26**), the reference to a determination that the claimant does not have limited capability for work included a reference to such a determination under the ESA Regulations 2013.

Continuity of jobseeking period in the case of transition from old style JSA

12.—(1) Paragraph (2) applies where—

- (a) a person is entitled to a new style JSA award and they were previously entitled to an old style JSA award that was not in existence immediately before the first day on which the person in question is entitled to the new style JSA award; or
- (b)
 - (i) the amending provisions have come into force under article 4(1) in relation to the case of a claim for universal credit referred to in article 4(2)(b) to (d) (and any award that is made in respect of the claim) or an award of universal credit referred to in article 4(2)(e) or (f); and
 - (ii) the person in question had an old style JSA award immediately before the appointed day, which consisted of or included a contribution-based jobseeker’s allowance (which allowance therefore continues in existence as a new style JSA award).

(25) Regulation 19 was amended by [S.I. 2012/3096](#).

(26) Regulation 147A was inserted by [S.I. 2010/840](#).

(2) Where this paragraph applies, regulation 37 of the JSA Regulations 2013 (jobseeking period) is to be read as if—

- (a) any reference in the regulation to the jobseeking period in relation to a claimant included a reference to any period that, under regulation 47 of the JSA Regulations 1996 (jobseeking period)(27), forms part of such a jobseeking period; and
- (b) in paragraph (3) of the regulation, the reference to a day that is to be treated as a day in respect of which the claimant was entitled to a jobseeker's allowance included a reference to any day that, under regulation 47(4) of the JSA Regulations 1996, is to be treated as a day in respect of which the claimant was entitled to a contribution-based jobseeker's allowance.

Continuity of jobseeking period in case of transition from new style JSA

13.—(1) Paragraph (2) applies where—

- (a) a person is entitled to an old style JSA award and they were previously entitled to a new style JSA award that was not in existence immediately before the first day on which the person in question is entitled to the old style JSA award; or
- (b) article 6(2) applies in relation to a new style JSA award (such that it continues as an old style JSA award).

(2) Where this paragraph applies, regulation 47 of the JSA Regulations 1996 (jobseeking period) is to be read as if—

- (a) any reference in the regulation to the jobseeking period in relation to a claimant included a reference to any period that, under regulation 37 of the JSA Regulations 2013 (jobseeking period), forms part of such a jobseeking period; and
- (b) in paragraph (4) of that regulation, the reference to any day that is to be treated as a day in respect of which the claimant was entitled to a contribution-based jobseeker's allowance is to be read as if it included a reference to a day that, under regulation 37(3) of the JSA Regulations 2013 (jobseeking period), is to be treated as a day in respect of which the claimant was entitled to a jobseeker's allowance.

Sanctions: transition from old style ESA in case of a new award

14.—(1) This article applies where—

- (a) a person is entitled to a new style ESA award and they were previously entitled to an old style ESA award that was not in existence immediately before the first day on which the person in question is entitled to the new style ESA award; and
- (b) immediately before the old style ESA award terminated, payments were reduced under regulation 63 of the ESA Regulations 2008 (reduction of employment and support allowance)(28).

(2) Where this article applies—

- (a) the failure which led to reduction of the old style ESA award (“the relevant failure”) is to be treated for the purposes of Part 8 of the ESA Regulations 2013, as a failure which is sanctionable under section 11J of the 2007 Act (sanctions)(29);

(27) Regulation 47 was amended by S.I. 1996/1517, 1996/2538, 1999/714, 1999/2226, 2001/518, 2001/1711, 2010/424, 2010/1160 and 2012/2568.

(28) Regulation 63 was amended by S.I. 2011/1349 and 2012/2756.

(29) Section 11J was inserted by section 57(2) of the Welfare Reform Act 2012 (c.5).

- (b) the new style ESA award is to be reduced in relation to the relevant failure, in accordance with the provisions of this article and Part 8 of the ESA Regulations 2013 as modified by this article; and
 - (c) the reduction referred to in sub-paragraph (b) is to be treated, for the purposes of the ESA Regulations 2013, as a reduction under section 11J of the 2007 Act.
- (3) The reduction period for the purposes of the ESA Regulations 2013 is to be the number of days which is equivalent to the length of the fixed period applicable to the person under regulation 63 of the ESA Regulations 2008 in relation to the relevant failure, minus—
- (a) the number of days (if any) in that fixed period in respect of which the amount of the old style ESA award was reduced; and
 - (b) the number of days (if any) in the period starting with the day after the day on which the old style ESA award terminated and ending with the day before the first day on which the person is entitled to the new style ESA award.
- (4) Accordingly, regulation 51 of the ESA Regulations 2013 (general principles for calculating reduction periods) applies in relation to the relevant failure as if—
- (a) in paragraph (1), for the words “in accordance with regulations 52 and 53” there were substituted the words “in accordance with article 14 of 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”; and
 - (b) in paragraph (3), for the words “in accordance with regulation 52 or 53” there were substituted the words “in accordance with article 14 of 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”.

Sanctions: transition from old style ESA in case of a continuing award

- 15.—**(1) This article applies where—
- (a) the amending provisions have come into force under article 4(1) in relation to the case of a claim for universal credit referred to in article 4(2)(b) to (d) (and any award that is made in respect of the claim) or an award of universal credit referred to in article 4(2)(e) or (f);
 - (b) the person in question had an old style ESA award immediately before the appointed day which consisted of or included a contributory allowance (which allowance therefore continues as a new style ESA award); and
 - (c) immediately before the appointed day, payments under that award were reduced in accordance with regulation 63 of the ESA Regulations 2008 (reduction of employment and support allowance).
- (2) Where this article applies—
- (a) the failure which led to reduction of the old style ESA award (“the relevant failure”) is to be treated for the purposes of Part 8 of the ESA Regulations 2013, as a failure which is sanctionable under section 11J of the 2007 Act (sanctions);
 - (b) on and after the appointed day, the award (in its continuation as a new style ESA award) is to be reduced in relation to the relevant failure, in accordance with the provisions of this article and Part 8 of the ESA Regulations 2013 as modified by this article; and
 - (c) the reduction referred to in sub-paragraph (b) is to be treated, for the purposes of the ESA Regulations 2013, as a reduction under section 11J of the 2007 Act.
- (3) The reduction period for the purposes of the ESA Regulations 2013 is to be the number of days which is equivalent to the length of the fixed period applicable to the person under regulation 63

of the ESA Regulations 2008 in relation to the relevant failure, minus the number of days (if any) in that period in respect of which the amount of the old style ESA award was reduced.

(4) Accordingly, regulation 51 of the ESA Regulations 2013 (general principles for calculating reduction periods) applies in relation to the relevant failure as if—

- (a) in paragraph (1), for the words “in accordance with regulations 52 and 53” there were substituted the words “in accordance with article 15 of 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”; and
- (b) in paragraph (3), for the words “in accordance with regulation 52 or 53” there were substituted the words “in accordance with article 15 of 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”.

Escalation of sanctions: transition from old style ESA

16.—(1) This article applies where a person is entitled to a new style ESA award and, at any time previously, the person was entitled to an old style ESA award.

(2) Where this article applies, for the purposes of determining the reduction period under regulation 52 of the ESA Regulations 2013 (low-level sanction) in relation to a sanctionable failure by the person to whom the new style award referred to in paragraph (1) was made, other than a failure which is treated as sanctionable under article 14 or 15—

- (a) a reduction of a new style ESA award in accordance with article 14 or 15 as the case may be; and
- (b) a reduction of an old style ESA award under the ESA Regulations 2008 which did not result in a reduction under article 14 or 15,

is, subject to paragraph (3), to be treated as arising from a sanctionable failure for which the reduction period which applies is the number of days which is equivalent to the length of the fixed period which applied under regulation 63 of the ESA Regulations 2008 (reduction of employment and support allowance).

(3) In determining a reduction period under regulation 52 of the ESA Regulations 2013 in accordance with paragraph (2), no account is to be taken of—

- (a) a reduction of a new style ESA award in accordance with article 14 or 15, as the case may be, if, at any time after that reduction, the person was entitled to an old style ESA award, an old style JSA award or income support;
- (b) a reduction of an old style ESA award under the ESA Regulations 2008 if, at any time after that reduction, the person was entitled to universal credit, a new style ESA award or a new style JSA award, and was subsequently entitled to an old style ESA award, an old style JSA award or income support.

