
STATUTORY INSTRUMENTS

2013 No. 1511

The Welfare Reform Act 2012 (Commencement No. 11 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2013

Citation

1. This Order may be cited as the Welfare Reform Act 2012 (Commencement No. 11 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2013.

Interpretation

2.—(1) In this Order—

“the Act” means the Welfare Reform Act 2012;

“the 1995 Act” means the Jobseekers Act 1995^{M1};

“the 2007 Act” means the Welfare Reform Act 2007^{M2};

“the amending provisions” means the provisions referred to in article 4(1)(a) to (c) of the No. 9 Order (day appointed for the abolition of income-related employment and support allowance and income-based jobseeker's allowance);

“appointed day” means the day appointed for the coming into force of the amending provisions in accordance with article 4(3) of the No. 9 Order;

[^{F1}“claimant”—

(a) in relation to an employment and support allowance, has the same meaning as in Part 1 of the Welfare Reform Act 2007, save as mentioned in article 5(1A) of the No. 9 Order as applied by article 4(7);

(b) in relation to a jobseeker's allowance, has the same meaning as in the Jobseekers Act 1995 (as it applies apart from the amendments made by Part 1 of Schedule 14 to the Act that remove references to an income-based jobseeker's allowance), save as mentioned in article 5(1A) of the No. 9 Order as applied by article 4(7);

(c) in relation to universal credit, has the same meaning as in Part 1 of the Act;]

“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;

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

Changes to legislation: There are currently no known outstanding effects for the *The Welfare Reform Act 2012 (Commencement No. 11 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2013. (See end of Document for details)*

[^{F2}“First-tier Tribunal” has the same meaning as in the Social Security Act 1998;]

^{F3} ...

“jobseeker's allowance” means an allowance under the 1995 Act;

[^{F4}“joint claimants”, in relation to universal credit, has the same meaning as in Part 1 of the Act;]

“joint-claim couple” has the meaning given in section 1(4) of the 1995 Act ^{M3};

“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;

“No. 2 relevant districts” means the postcode districts and part-districts specified in Part 1 of the Schedule;

“No. 3 relevant districts” means the postcode districts and part-districts specified in Part 2 of the Schedule;

“the No. 9 Order” means the Welfare Reform Act 2012 (Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions (Amendment)) Order 2013 ^{M4};

“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 an award of 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;

[^{F5}“single claimant”, in relation to universal credit, has the same meaning as in Part 1 of the Act;]

^{F6} ...

^{F7} ...

[^{F8}“Upper Tribunal” has the same meaning as in the Social Security Act 1998.]

[^{F9}(2) For the purposes of this Order, the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 apply for the purpose of deciding—

- (a) whether a claim for universal credit is made; and
- (b) the date on which such a claim is made.]

^{F10}(3)

Textual Amendments

F1 Words in art. 2(1) substituted (24.11.2014 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13 14, 16, 17 and 19 and Transitional and Transitory Provisions \(Amendment\)\) Order 2014 \(S.I. 2014/3067\)](#), **arts. 3, 6(3)**