Sanctions: transition from old style JSA in case of a new award

17.—(1) This article applies where—

- (a) a person is entitled to a new style JSA award and they were previously entitled to an old style JSA award that was not in existence immediately before the first day on which the person in question is entitled to the new style JSA award;
- (b) immediately before that old style award terminated, payments were reduced under section 19 (as it applied both before and after substitution by the Act) (before substitution: circumstances in which a jobseeker’s allowance is not payable; after substitution: higher-

- level sanctions)(30) or 19A (other sanctions) of the 1995 Act(31), or under regulation 69B of the JSA Regulations 1996 (the period of a reduction under section 19B : Claimants ceasing to be available for employment etc.)(32); and
- (c) if the old style JSA award was made to a joint-claim couple within the meaning of the 1995 Act and the reduction related to—
- (i) in the case of a reduction under section 19 as it applied before substitution by the Act, circumstances relating to only one member of the couple; or
 - (ii) in the case of a reduction under section 19 as it applied after substitution by the Act, a sanctionable failure by only one member of the couple,
- the new style JSA award was made to that member of the couple.
- (2) Where this article applies—
- (a) the circumstances or failure which led to reduction of the old style JSA award (in either case “the relevant failure”) is to be treated, for the purposes of the JSA Regulations 2013, as—
 - (i) a failure which is sanctionable under section 6J of the 1995 Act (higher-level sanctions)(33), where the reduction was under section 19 of the 1995 Act; or
 - (ii) a failure which is sanctionable under section 6K of the 1995 Act (other sanctions), where the reduction was under section 19A of the 1995 Act or regulation 69B of the JSA Regulations 1996;
 - (b) the award of new style JSA is to be reduced in relation to the relevant failure, in accordance with the provisions of this article and Part 3 of the JSA Regulations 2013 (sanctions), as modified by this article; and
 - (c) the reduction is to be treated, for the purposes of the JSA Regulations 2013, as a reduction under section 6J or, as the case may be, section 6K of the 1995 Act.
- (3) The reduction period for the purposes of the JSA Regulations 2013 is to be the number of days which is equivalent to the length of the period of reduction of a jobseeker’s allowance which is applicable to the person under regulation 69, 69A or 69B of the JSA Regulations 1996, minus—
- (a) the number of days (if any) in that period in respect of which the amount of a jobseeker’s allowance was reduced; and
 - (b) the number of days (if any) in the period starting with the day after the day on which the old style JSA award terminated and ending with the day before the first day on which the person is entitled to a new style JSA award.
- (4) Accordingly, regulation 18 of the JSA Regulations 2013 (general principles for calculating reduction periods) applies in relation to the relevant failure as if—
- (a) in paragraph (1), for the words “in accordance with regulations 19, 20 and 21”, there were substituted the words “in accordance with article 17 of 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”; and
 - (b) in paragraph (3), for the words “in accordance with regulation 19, 20 or 21”, there were substituted the words “in accordance with article 17 of 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”.

(30) Section 19 was substituted by section 46 of the Welfare Reform Act 2012 (c.5). Section 19 before substitution was amended by paragraph 12 of Schedule 7 to the Welfare Reform and Pensions Act 1999 (c.30) and paragraph 141 of Schedule 7 to the Social Security Act 1998 (c.14).

(31) Section 19A was inserted by section 46 of the Welfare Reform Act 2012 (c.5).

(32) S.I.1996/207; reg 69B was inserted by S.I. 2012/2568.

(33) Sections 6J and 6K were inserted by section 49(3) of the Welfare Reform Act 2012 (c.5).

Sanctions: transition from old style JSA in case of a continuing award

18.—(1) This article applies where—

- (a) the amending provisions have come into force under article 4(1) in relation to the case of a claim for universal credit referred to in article 4(2)(b) to (d) (and any award that is made in respect of the claim) or an award of universal credit referred to in article 4(2)(e) or (f);
- (b) the person in question had an old style JSA award immediately before the appointed day which consisted of or included a contribution-based allowance (which allowance therefore continues as a new style JSA award);
- (c) immediately before the appointed day, payments under that award were reduced under section 19 (as it applied both before and after substitution by the Act) (before substitution: circumstances in which a jobseeker’s allowance is not payable; after substitution: higher-level sanctions) or 19A (other sanctions) of the 1995 Act, or under regulation 69B of the JSA Regulations 1996 (the period of a reduction under section 19B : Claimants ceasing to be available for employment etc.); and
- (d) if the old style JSA award was made to a joint-claim couple within the meaning of the 1995 Act and the reduction related to—
 - (i) in the case of a reduction under section 19 as it applied before substitution by the Act, circumstances relating to only one member of the couple; or
 - (ii) in the case of a reduction under section 19 as it applied after substitution by the Act, a sanctionable failure by only one member of the couple,
 the new style JSA award was made to that member of the couple.

(2) Where this article applies—

- (a) the circumstances or failure which led to reduction of the old style JSA award (in either case “the relevant failure”) is to be treated, for the purposes of the JSA Regulations 2013, as—
 - (i) a failure which is sanctionable under section 6J of the 1995 Act (higher-level sanctions), where the reduction was under section 19 of the 1995 Act; or
 - (ii) a failure which is sanctionable under section 6K of the 1995 Act (other sanctions), where the reduction was under section 19A of the 1995 Act or regulation 69B of the JSA Regulations 1996;
- (b) the award (in its continuation as a new style JSA award) is to be reduced in relation to the relevant failure, in accordance with the provisions of this article and Part 3 of the JSA Regulations (sanctions), as modified by this article; and
- (c) the reduction is to be treated, for the purposes of the JSA Regulations 2013, as a reduction under section 6J or, as the case may be, section 6K of the 1995 Act.

(3) The reduction period for the purposes of the JSA Regulations 2013 is to be the number of days which is equivalent to the length of the period of reduction of a jobseeker’s allowance which is applicable to the person under regulation 69, 69A or 69B of the JSA Regulations 1996, minus the number of days (if any) in that period in respect of which the amount of a jobseeker’s allowance was reduced.

(4) Accordingly, regulation 18 of the JSA Regulations 2013 (general principles for calculating reduction periods) applies in relation to the relevant failure as if—

- (a) in paragraph (1), for the words “in accordance with regulations 19, 20 and 21”, there were substituted the words “in accordance with article 18 of 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”; and

- (b) in paragraph (3), for the words “in accordance with regulation 19, 20 or 21”, there were substituted the words “in accordance with article 18 of 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”.

Escalation of sanctions: transition from old style JSA

19.—(1) This article applies where a person is entitled to a new style JSA award and, at any time previously, the person was entitled to an old style JSA award.

(2) Where this article applies, for the purposes of determining the applicable reduction period under regulation 19 (higher-level sanction), 20 (medium-level sanction) or 21 (low-level sanction) of the JSA Regulations 2013 in relation to a sanctionable failure by the person other than a failure which is treated as sanctionable by virtue of article 17 or 18—

- (a) a reduction of a new style JSA award in accordance with article 17 or 18; and
- (b) a reduction of an old style JSA award under section 19 (as it applied both before and after substitution by the Act) or 19A of the 1995 Act, or under regulation 69B of the JSA Regulations 1996, which did not result in a reduction under article 17 or 18,

is, subject to paragraph (3), to be treated as arising from a sanctionable failure for which the reduction period is the number of days which is equivalent to the length of the period which applied under regulation 69, 69A or 69B of the JSA Regulations 1996.

(3) In determining a reduction period under regulation 19 (higher-level sanction), 20 (medium-level sanction) or 21 (low-level sanction) of the JSA Regulations 2013 in accordance with paragraph (2), no account is to be taken of—

- (a) a reduction of a new style JSA award in accordance with article 17 or 18 if, at any time after that reduction, the person was entitled to an old style JSA award, an old style ESA award or income support;
- (b) a reduction of an old style JSA award under section 19 (as it applied both before and after substitution by the Act) or 19A of the 1995 Act, or under regulation 69B of the JSA Regulations 1996, if, at any time after that reduction, the person was entitled to universal credit, a new style JSA award or a new style ESA award, and was subsequently entitled to an old style JSA award, an old style ESA award or income support.