- F2** Words in art. 2 inserted (16.6.2014 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13, 14 and 16 and Transitional and Transitory Provisions \(Amendment\)\) Order 2014 \(S.I. 2014/1452\)](#), arts. 3, 18(1)(2)(a)(ii)
- F3** Words in art. 2(1) omitted (22.2.2017) by [The Welfare Reform Act 2012 \(Commencement No. 11, 13, 16, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2017 \(S.I. 2017/57\)](#), [art. 14\(1\)\(2\)\(a\)](#)
- F4** Words in art. 2(1) inserted (28.7.2014 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13, 14, 16 and 17 and Transitional and Transitory Provisions \(Amendment\) \(No. 2\)\) Order 2014 \(S.I. 2014/1923\)](#), [arts. 3, 6\(2\)\(a\)](#)
- F5** Words in art. 2(1) inserted (28.7.2014 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13, 14, 16 and 17 and Transitional and Transitory Provisions \(Amendment\) \(No. 2\)\) Order 2014 \(S.I. 2014/1923\)](#), [arts. 3, 6\(2\)\(b\)](#)
- F6** Words in art. 2(1) omitted (26.1.2015 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13, 14, 16, 17 and 19 and Transitional and Transitory Provisions \(Amendment\)\) Order 2015 \(S.I. 2015/32\)](#), arts. 3(1), 7(a)(ii)
- F7** Words in art. 2 omitted (16.6.2014 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13, 14 and 16 and Transitional and Transitory Provisions \(Amendment\)\) Order 2014 \(S.I. 2014/1452\)](#), arts. 3, 18(1)(2)(a)(iii)
- F8** Words in art. 2 inserted (16.6.2014 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13, 14 and 16 and Transitional and Transitory Provisions \(Amendment\)\) Order 2014 \(S.I. 2014/1452\)](#), arts. 3, 18(1)(2)(a)(iv)
- F9** Art. 2(2) substituted (16.6.2014 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13, 14 and 16 and Transitional and Transitory Provisions \(Amendment\)\) Order 2014 \(S.I. 2014/1452\)](#), arts. 3, 18(1)(2)(b)
- F10** Art. 2(3) omitted (26.1.2015 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13, 14, 16, 17 and 19 and Transitional and Transitory Provisions \(Amendment\)\) Order 2015 \(S.I. 2015/32\)](#), arts. 3(1), 7(b)

Marginal Citations

- M1** 1995 c.18.
- M2** 2007 c.5.
- M3** The definition was inserted by the [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), [Schedule 7, paragraphs 1, 2\(1\) and 4\(b\)](#). Section 1(4) is repealed by Part 1 of Schedule 14 to the Act and the repeal (which forms part of the “amending provisions”) is commenced for certain cases by article 4 of the No. 9 Order and article 4 of this Order.
- M4** [S.I. 2013/983 \(C. 41\)](#).

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

3.—(1) The day appointed for the coming into force of the provisions of the Act listed in Schedule 2 to the No. 9 Order, in so far as they are not already in force, in relation to the case of a claim referred to in paragraph (2), and any award that is made in respect of the claim, is the day appointed in accordance with paragraph (3).

[^{F11}(2) The claims referred to are—

(a) a claim for universal credit where, on the date on which the claim is made, the claimant resides in one of the No. 2 or No. 3 relevant districts ^{F12}...; and

(b) [^{F13}a claim for universal credit where—

(i) in the case of a single claimant, the claimant gives incorrect information regarding the claimant residing in a No. 2 or a No. 3 relevant district ^{F14}... and the claimant does not reside in such a district ^{F14}... on the date on which the claim is made;

Changes to legislation: There are currently no known outstanding effects for the The Welfare Reform Act 2012 (Commencement No. 11 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2013. (See end of Document for details)

- (ii) in the case of joint claimants, either or both of the joint claimants gives or give incorrect information regarding his or her (or their) residing in such a district ^{F15}... and one or both of them does not or do not reside in such a district ^{F15}... on the date on which the claim is made; and
- (iii) after a decision is made that the single claimant is, or the joint claimants are, entitled to universal credit and one or more payments have been made in respect of the single claimant or the joint claimants, the Secretary of State discovers that incorrect information has been given regarding residence ^{F16}....]]

(3) The day appointed in relation to the case of a claim referred to in paragraph (2), and any award that is made in respect of the claim, is the first day of the period in respect of which the claim is made ^{F17}....

^{F18}(4)

(5) Article 3(6) of the No. 9 Order applies for the purposes of paragraph (3) as it applies for the purposes of article 3(4)(a) of the No. 9 Order.

[^{F19}(6) Article 3A of the No. 9 Order applies in connection with a claim for universal credit where a single claimant, or, as the case may be, either or both of joint claimants, gives incorrect information regarding his or her (or their) residing in a No. 2 or a No. 3 relevant district ^{F20}..., as it applies in connection with the giving of incorrect information regarding a claimant residing in a relevant district (as defined in the No. 9 Order) ^{F20}....]