Termination of sanctions under a new style ESA or JSA award

20.—(1) Paragraph (2) applies where—

- (a) a new style ESA award or new style JSA award terminates while there is an outstanding reduction period (within the meaning of regulation 55 of the ESA Regulations 2013 (reduction period to continue where award of employment and support allowance terminates) or regulation 23 of the JSA Regulations 2013 (reduction period to continue where award of jobseeker’s allowance terminates)) and the claimant becomes entitled to an old style ESA award, an old style JSA award or income support during that period; or
- (b) article 6(2) applies to a new style ESA award or new style JSA award (such that it continues as an old style ESA award or an old style JSA award) and there is such an outstanding reduction period on the last day of the period of the new style ESA award or new style JSA award.

(2) Where this paragraph applies—

- (a) regulation 55 of the ESA Regulations 2013 or regulation 23 of the JSA Regulations 2013, as the case may be, are to cease to apply; and

- (b) the reduction period is to terminate on the first day of entitlement to an old style ESA award, old style JSA award or income support as the case may be.

Transitory provisions: appeals

21.—(1) Paragraph (2) applies where—

- (a) the amending provisions have come into force under article 4(1) in relation to the case of a claim referred to in article 4(2)(a) to (d) (and any award that is made in respect of the claim) or the case of an award referred to in article 4(2)(e) or (f);
- (b) the person is sent notice of a decision relating to a new style ESA award or a new style JSA award; and
- (c) the date of notification with respect to that decision is before 28th October 2013.

(2) Where this paragraph applies, the provisions mentioned in paragraph (3) apply for the purposes of any appeal in relation to that decision as if regulation 55 of the Decisions and Appeals Regulations 2013 (consequential amendments) did not apply in that person’s case.

(3) The provisions referred to are the following provisions of the Social Security and Child Support (Decisions and Appeals) Regulations 1999(**34**)—

- (a) regulation 32 (late appeals)(**35**);
- (b) regulation 33 (notice of appeal); and
- (c) regulation 34 (death of a party to an appeal).

(4) For the purposes of paragraph (1), “the date of notification” means the date on which the decision notice was posted to the person’s last known address by the Secretary of State.

Transitional provision: references to contributory employment and support allowance and contribution-based jobseeker’s allowance

22. Where the amending provisions have come into force under article 4(1) in relation to the case of a claim referred to in article 4(2)(a) to (d) (and any award that is made in respect of the claim) or the case of an award referred to in article 4(2)(e) or (f), then, in relation to such a case, any reference in the Social Security Administration Act 1992(**36**) or the Social Security Contributions and Benefits Act 1992(**37**) to—

- (a) a contributory employment and support allowance is to be read as if it included a reference to a new style ESA award; and
- (b) a contribution-based jobseeker’s allowance is to be read as if it included a reference to a new style JSA award.

Amendment of the Welfare Reform Act 2012 (Commencement No 8 and Savings and Transitional Provisions) Order 2013

23.—(1) Article 5 of the Welfare Reform Act 2012 (Commencement No 8 and Savings and Transitional Provisions) Order 2013(**38**) (appointed day and saving for provisions relating to overpayments) is amended as follows.

- (2) In paragraph (3)(a), at the beginning insert “subject to paragraph (3A),”.
- (3) After paragraph (3) insert—

(34) [S.I. 1999/991](#).

(35) Regulation 32 was amended by [S.I. 2002/1379](#), [2003/916](#), [2008/2683](#) and [2012/2007](#).

(36) [1992 c.5](#).

(37) [1992 c.4](#).

(38) [S.I. 2013/358](#).

“(3A) In so far as section 105(1) of the 2012 Act inserts section 71ZB(1)(b) and (c) of the 1992 Act, those paragraphs come into force on 29th April 2013 only in so far as they relate respectively to a new style JSA award and a new style ESA award.”

(4) In paragraph (6), for “those benefits have been claimed before 29th April 2013” substitute “they relate respectively to an old style JSA award and an old style ESA award”.

(5) After paragraph (6) add—

“(7) In this article, “old style JSA award”, “new style JSA award”, “old style ESA award” and “new style ESA award” have the same meaning as in article 2(1) of 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.”.

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

24th April 2013

Freud
Parliamentary Under Secretary of State
Department for Work and Pensions

Status: This is the original version (as it was originally made).

SCHEDULE 1

Article 2(1)

POSTCODE DISTRICTS

1. M43
2. OL6
3. OL7
4. SK16

SCHEDULE 2

Article 3(2)

UNIVERSAL CREDIT PROVISIONS COMING INTO FORCE
IN RELATION TO CERTAIN CLAIMS AND AWARDS

1. Section 1 (universal credit).
2. Section 2(1) (claims).
3. Section 3 (entitlement).
4. Section 4(1) and (4) (basic conditions).
5. Section 5 (financial conditions).
6. Section 6 (restrictions on entitlement).
7. Section 7(1) and (4) (basis of awards).
8. Section 8 (calculation of awards).
9. Section 9(1) (standard allowance).
10. Section 10(1) (responsibility for children and young persons).
11. Section 11(1) and (2) (housing costs).
12. Section 12(1) and (2) (other particular needs or circumstances).
13. Section 13 (work-related requirements: introductory).
14. Section 14 (claimant commitment).
15. Section 15(1) and (4) (work-focused interview requirement).
16. Section 16 (work preparation requirement).
17. Section 17(1), (2), (3)(a) to (e), (4) and (5) (work search requirement).
18. Section 18 (work availability requirement).
19. Section 19(1), (2)(a) to (c), (5) and (6) (claimants subject to no work-related requirements).
20. Section 20 (claimants subject to work-focused interview requirement only).
21. Section 21 (claimants subject to work preparation requirement).
22. Section 22 (claimants subject to all work-related requirements).
23. Section 23 (connected requirements).
24. Section 24(2), (3) and (4) (imposition of requirements).

25. Section 26(1) to (5) (higher-level sanctions).
 26. Section 27(1) to (3) and (6) to (8) (other sanctions).

SCHEDULE 3

Article 4(1)

COMMENCEMENT OF REPEALS IN PART 1 OF SCHEDULE 14 TO THE ACT

| <i>Short title and chapter</i> | <i>Extent of repeal</i> |
|--|--|
| Jobseekers Act 1995 (c.18) | <p>Section 1(2A) to (2D) and (4).</p> <p>In section 2, in subsection (3C)(d), “contribution-based”.</p> <p>Sections 3 to 3B.</p> <p>In section 4—</p> <p>(a) in subsection (1), “contribution-based”;</p> <p>(b) subsections (3), (3A) and (6) to (11A).</p> <p>Section 4A.</p> <p>In section 5—</p> <p>(a) in the heading and in subsection (1) “contribution-based”;</p> <p>(b) in subsection (2), “contribution-based” in the first two places;</p> <p>(c) in subsection (3), “contribution-based”.</p> <p>Section 13.</p> <p>Sections 15 to 17.</p> <p>In section 17A(10), the definition of “claimant”.</p> <p>Section 23.</p> <p>Sections 26.</p> <p>In section 35(1)—</p> <p>(a) in the definition of “claimant”, the words from “except” to the end;</p> |

Status: This is the original version (as it was originally made).