Textual Amendments

- F11** Art. 3(2) substituted (16.6.2014 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13, 14 and 16 and Transitional and Transitory Provisions \(Amendment\)\) Order 2014 \(S.I. 2014/1452\)](#), [arts. 3, 18\(1\)\(3\)\(a\)](#)
- F12** Words in art. 3(2)(a) omitted (22.2.2017) by [The Welfare Reform Act 2012 \(Commencement No. 11, 13, 16, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2017 \(S.I. 2017/57\)](#), [art. 5, Sch.](#)
- F13** Art. 3(2)(b) substituted (28.7.2014 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13, 14, 16 and 17 and Transitional and Transitory Provisions \(Amendment\) \(No. 2\)\) Order 2014 \(S.I. 2014/1923\)](#), [arts. 3, 6\(3\)\(a\)](#)
- F14** Words in art. 3(2)(b)(i) omitted (22.2.2017) by [The Welfare Reform Act 2012 \(Commencement No. 11, 13, 16, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2017 \(S.I. 2017/57\)](#), [art. 14\(1\)\(2\)\(b\)\(i\)\(c\)](#)
- F15** Words in art. 3(2)(b)(ii) omitted (22.2.2017) by [The Welfare Reform Act 2012 \(Commencement No. 11, 13, 16, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2017 \(S.I. 2017/57\)](#), [art. 14\(1\)\(2\)\(b\)\(ii\)\(c\)](#)
- F16** Words in art. 3(2)(b)(iii) omitted (22.2.2017) by [The Welfare Reform Act 2012 \(Commencement No. 11, 13, 16, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2017 \(S.I. 2017/57\)](#), [art. 14\(1\)\(2\)\(b\)\(iii\)\(c\)](#)
- F17** Words in art. 3(3) omitted (30.6.2014) by virtue of [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13, 14, 16 and 17 and Transitional and Transitory Provisions \(Amendment\)\) Order 2014 \(S.I. 2014/1661\)](#), [art. 5, \(b\)](#)
- F18** Art. 3(4) omitted (16.6.2014 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13, 14 and 16 and Transitional and Transitory Provisions \(Amendment\)\) Order 2014 \(S.I. 2014/1452\)](#), [arts. 3, 18\(1\)\(3\)\(b\)](#)
- F19** Art. 3(6) substituted (28.7.2014 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13, 14, 16 and 17 and Transitional and Transitory Provisions \(Amendment\) \(No. 2\)\) Order 2014 \(S.I. 2014/1923\)](#), [arts. 3, 6\(3\)\(b\)](#)

F20 Words in art. 3(6) omitted (22.2.2017) by The Welfare Reform Act 2012 (Commencement No. 11, 13, 16, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2017 (S.I. 2017/57), **art. 14(1)(2)(c)(c)**

Modifications etc. (not altering text)

C1 Art. 3(2)(a) modified (26.4.2017) by The Welfare Reform Act 2012 (Commencement No. 11, 13, 16, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2017 (S.I. 2017/57), **art. 13, Sch.**

C2 Art. 3(2)(a) modified (18.4.2018) by The Welfare Reform Act 2012 (Commencement No. 9, 21 and 23 (Amendment), Commencement No. 11, 13, 17, 19, 22, 23 and 24 (Modification), Transitional and Transitory Provisions) Order 2018 (S.I. 2018/138), **art. 4, Sch.** (with art. 5)

Day appointed for the abolition of income-related employment and support allowance and income-based jobseeker's allowance

[^{F21}4.—(1) The day appointed for the coming into force of the amending provisions, in relation to the case of a claim referred to in paragraph (2) and any award that is made in respect of the claim, is the day appointed in accordance with paragraph (3).

(2) The claims referred to are—

(a) a claim for universal credit, an employment and support allowance or a jobseeker's allowance where, on the date on which the claim is made [^{F22}or treated as made], the claimant—

(i) resides in one of the No. 2 or No. 3 relevant districts; ^{F23}...