| <i>Short title and chapter</i> | <i>Extent of repeal</i> |
|---|--|
| | <p>(b) the definitions of “contribution-based jobseeker’s allowance”, “income-based jobseeker’s allowance”, “income-related employment and support allowance”, “joint-claim couple”, “joint-claim jobseeker’s allowance” and “the nominated member”.</p> <p>In section 38—</p> <p>(a) in subsections (3) and (4), “contribution-based”;</p> <p>(b) subsection (6).</p> <p>In Schedule 1—</p> <p>(a) in paragraph 6(1), “contribution-based”;</p> <p>(b) paragraphs 8 and 8A;</p> <p>(c) paragraphs 9 to 10;</p> <p>(d) in paragraph 11(1), “contribution-based”;</p> <p>(e) in paragraph 16(1) and (2)(d), “contribution-based”;</p> <p>(f) paragraph 18(b) and (c).</p> |
| Welfare Reform and Pensions Act 1999 (c.30) | <p>In Schedule 7, paragraphs 2(3) and (4), 4, 5(3) and (4), 6, 9 to 11, 15 and 16.</p> <p>In Schedule 8, paragraph 29(2).</p> |
| State Pension Credit Act 2002 (c.16) | In Schedule 2, paragraphs 36 to 38. |
| Income Tax (Earnings and Payments) Act 2003 (c.1) | In Schedule 6, paragraphs 228 to 230. |
| Civil Partnership Act 2004 (c.33) | In Schedule 24, paragraphs 118 to 122. |
| Welfare Reform Act 2007 (c.5) | <p>In section 1—</p> <p>(a) in subsection (2), in the opening words, “either”;</p> <p>(b) in subsection (2)(a), “Part 1 of” and “that Part of”;</p> <p>(c) subsection (2)(b) and the preceding “or”;</p> <p>(d) in subsection (3)(f), the words from “(and” to “allowance”;</p> |

| <i>Short title and chapter</i> | <i>Extent of repeal</i> |
|--------------------------------|--|
| | <p>(e) in subsection (3A), “Part 1 of”;</p> <p>(f) in subsection (6), the definition of “joint-claim jobseeker’s allowance”;</p> <p>(g) subsections (6A) and (7).</p> <p>In subsection 1A—</p> <p>(a) in the heading “contributory”;</p> <p>(b) in subsections (1) (in both places), (3) and (4), “Part 1 of”.</p> <p>Section 1B(2).</p> <p>In section 2, in the heading, “contributory”.</p> <p>In section 3, in the heading, “contributory”.</p> <p>Sections 4 to 6.</p> <p>Section 23.</p> <p>In section 24(1), the definitions of “contributory allowance” and “income-related allowance”.</p> <p>In section 26(1)(a), “or 4(4)(c) or (5)(c)”.</p> <p>Section 27(2)(a) and (4).</p> <p>In Schedule 1—</p> <p>(a) the heading to Part 1;</p> <p>(b) Part 2.</p> <p>In Schedule 2—</p> <p>(a) in the headings to paragraphs 6 and 7, “Contributory allowance.”;</p> <p>(b) paragraph 8;</p> <p>(c) paragraph 11(b) and (c);</p> <p>(d) paragraph 12, so far as not otherwise repealed.</p> |
| Welfare Reform Act 2009 (c.24) | In Part 3 of Schedule 7, the entry relating to the Civil Partnership Act 2004. |

SCHEDULE 4

Article 9

MODIFICATIONS OF THE 2010 TRANSITIONAL REGULATIONS

1. The 2010 Transitional Regulations are to be read as if the amendments set out in this Schedule were made.

2.—(1) Regulation 2 (interpretation) is amended as follows.

(2) In paragraph (1)—

(a) insert at the appropriate places in the alphabetical order of the definitions—

““the Claims and Payments Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013⁽³⁹⁾”;

““the Decisions and Appeals Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013⁽⁴⁰⁾”;

““the ESA Regulations” means the Employment and Support Allowance Regulations 2013⁽⁴¹⁾”;

(b) omit—

(i) the definition of “income-related allowance”;

(ii) paragraphs (a) to (d) of the definition of “relevant deduction”⁽⁴²⁾;

(c) in the definition of “benefit week”, for “the 2008 Regulations” substitute “the ESA Regulations”.

(3) In paragraph (3), omit “or awards”.

3. In regulation 4 (the notice commencing the conversion phase), omit paragraph (6).

4. In regulation 5 (deciding whether an existing award qualifies for conversion)—

(a) in paragraph (1), omit “or awards”;

(b) in paragraph (2)(a), for “or awards qualify” substitute “qualifies”;

(c) in paragraph (2)(b), for “or awards do” substitute “does”;

(d) in paragraph (6)(b), omit “or awards”.

5. In regulation 6(2) (application of certain enactments for purpose of making conversion decisions)—

(a) for sub-paragraphs (b) and (c), substitute—

“(b) the ESA Regulations;

(c) regulation 38(2) and (3) of the Claims and Payments Regulations (evidence and information in connection with an award);”;

(b) for sub-paragraph (e), substitute—

“(e) the Decisions and Appeals Regulations.”

6. In regulation 7 (qualifying for conversion)⁽⁴³⁾—

⁽³⁹⁾ S.I. 2013/380.

⁽⁴⁰⁾ S.I. 2013/381.

⁽⁴¹⁾ S.I. 2013/379.

⁽⁴²⁾ The definition of “relevant deduction” was amended by S.I. 1988/522, 1992/1026, 2001/18, 2002/2441, 2002/3019 and 2002/3197.

⁽⁴³⁾ Regulation 7(1) was amended by S.I. 2010/2430 and 2012/913; regulation 7(2) was inserted by S.I. 2010/2430 and regulation 7(3) was inserted by S.I. 2012/913.

- (a) in paragraph (1)—
 - (i) omit “or awards”;
 - (ii) for “qualify” substitute “qualifies”;
 - (b) in paragraphs (2)(b) and (3)(b), for “regulation 30 of the 2008 Regulations” substitute “regulation 26 of the ESA Regulations”.
7. In regulation 8(1) (amount of an employment and support allowance on conversion)(44), for “the 2008 Regulations” substitute “the ESA Regulations”.
8. In regulation 9(1) (determining entitlement to a transitional addition)—
- (a) for “or awards qualify” substitute “qualifies”;
 - (b) omit “or 11(2) (transitional addition: income support)”.
9. In regulation 10 (transitional addition: incapacity benefit or severe disablement allowance)—
- (a) in paragraph (1), omit “(and for these purposes it is irrelevant whether the person is also entitled to any existing award of income support)”;
 - (b) in paragraph (4)(a), for “paragraph (2) of regulation 67 of the 2008 Regulations (prescribed amounts for purpose of calculating a contributory allowance)” substitute “paragraph (1) of regulation 62 of the ESA Regulations (prescribed amounts)”.
10. Omit regulation 11 (transitional addition: income support).
11. In regulation 12 (regulations 10 and 11: supplementary)—
- (a) in the title, for “Regulations 10 and 11” substitute “Regulation 10”;
 - (b) in paragraph (1), for “regulations 10 and 11” substitute “regulation 10”;
 - (c) in paragraph (2), for “Amounts A and C are” substitute “Amount A is” and for “Amounts B and D are” substitute “Amount B is”;
 - (d) for paragraph (3)(a), substitute—
 - “(a) by virtue of an order made under section 150 of the Administration Act (annual up-rating of benefits)(45), there is an increase in the weekly rate which, in accordance with regulation 10(3) (transitional addition: incapacity benefit or severe disablement allowance), is to be used to calculate Amount A; and”;
 - (e) in paragraph (4)(a), for “paragraph (3)(a)(i) or (ii)” substitute “paragraph (3)(a)”;
 - (f) in paragraphs (3) and (4), omit “or C” and “or applicable amount (as the case may be)”.
12. In regulation 13(3) (the effective date of a conversion decision), omit “or awards”.
13. In regulation 14 (conversion decision that existing award qualifies for conversion)(46)—
- (a) in paragraph (1)—
 - (i) for “Subject to paragraph (2A), paragraphs (2) to (6)” substitute “Paragraphs (2) to (5)”;
 - (ii) for “or awards qualify” substitute “qualifies”;
 - (b) for paragraph (2), substitute—

(44) Regulation 8(1) was amended by [S.I. 2010/2430](#).

(45) c.5. Relevant amendments of section 150 of the Social Security Administration Act 1992 were made by section 2(3) of the Social Security (Incapacity for Work) Act 1994 (c. 18), paragraph 21 of Schedule 11(2) to the Pensions Act 2004 (c. 35), section 6(2) of the Pensions Act 2007 (c. 22) and section 97(5) of the Welfare Reform Act 2012 (c.5).