^{F23}(ii)

(b) [^{F24}a claim for universal credit where—

(i) in the case of a single claimant, the claimant gives incorrect information regarding the claimant residing in a No. 2 or a No. 3 relevant district ^{F25}... and the claimant does not reside in such a district ^{F25}... on the date on which the claim is made;

(ii) in the case of joint claimants, either or both of the joint claimants gives or give incorrect information regarding his or her (or their) residing in such a district ^{F26}... and one or both of them does not or do not reside in such a district ^{F26}... on the date on which the claim is made; and

(iii) after a decision is made that the single claimant is, or the joint claimants are, entitled to universal credit and one or more payments have been made in respect of the single claimant or the joint claimants, the Secretary of State discovers that incorrect information has been given regarding residence ^{F27}...;]

(c) [^{F24}a claim for an employment and support allowance or a jobseeker's allowance other than one referred to in sub-paragraph (a) that is made or treated as made during the relevant period by a single claimant of universal credit or by either of two joint claimants of universal credit who has or have made a claim for universal credit within sub-paragraph (a) or (b).]

(3) The day appointed in relation to the case of a claim referred to in paragraph (2), and any award that is made in respect of the claim, is the first day of the period in respect of which the claim is made.

(4) For the purposes of paragraph (2)(c), "relevant period" means, in relation to a claim for universal credit referred to in paragraph (2)(a) or (b), any UC claim period, and any period subsequent to any UC claim period in respect of which the claimant is entitled to an award of universal credit in respect of the claim.

- (5) For the purposes of paragraph (4), a “UC claim period” is a period when—
- (a) a claim for universal credit as referred to in paragraph (2)(a)^{F28}, (b)(i) or (ii)] has been made but a decision has not yet been made on the claim; or
 - (b) a decision has been made that the claimant is not entitled to universal credit and—
 - (i) the Secretary of State is considering whether to revise that decision under section 9 of the Social Security Act 1998, whether on an application made for that purpose, or on the Secretary of State’s own initiative; or
 - (ii) the claimant has appealed against that decision to the First-tier Tribunal and that appeal or any subsequent appeal to the Upper Tribunal or to a court has not been finally determined.
- (6) Paragraphs ^{F29}[(6) to (9)] of article 4 of the No. 9 Order apply in relation to the case of a claim for universal credit referred to in paragraph (2) (and any award that is made in respect of the claim) as they apply in relation to the case of a claim for universal credit referred to in sub-paragraphs (a) and (b) of article 4(2) of the No. 9 Order (and any award that is made in respect of the claim).
- (7) ^{F30}Paragraphs (1A) and (1B) of article 5 of the No. 9 Order apply for the purposes of paragraph (2)(a) as they apply for the purposes of article 4(2)(a) of the No. 9 Order (but as if the references in paragraph (1A) to Schedule 5 to the No. 9 Order were omitted).]
- (8) Paragraphs (5) to (7) of article 5 of the No. 9 Order apply for the purposes of sub-paragraphs (a) and (c) of paragraph (2) as they apply for the purposes of sub-paragraphs (a) and (g) of article 4(2) of the No. 9 Order.
- (9) Article 5(8) of the No. 9 Order applies for the purposes of paragraph (3) as it applies for the purposes of article 4(3)(a) of the No. 9 Order.]

Textual Amendments

- F21** Art. 4 substituted (16.6.2014 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13, 14 and 16 and Transitional and Transitory Provisions \(Amendment\)\) Order 2014 \(S.I. 2014/1452\)](#), [arts. 3, 18\(1\)\(4\)](#)
- F22** Words in art. 4(2)(a) inserted (28.7.2014 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13, 14, 16 and 17 and Transitional and Transitory Provisions \(Amendment\) \(No. 2\)\) Order 2014 \(S.I. 2014/1923\)](#), [arts. 3, 6\(4\)\(a\)](#)
- F23** Art. 4(2)(a)(ii) and word omitted (22.2.2017) by [The Welfare Reform Act 2012 \(Commencement No. 11, 13, 16, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2017 \(S.I. 2017/57\)](#), [art. 5, Sch.](#)
- F24** Art. 4(2)(b)(c) substituted (28.7.2014 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13, 14, 16 and 17 and Transitional and Transitory Provisions \(Amendment\) \(No. 2\)\) Order 2014 \(S.I. 2014/1923\)](#), [arts. 3, 6\(4\)\(b\)](#)
- F25** Words in art. 4(2)(b)(i) omitted (22.2.2017) by [The Welfare Reform Act 2012 \(Commencement No. 11, 13, 16, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2017 \(S.I. 2017/57\)](#), [art. 14\(1\)\(2\)\(d\)\(i\)](#)
- F26** Words in art. 4(2)(b)(ii) omitted (22.2.2017) by [The Welfare Reform Act 2012 \(Commencement No. 11, 13, 16, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2017 \(S.I. 2017/57\)](#), [art. 14\(1\)\(2\)\(d\)\(ii\)](#)
- F27** Words in art. 4(2)(b)(iii) omitted (22.2.2017) by [The Welfare Reform Act 2012 \(Commencement No. 11, 13, 16, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2017 \(S.I. 2017/57\)](#), [art. 14\(1\)\(2\)\(d\)\(iii\)](#)
- F28** Words in art. 4(5)(a) substituted (28.7.2014 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13, 14, 16 and 17 and Transitional and Transitory Provisions \(Amendment\) \(No. 2\)\) Order 2014 \(S.I. 2014/1923\)](#), [arts. 3, 6\(4\)\(a\)](#)

- F29** Words in art. 4(6) substituted (26.1.2015 for specified purposes) by The Welfare Reform Act 2012 (Commencement No. 9, 11, 13, 14, 16, 17 and 19 and Transitional and Transitory Provisions (Amendment)) Order 2015 (S.I. 2015/32), **arts. 3(1), 9**
- F30** Art. 4(7) substituted (22.2.2017) by The Welfare Reform Act 2012 (Commencement No. 11, 13, 16, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2017 (S.I. 2017/57), **art. 14(1)(e)**

Modifications etc. (not altering text)

- C3** Art. 4 modified (22.7.2020 (as amended 4.8.20)) by The Universal Credit (Managed Migration Pilot and Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1152), regs. 1(3), **5(1)** (with reg. 5(2)); (S.I. 2020/826) **2(2)**
- C4** Art. 4(2)(a) modified (26.4.2017) by The Welfare Reform Act 2012 (Commencement No. 11, 13, 16, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2017 (S.I. 2017/57), art. 13, **Sch.**
- C5** Art. 4(2)(a) modified (18.4.2018) by The Welfare Reform Act 2012 (Commencement No. 9, 21 and 23 (Amendment), Commencement No. 11, 13, 17, 19, 22, 23 and 24 (Modification), Transitional and Transitory Provisions) Order 2018 (S.I. 2018/138), art. 4, **Sch.** (with art. 5)

Application of the No. 9 Order

5. [^{F31}Articles] 9 to 22 of the No. 9 Order apply in connection with the coming into force of the amending provisions in relation to the case of a claim referred to in article 4(2), and any award made in respect of the claim, as they apply in connection with the coming into force of the amending provisions in relation to the case of a claim referred to in [^{F32}sub-paragraphs (a), (b) and (g) of article 4(2)] of the No. 9 Order and any award made in respect of the claim.

Textual Amendments

- F31** Word in art. 5 substituted (16.6.2014 for specified purposes) by The Welfare Reform Act 2012 (Commencement No. 9, 11, 13, 14 and 16 and Transitional and Transitory Provisions (Amendment)) Order 2014 (S.I. 2014/1452), **arts. 3, 18(1)(5)**
- F32** Words in art. 5 substituted (28.7.2014 for specified purposes) by The Welfare Reform Act 2012 (Commencement No. 9, 11, 13, 14, 16 and 17 and Transitional and Transitory Provisions (Amendment) (No. 2)) Order 2014 (S.I. 2014/1923), **arts. 3, 6(5)**

Modifications etc. (not altering text)