(46) Regulation 14(1) was amended by [S.I. 2010/2430](#). Regulation 14(2A) and (2B) were inserted by [S.I. 2010/2430](#). Regulation 14(3) to (7) were substituted for regulation 14(3) and (4) by [S.I. 2010/2430](#).

Status: This is the original version (as it was originally made).

“(2) On the effective date of the conversion decision P’s existing award is by virtue of this paragraph converted into, and shall have effect on and after that date as, a single award of an employment and support allowance of such amount as is specified in the conversion decision.”;

- (c) omit paragraphs (2A), (2B) and (6);
- (d) in paragraph (4), omit “or awards”;
- (e) for paragraph (7), substitute—

“(7) In this regulation paragraphs (2) to (5) are subject to regulation 17 (changes of circumstances before the effective date).”.

14. In regulation 15 (conversion decision that existing award does not qualify for conversion)~~(47)~~—

- (a) in paragraph (1)—
 - (i) for “Subject to paragraphs (2A) and (4), paragraphs (2), (3) and (6)” substitute “Subject to paragraph (4), paragraphs (2) and (3)”;
 - (ii) for “or awards do” substitute “does”;
- (b) for paragraph (2), substitute—

“(2) P’s entitlement to an existing award of incapacity benefit or severe disablement allowance shall terminate by virtue of this paragraph immediately before the effective date of P’s conversion decision.”;
- (c) omit paragraphs (2A), (2B) and (6);
- (d) in paragraph (4)(a)—
 - (i) for “the 2008 Regulations” substitute “the ESA Regulations”;
 - (ii) in paragraph (i), for “regulation 22(1) (failure to provide information or evidence requested in relation to limited capability for work)” substitute “regulation 18(1) (failure to provide information in relation to limited capability for work)”;
 - (iii) in paragraph (ii), for “regulation 23(2) (failure to attend for a medical examination to determine whether the claimant has limited capability for work)” substitute “regulation 19(2) (claimant may be called for a medical examination to determine whether the claimant has limited capability for work)”;
- (e) in paragraph (5)—
 - (i) in sub-paragraph (c), omit “or awards”;
 - (ii) in sub-paragraph (d), omit “or those existing awards”;
- (f) for paragraph (7), substitute—

“(7) In this regulation paragraphs (2) and (3) are subject to regulation 17 (changes of circumstances before the effective date).”.

15. In regulation 16 (application of other enactments applying to employment and support allowance)~~(48)~~—

- (a) in paragraph (1A)(b), for “regulation 145(1) of the 2008 Regulations” substitute “regulation 86 of the ESA Regulations”;
- (b) in paragraph (2)(e)(ii), for “the 2008 Regulations” substitute “the ESA Regulations”;

⁽⁴⁷⁾ Regulation 15(1) was amended by [S.I. 2010/2430](#). Regulation 15(2A) and (2B) were inserted by [S.I. 2010/2430](#); regulation 15(6) and (7) were substituted for regulation 15(6) by [S.I. 2010/2430](#).

⁽⁴⁸⁾ Regulation 16(1A) was inserted by [S.I. 2012/757](#).

- (c) in paragraph (2)(e)(iii), omit “(being regulations consequentially amended by regulations made under Part 1 of the 2007 Act)”.
- 16.** In regulation 17 (changes of circumstances before the effective date)**(49)**—
- (a) omit “or awards” in both places where it occurs;
- (b) in paragraph (a)(ii)—
- (i) omit “regulation 14(2B)(a) (termination of an existing award of incapacity benefit or severe disablement allowance where entitlement to award of income support continues),”;
- (ii) for “(termination of existing awards which do not qualify for conversion)” substitute “(termination of an existing award which does not qualify for conversion)”;
- (c) omit paragraph (c).
- 17.** In regulation 18 (reducing the transitional addition: general rule), for paragraph (2) substitute—
- “(2) For the purposes of paragraph (1), a relevant increase is an increase in any amount applicable to the person under regulation 62(1) or (2) of the ESA Regulations, which is not excluded by paragraph (3).”.
- 18.** In regulation 21 (termination of transitional addition)**(50)**—
- (a) in paragraph (1)(b)—
- (i) for “, (3), (3A) and (4)” substitute “, (3) and (3A)”and (4)”;
- (ii) omit “an employment and support allowance (entitlement to which arises from sections 1(2)(a) or 1(2)(b) of the 2007 Act), or to” and “or to an income-related allowance”;
- (b) omit paragraph (4);
- (c) in paragraph (5)(a), for “regulation 145(1) of the 2008 Regulations (linking rules)” substitute “regulation 86 of the ESA Regulations (linking period)”;
- (d) in paragraph (5)(c)(ii), for “regulation 30 of the 2008 Regulations” substitute “regulation 26 of the ESA Regulations”;
- (e) in paragraph (5A)(c), for “regulation 145(1) of the 2008 Regulations (linking rules)” substitute “regulation 86 of the ESA Regulations (linking period)”;
- (f) omit paragraph (6);
- (g) in paragraph (7)—
- (i) for “, 1A and 2” substitute “and 1A”;
- (ii) omit “or additions, as the case may be,” in both places where it occurs;
- (iii) for “an allowance which is referred to in paragraph (1)(b)” substitute “a contributory allowance”.
- 19.** In regulation 22 (disapplication of certain enactments following conversion decision), omit paragraphs (c) and (d).
- 20.** In Schedule 1 (modification of enactments: making conversion decisions)—
- (a) in paragraph 2(a), for the modified section 1(2) substitute **(51)**—

(49) Regulation 17 was amended by [S.I. 2010/2430](#).

(50) Regulation 21 was amended by [S.I. 2010/2430](#), [2012/913](#) and [2012/919](#).

(51) Paragraph 2 was substituted by [S.I. 2010/2430](#).

Status: This is the original version (as it was originally made).

“(2) Subject to the provisions of this Part, a notified person is entitled to an employment and support allowance if the person satisfies the basic conditions and is entitled to an existing award of incapacity benefit or severe disablement allowance.”;

(b) for paragraph 6, substitute **(52)**—

“**6.** Schedule 1 to the 2007 Act**(53)** is to be read as if paragraphs 1 to 6 were omitted.”;

(c) in the heading to Part 2, for “the 2008 Regulations” substitute “the ESA Regulations”;

(d) in paragraph 10, for “Regulation 30” substitute “Regulation 26”**(54)**;

(e) omit paragraph 10A**(55)**;

(f) in paragraph 11, for “Regulation 75” substitute “Regulation 68”**(56)**;

(g) in paragraph 12, for “Regulation 144” substitute “Regulation 85”**(57)**;

(h) in the sub-heading to Part 3, for “Social Security (Claims and Payments) Regulations 1987” substitute “The Claims and Payments Regulations”;

(i) in paragraph 13**(58)**—

(i) for “Regulation 32 of the Social Security (Claims and Payments) Regulations 1987” substitute “Regulation 38 of the Claims and Payments Regulations”;

(ii) in sub-paragraph (a), for “paragraph (1)” substitute “paragraph (2)”;

(iii) in sub-paragraph (b), for “paragraph (1A)” substitute “paragraph (3)”.

21.—(1) Schedule 2 (modification of enactments: after the conversion phase) is amended as follows.

(2) In paragraph 2—

(a) in sub-paragraph (a), in the modified section 1(2)**(59)**—

(i) in paragraph (a), for “or awards into a single award of an employment and support allowance;” substitute “into an award of an employment and support allowance; and”;

(ii) omit paragraph (c) and for “; and” at the end of paragraph (b) substitute “;”;

(b) in sub-paragraph (b) in the modified section 1(7)—

(i) in the definition of “contributory allowance”, for “; and” substitute “.”;

(ii) omit the definition of “income-related allowance”.

(3) In paragraph 3(b), for “regulation 147A of the 2008 Regulations” substitute “regulation 87 of the ESA Regulations”**(60)**.

(4) Omit paragraphs 4 and 4A**(61)**.

(5) In paragraph 6A**(62)**—

(a) in sub-paragraph (a), after paragraph (iv) insert “and”;

(52) Paragraph 6 was amended by [S.I. 2010/2430](#).

(53) Schedule 1 was amended by paragraph 11 of Schedule 1(3) to the Pensions Act 2007 (c. 22), section 13 of the Welfare Reform Act 2009 (c. 24) and by paragraph 65 of Schedule 2, paragraph 26 of Schedule 3 and Part 1 of Schedule 14 to, the Welfare Reform Act 2012 (c.5).

(54) Paragraph 10 was amended by [S.I. 2010/2430](#).

(55) Paragraph 10A was inserted by [S.I. 2010/2430](#).

(56) Paragraph 11 was amended by [S.I. 2010/2430](#).

(57) Paragraph 12 was amended by [S.I. 2010/2430](#).

(58) Paragraph 13 was amended by [S.I. 2010/2430](#).

(59) Paragraph 2(a) was amended by [S.I. 2010/2430](#).

(60) Paragraph 3(b) was amended by [S.I. 2010/2430](#).

(61) Paragraph 4 was amended by, and paragraph 4A was inserted by, [S.I. 2010/2430](#).

(62) Paragraph 6A was inserted by [S.I. 2010/2430](#).

- (b) in sub-paragraph (b), for “; and” substitute “.”;
- (c) omit sub-paragraph (c).
- (6) In the heading to Part 3, for “the 2008 Regulations” substitute “the ESA Regulations”.
- (7) In paragraph 8, for “regulation 147A of the 2008 Regulations” substitute “regulation 87 of the ESA Regulations”(63).
- (8) In paragraph 10, for “regulation 30” substitute “regulation 26”(64).
- (9) For paragraph 11, substitute(65)—
 - “11. Regulation 39 (exempt work) is to be read as if, in the definition of “work period” in paragraph (6), after “referred to in paragraph (1)(c)”, in both places where it occurs, there were inserted “, or any work done in accordance with regulation 17(4)(a) of the Social Security (Incapacity for Work)(General) Regulations 1995(66),
- (10) For paragraph 12, substitute(67)—
 - “12. Regulation 62 (prescribed amounts) is to be read as if, in paragraph (1), for sub-paragraphs (a) and (b) there were substituted—
 - “(a) (i) where the claimant satisfies the conditions set out in section 2(2) or (3) of the Act, £71.70; or
 - (ii) where the claimant does not satisfy the conditions set out in section 2(2) or (3) of the Act—
 - (aa) where the claimant is aged not less than 25, £71.70; or
 - (bb) where the claimant is aged less than 25, £56.80; and
 - (b) the amount of any transitional addition to which the person is entitled under regulation 10 of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No.2) Regulations 2010.”.”
- (11) Omit paragraph 13(68).
- (12) In paragraph 14(69)—
 - (a) for “Regulation 75” substitute “Regulation 68”;
 - (b) for “paragraph 38” substitute “paragraph 11”.
- (13) In paragraph 15—
 - (a) in the introductory words(70), for “Regulation 147A” substitute “regulation 87”;
 - (b) in the inserted regulation(71)—
 - (i) in the description of the number of the regulation, for “147A.—” substitute “87.—”;
 - (ii) in paragraph (2), for “regulation 19” substitute “regulation 15”;
 - (iii) in paragraph (4)(a), for “regulation 22 or 23” substitute “regulation 18 or 19”;
 - (iv) for “regulation 30”, in all places where it occurs, substitute “regulation 26”;

(63) Paragraph 8 was amended by [S.I. 2010/2430](#).

(64) Paragraph 10 was amended by [S.I. 2010/2430](#).

(65) Paragraph 11 was amended by [S.I. 2010/2430](#).

(66) [S.I. 1995/311](#). Regulation 17(4)(a) was amended by [S.I. 2010/840](#) and [2011/674](#).

(67) Paragraph 12 was amended by [S.I. 2010/2430](#).

(68) Paragraph 13 was amended by [S.I. 2010/2430](#).

(69) Paragraph 14 was amended by [S.I. 2010/2430](#).

(70) The introductory words were amended by [S.I. 2010/840](#) and [2010/2430](#).

(71) Paragraph (5)(c) of regulation 147A of [S.I. 2008/794](#), as substituted by paragraph 15, was amended by [S.I. 2000/1596](#), [2002/1379](#), [2008/2683](#), [2010/2430](#) and [2011/2425](#). Paragraph 5A of the substituted regulation 147A was inserted by [S.I. 2011/2425](#).

Status: This is the original version (as it was originally made).

- (v) in paragraph (5)(c), for the words from “, struck out” to “(notice of appeal)”, substitute “or struck out”;
 - (vi) in paragraph (5A), for “either—” and sub-paragraphs (a) and (b), substitute “receives the First-tier Tribunal’s notification that the appeal is dismissed, withdrawn or struck out.”.
- (14) Omit paragraph 16(72).
- (15) In the sub-heading before paragraph 17, for “Social Security (Claims and Payments) Regulations 1987” substitute “The Claims and Payments Regulations”.
- (16) In paragraph 17, for “The Social Security (Claims and Payments) Regulations 1987” substitute “The Claims and Payments Regulations”(73).
- (17) For paragraph 18 substitute(74)—
- “18. Regulation 7 (claims not required for entitlement to an employment and support allowance in certain cases) is to read as if—
- (a) the existing provisions were renumbered as paragraph (1);
 - (b) after paragraph (1) there were inserted—
- “(2) It is also not to be a condition of entitlement to an employment and support allowance that a claim be made for it where any of the following conditions are met—
- (a) the claimant—
 - (i) has made and is pursuing an appeal against a conversion decision made by virtue of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 which embodies a determination that the beneficiary does not have limited capability for work; or
 - (ii) was entitled to an employment and support allowance by virtue of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 and has made and is pursuing an appeal against a later decision which embodies a determination that the claimant does not have limited capability for work; or
 - (b) the claimant is entitled to an existing award which is subject to conversion under the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010.”.”.
- (18) In paragraph 19, for “regulation 26C” substitute “regulation 51”(75).
- (19) In paragraph 20(76)—
- (a) for “regulation 32(1B)” substitute “regulation 38(4)”;
 - (b) in sub-paragraph (a), for the words “sub-paragraph (a)” substitute “sub-paragraph (b)”;
 - (c) in sub-paragraph (b), for “(ab)” substitute “(bb)”.
- (20) Omit paragraph 21(77).

(72) Paragraph 16 was amended by [S.I. 2010/2430](#).

(73) Paragraph 17 was amended by [S.I. 2010/2430](#).

(74) Paragraph 18 was amended by [S.I. 2010/840](#) and [2010/2430](#).

(75) Paragraph 19 was amended by [S.I. 2008/1554](#) and [2010/2430](#).

(76) Paragraph 20 was amended by [S.I. 2010/2430](#).

(77) Paragraph 21 was amended by [S.I. 2010/2430](#).

- (21) In paragraph 22, for “Schedule 9B” substitute “Schedule 7”**(78)**.
 - (22) In paragraph 22A**(79)**, in the inserted text omit paragraph (2B).
 - (23) In paragraph 23**(80)**, in the inserted text omit paragraph (2B).
 - (24) In paragraph 24**(81)**, in the inserted text omit paragraph (2B).
 - (25) In paragraph 25**(82)**, in the inserted text omit paragraph (2B).
 - (26) In the sub-heading before paragraph 25A, for “Social Security and Child Support (Decisions and Appeals) Regulations 1999” substitute “Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013”.
 - (27) In paragraph 25A**(83)**—
 - (a) in sub-paragraph (1), for “Regulation 3 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (revision of decisions)” substitute “Regulation 5 of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013 (revision on any grounds)”;
 - (b) in sub-paragraph (1)(b), for “paragraph (9)(a)” substitute “paragraphs (2)(a) and (b)”;
 - (c) for sub-paragraph (1)(c), substitute—
 - “(c) in paragraph (2)(a), for “in the case of an advance award under regulation 32, 33 or 34 of the Claims and Payment Regulations 2013” there were substituted, “in the case of an advance award under regulation 32, 33 or 34 of the Claims and Payment Regulations 2013 or a conversion decision within the meaning of regulation 5(2)(a) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010”.”;
 - (d) for sub-paragraph (2), substitute—
 - “(2) Regulation 23(1)(a) of those Regulations (change of circumstances) is to be read as if for “in the case of an advance award under regulation 32, 33 or 34 of the Claims and Payments Regulations 2013” there were substituted “in the case of an advance award under regulation 32, 33 or 34 of the Claims and Payments Regulations 2013 or a conversion decision within the meaning of regulation 5(2)(a) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010”.”.
 - (28) Omit paragraph 27**(84)**.
- 22.** In Schedule 3—
- (a) for “The Social Security (Claims and Payments) Regulations 1987” substitute “the Claims and Payments Regulations”;
 - (b) for “ The Social Security and Child Support (Decisions and Appeals) Regulations 1999” substitute “the Decisions and Appeals Regulations”.

(78) Paragraph 22 was amended by [S.I. 2001/18](#) and [2010/2430](#).

(79) Paragraph 22A was inserted by [S.I. 2010/2430](#).

(80) Paragraph 23 was amended by [S.I. 2010/2430](#).

(81) Paragraph 24 was amended by [S.I. 2008/1554](#) and [2010/2430](#).

(82) Paragraph 25 was amended by [S.I. 2008/1554](#) and [2010/2430](#).

(83) Paragraph 25A was inserted by [S.I. 2010/2430](#).

(84) Paragraph 27 was inserted by [S.I. 2011/2425](#).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order commences provisions of the Welfare Reform Act 2012 (c.5) (“the Act”) that relate to universal credit (UC) and the abolition of income-related employment and support allowance and of income-based jobseeker’s allowance, by reference to the cases set out in articles 3 and 4. It also makes transitional provision with respect to that abolition, and other provision as referred to below.

An award of an employment and support allowance (ESA) under Part 1 of the Welfare Reform Act 2007 (c.5) in a case where income-related employment and support allowance has been abolished is referred to as a “new style ESA award” and an award of a jobseeker’s allowance (JSA) under the Jobseekers Act 1995 (c. 18) in a case where income-based jobseeker’s allowance has been abolished is referred to as a “new style JSA award”.

An award of ESA under Part 1 of the Welfare Reform Act 2007 in a case where income-related employment and support allowance has not been abolished is referred to as an “old style ESA award” and an award of JSA under the Jobseekers Act 1995 in a case where income-based jobseeker’s allowance has not been abolished is referred to as an “old style JSA award”.

Article 3(1) brings into force on 29th April 2013 various provisions relating to UC including certain supplementary and consequential provisions set out in Schedule 2 to the Act.

Article 3(2) brings into force provisions relating to UC in Part 1 of the Act, as set out in Schedule 2, where one of six different cases referred to in article 3(3), relating to claims for UC and any resulting award and to awards of UC without a claim, applies.

The case in article 3(3)(a) relates to the making of a claim for UC in respect of a period that begins on or after 29th April 2013 where a person resides in a “relevant district” at the time that the claim is made (the “relevant districts” are described in Schedule 1). Other conditions (“Pathfinder Group conditions”) for making a claim for UC are set out in the Universal Credit (Transitional Provisions) Regulations 2013 (S.I. 2013/386).

The other cases referred to in article 3(3) relate to situations where—

- a) a person claims UC and provides incorrect information as to their residence in a relevant district but this is only discovered once payments of UC have been made;
- b) a single person becomes a member of a couple where the other member is entitled to UC;
- c) a couple cease to be a couple and the member of the couple who is not exempt from making a claim for UC, makes a claim within a period of 1 month;
- d) a person is awarded UC as a result of changes in their income within 6 months of their income being such that they were not entitled to UC;
- e) a couple cease to be a couple and an award of UC is made without a claim to the member of the couple who is exempt from making a claim or an award of UC is made without a claim to a couple where the members of the couple were previously entitled to UC as single claimants. In addition, where an award of UC is made without a claim to a member of a couple where the other member of the couple has died.

Article 4(1) brings into force provisions relating to the abolition of income-related employment and support allowance and of income-based jobseeker’s allowance (“the amending provisions”) including the repeal of provisions relating to the abolished allowances as set out in Schedule 3, where one of six different cases applies.

Under article 4(2)(a), the amending provisions come into force in relation to a claim for UC, ESA or JSA, and any award that is made in respect of the claim, where a person claims UC, ESA or JSA in respect of a period that begins on or after 29th April 2013 and, at the time that the claim is made, resides in a relevant district and meets the Pathfinder Group conditions.

Under article 4(2)(b), the amending provisions come into force in relation to a claim for UC and any award that is made in respect of the claim where a person claims UC in respect of a period that begins on or after 29th April 2013 and provides incorrect information as to their residence in a relevant district, or as to their meeting the Pathfinder Group conditions, but this is only discovered once payments of UC have been made.

The other cases in article 4(2) are the same as the cases in (b) to (e) above that relate to UC.

Article 4(4) provides that a reference in paragraph (1) to an award of UC includes a reference to any claim for ESA or JSA, and any award that is made in respect of that claim, where the claim is made within the period of the UC award by a person to whom the award is made and with respect to a period that commences on or after the first day of entitlement to UC. It also includes a reference to any notice under the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit)(Existing Awards)(No.2) Regulations 2010 (S.I. 2010/1907) (“2010 Transitional Regulations”) that is issued to such a person, relating to the conversion of existing awards of incapacity benefit (IB) and severe disablement allowance (SDA) to ESA, and to any award of ESA that is made as a result of a conversion decision, where the notice is issued within the period of the UC award.

Article 5 contains provisions that apply in connection with article 4.

Article 6 makes transitional provision with respect to the case where—

- a) a person has a new style ESA award or new style JSA award;
- b) any award of UC has come to an end;
- c) the person applies for supersession of the decision to make the award or makes a claim for UC, any claim for UC does not fall within the cases in article 4(2)(b) to (d), and the person does not reside in a relevant district or does not meet the Pathfinder Group conditions at the time that the application is received or the claim is made.

Subject to certain other conditions being satisfied, the award is treated as though the amending provisions had not come into force, such that the person is able to claim income-related ESA or income-based JSA once again.

Article 7 provides for the appointed day and transitional provisions for the provisions in the Act that relate to claimant responsibilities in relation to a new style ESA award or a new style JSA award; these provisions come into force in relation to any case with respect to which the amending provisions come into force.

Article 8 brings into force provisions of Schedule 11 to the Act that concern consideration of revision before appeal.

Article 9 and Schedule 4 provide for transitional provisions whereby, in relation to cases with respect to which the amending provisions have come into force, the 2010 Transitional Regulations are to be read as if the amendments set out in Schedule 4 were made; the amendments substitute references to provisions that apply to new style ESA awards including the Employment and Support Allowance Regulations 2013 (S.I. 2013/379).

Articles 10 and 11 provide for transitional provisions with respect to assessments of limited capability for work or for work and work-related activity where a person has a new style ESA award and previously had an old style ESA award, or vice versa.

Articles 12 and 13 provide for transitional provisions with respect to the continuity of jobseeking periods where a person has a new style JSA award and previously had an old style JSA award, or vice versa.

Status: This is the original version (as it was originally made).

Articles 14 to 16 provide for transitional provisions in relation to sanctions where a person has a new style ESA award and previously had an old style ESA award and was subject to sanctions. Articles 17 to 19 make similar provision for JSA.

Article 20 provides that where a person has a new style ESA award or new style JSA award, is subject to sanctions and subsequently becomes entitled to an old style ESA award, old style JSA award or income support, the sanctions cease to have effect.

Article 21 provides for a transitory provision with respect to appeals where a person is sent a notice relating to a new style ESA award or a new style JSA award.

Article 22 contains a transitional provision providing that, in relation to a case with respect to which the amending provisions have come into force under article 4(1), references in certain Acts to a contributory employment or support allowance or to a contribution-based jobseeker's allowance are to be construed as if they included a reference to a new style ESA award or to a new style JSA award respectively.

Article 23 amends article 5 of the Welfare Reform Act 2012 (Commencement No. 8 and Savings and Transitional Provisions) Order 2013 (S.I. 2013/358) with respect to overpayments of benefit in order to make it clear that the new rules applying to overpayments of an employment and support allowance and of a jobseeker's allowance apply only to overpayments of a new style ESA award and a new style JSA award respectively. The amendments also make it clear that the old rules relating to overpayments of those benefits will continue to apply to overpayments of an old style ESA award and an old style JSA award respectively.

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.

| <i>Provision</i> | <i>Date of commencement</i> | <i>S.I. Number</i> |
|--|-----------------------------|--------------------|
| Section 2(2) | 25th February 2013 | 2013/358 |
| Section 4(2), (3) and (5) to (7) | 25th February 2013 | 2013/358 |
| Section 5 (partially) | 25th February 2013 | 2013/358 |
| Section 6(1)(a) and (3) (partially) | 25th February 2013 | 2013/358 |
| Section 7(2) and (3) | 25th February 2013 | 2013/358 |
| Section 8(3) (partially) | 25th February 2013 | 2013/358 |
| Sections 9(2) and (3), 10(2) to (5) and 11(3) to (5) | 25th February 2013 | 2013/358 |
| Section 12(1) (partially) | 25th February 2013 | 2013/358 |
| Section 12(3) and (4) | 25th February 2013 | 2013/358 |
| Section 14(5) (partially) | 25th February 2013 | 2013/358 |
| Sections 15(2) and (3) and 17(3)(f) | 25th February 2013 | 2013/358 |
| Section 17(4) and (5) (partially) | 25th February 2013 | 2013/358 |
| Section 18(3) and (5) (partially) | 25th February 2013 | 2013/358 |
| Section 19(2)(d), (3) and (4) | 25th February 2013 | 2013/358 |

| <i>Provision</i> | <i>Date of commencement</i> | <i>S.I. Number</i> |
|--|-----------------------------|--------------------|
| Section 20(1) (partially) | 25th February 2013 | 2013/358 |
| Section 22(2) (partially) | 25th February 2013 | 2013/358 |
| Section 24(1), (5) and (6) and 25 | 25th February 2013 | 2013/358 |
| Section 26(2)(a) (partially) | 25th February 2013 | 2013/358 |
| Sections 26(6) to (8), 27(4), (5) and (9) and 28 | 25th February 2013 | 2013/358 |
| Sections 30 and 31 (partially) | 25th February 2013 | 2013/358 |
| Section 31 (partially) | 1st April 2013 | 2013/358 |
| Section 31 (partially) | 29th April 2013 | 2013/358 |
| Section 32 | 25th February 2013 | 2013/358 |
| Section 33(1)(e) | 1st April 2013 | 2013/358 |
| Sections 33(3) and 35 (partially) | 25th February 2013 | 2013/358 |
| Section 36 (partially) | 25th February 2013 | 2013/358 |
| Sections 37(3) to (7) and 39(3)(a) | 25th February 2013 | 2013/358 |
| Sections 40, 42 and 43 | 25th February 2013 | 2013/358 |
| Section 44(5) | 10th June 2012 | 2012/1246 |
| Section 45 | 8th October 2012 | 2012/2530 |
| Section 46(1) and (3) (partially) | 10th June 2012 | 2012/1246 |
| Section 46(1) (partially) | 22nd October 2012 | 2012/2530 |
| Section 46(2) | 10th June 2012 | 2012/1246 |
| Section 46(3) (for all remaining purposes) | 22nd October 2012 | 2012/2530 |
| Section 46(4) | 22nd October 2012 | 2012/2530 |
| Section 47 | 20th March 2012 | 2012/863 |
| Section 48 (partially) | 22nd October 2012 | 2012/2530 |
| Section 49(1) and (3) (partially) | 25th February 2013 | 2013/358 |
| Section 49(6) | 25th February 2013 | 2013/358 |
| 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(6) | 25th February 2013 | 2013/358 |
| 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(6) | 25th February 2013 | 2013/358 |

Status: This is the original version (as it was originally made).

| <i>Provision</i> | <i>Date of commencement</i> | <i>S.I. Number</i> |
|---|-----------------------------|--------------------|
| 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 |
| 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 78(1), (2), (5) and (6) (partially) | 8th April 2013 | 2013/358 |
| 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(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 83(3) (partially) | 25th February 2013 | 2013/358 |
| Section 83(1) to (3) and 84 (partially) | 8th April 2013 | 2013/358 |
| 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 |
| Sections 88 and 89 (partially) | 8th April 2013 | 2013/358 |
| Section 91 (partially) | 25th February 2013 | 2013/358 |
| Section 91 (partially) | 8th April 2013 | 2013/358 |
| 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 96 (partially) | 27th November 2012 | 2012/2946 |
| Section 96 (for all remaining purposes) | 15th April 2013 | 2012/2946 |
| Section 97(1) to (4) | 27th November 2012 | 2012/2946 |
| Section 97(5) and (6) | 15th April 2013 | 2012/2946 |

| <i>Provision</i> | <i>Date of commencement</i> | <i>S.I. Number</i> |
|--|-----------------------------|--------------------|
| 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 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 |
| Sections 113 to 115 | 8th May 2012 | 2012/863 |
| Section 116(1) (partially) | 10th May 2012 | 2012/1246 |
| Section 116(1) (for all remaining purposes) | 1st October 2012 | 2012/1246 |
| Section 116(2) | 10th May 2012 | 2012/1246 |
| Section 117(1) (partially) | 1st April 2013 | 2013/358 |
| Section 117(1) (for all remaining purposes) | 6th April 2013 | 2013/358 |
| Section 117(2) | 1st April 2013 | 2013/358 |
| Section 117(3) | 6th April 2013 | 2013/358 |
| Section 118(1), (2), (5) and (8)(b) (partially) | 25th February 2013 | 2013/358 |
| Section 118(1), (2), (5) and (8)(b) (for all remaining purposes) | 1st April 2013 | 2013/358 |
| Sections 118(3), (4), (6), (7) and (8)(a) and (c) and 119 | 1st April 2013 | 2013/358 |
| Section 120 (partially) | 1st February 2013 | 2013/178 |
| Section 120 (for all remaining purposes) | 6th April 2013 | 2013/178 |
| Sections 122, 123 and 125(85) | 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 |

(85) S.I. 2012/1246 was amended by S.I. 2012/1440 and 2530.

Status: This is the original version (as it was originally made).

| <i>Provision</i> | <i>Date of commencement</i> | <i>S.I. Number</i> |
|--|-----------------------------|--------------------|
| 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 |
| Section 133(6) | 2nd July 2012 | 2012/1651 |
| Sections 143, 144 and 146 | 8th May 2012 | 2012/863 |
| Schedule 1 (partially) | 25th February 2013 | 2013/358 |
| Schedule 2 (partially) | 25th February 2013 | 2013/358 |
| Schedule 2 (partially) | 1st April 2013 | 2013/358 |
| Schedule 2 (partially) | 29th April 2013 | 2013/358 |
| Schedule 3 (partially) | 1st April 2013 | 2013/358 |
| Schedule 5 (partially) | 25th February 2013 | 2013/358 |
| Schedule 6 (partially) | 25th February 2013 | 2013/358 |
| Schedule 7 (partially) | 22nd October 2012 | 2012/2530 |
| Schedule 8 (partially) | 1st April 2013 | 2012/3090 |
| Schedule 8 (for all remaining purposes) | 1st August 2013 | 2012/3090 |
| Schedule 9 (partially) | 25th February 2013 | 2013/358 |
| Schedule 9 (partially) | 8th April 2013 | 2013/358 |
| Schedule 10 | 25th February 2013 | 2013/358 |
| Schedule 11 (partially) | 25th February 2013 | 2013/358 |
| Part 1 of Schedule 14 (partially) | 1st April 2013 | 2013/358 |
| Part 3 of Schedule 14 (partially) | 22nd October 2012 | 2012/2530 |
| Part 8 of Schedule 14 (partially) | 1st April 2013 | 2012/3090 |
| Part 8 of Schedule 14 (partially) | 1st August 2013 | 2012/3090 |
| Part 11 of Schedule 14 (partially) | 1st April 2013 | 2013/358 |
| Part 11 of Schedule 14 (partially) | 29th April 2013 | 2013/358 |
| Part 14 of Schedule 14 | 8th May 2012 | 2012/863 |