- C6** Art. 5 modified (29.10.2013) by The Welfare Reform Act 2012 (Commencement No. 13 and Transitional and Transitory Provisions) Order 2013 (S.I. 2013/2657), **art. 5(b)**
- C7** Art. 5 amended (16.6.2014 for specified purposes) by The Welfare Reform Act 2012 (Commencement No. 9, 11, 13, 14 and 16 and Transitional and Transitory Provisions (Amendment)) Order 2014 (S.I. 2014/1452), **art. 17**

Amendment of article 7 of the No. 9 Order – transitional provisions in relation to claimant responsibilities with respect to employment and support allowance and jobseeker's allowance

6.—(1) Paragraph (3) applies in relation to a case 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 (which award therefore continues as an old style JSA award) and where the day with effect from which the 1995 Act so applies occurs on or after 1st July 2013.

(2) Paragraph (4) applies in relation to a case 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 (which award therefore continues as an old style ESA award) and where the day with effect from which Part 1 of the 2007 Act so applies occurs on or after 1st July 2013.

(3) In relation to a case to which this paragraph applies, for article 7(2) of the No. 9 Order substitute—

“(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, then, with effect from the day on which the 1995 Act so applies, the 1995 Act, the Social Security Administration Act 1992^{M5} and the Social Security Act 1998^{M6} are to apply in relation to the award as though the provisions referred to in paragraph (1)(a), (b) and (e) had not come into force.”

(4) In relation to a case to which this paragraph applies, for article 7(3) of the No. 9 Order substitute—

“(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, then, with effect from the day on which Part 1 of the 2007 Act so applies, Part 1 of the 2007 Act and the Welfare Reform Act 2009^{M7} are to apply in relation to the award as though the provisions referred to in paragraph (1)(c), (d) and (f) had not come into force.”

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

Marginal Citations

M5 1992 c. 5.

M6 1998 c. 14.

M7 2009 c. 24.

Amendment of Schedule 4 to the No. 9 Order

7. With effect from 1st July 2013, Schedule 4 to the No. 9 Order (modifications of the 2010 Transitional Regulations) is amended as follows—

(a) for paragraph 21(2)(b)(i) substitute—

“(i) for the definition of “contributory allowance” substitute—

“employment and support allowance” means an employment and support allowance to which a person is entitled by virtue of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit)(Existing Awards)(No.2) Regulations 2010^{M8} which was based on an award of incapacity benefit or severe disablement allowance to which the person was entitled.”

and for “; and” following that definition substitute “. ”;”;

(b) after paragraph 21(2) insert—

“(2A) In paragraph 2A—

(a) in paragraph (1), omit “contributory”; and

(b) in paragraph (2), in the substituted section 1A^{M9}—

(i) in paragraphs (1) and (3) to (5), for “a contributory allowance” substitute “an employment and support allowance”; and

(ii) in paragraph (3), omit “Part 1 of”.”.

Marginal Citations

M8 S.I. 2010/1907. Paragraph 2A of Schedule 2 was inserted by S.I. 2012/913.

M9 Section 1A of the [Welfare Reform Act 2007 \(c. 5\)](#) was inserted by section 51(1) of the [Welfare Reform Act 2012 \(c. 5\)](#) (“the Act”) and amended by paragraph 26 of Schedule 3 to the Act and Part 1 of Schedule 14 to the Act. These amendments (which form part of the “amending provisions”) are commenced for certain cases by article 4 of the No. 9 Order and article 4 of this Order.

Amendment of the No. 9 Order – transition from old style ESA to new style ESA

8.—(1) Paragraph (2) applies in relation to a case where—

- (a) (i) a person makes, or is treated as making, a claim for an employment and support allowance;
 - (ii) under article 4 of the No. 9 Order, 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, applies in relation to the claim; and
 - (iii) the claim is made or treated as made on or after 1st July 2013; or
- (b) (i) a person has an old style ESA award immediately before the appointed day in relation to a case of a claim for universal credit referred to in article 4(2)(a) to (d) of the No. 9 Order (and any award made in respect of the claim), or an award of universal credit referred to in article 4(2)(e) or (f) of the No. 9 Order;
 - (ii) the old style ESA award consists of or includes a contributory employment and support allowance (which allowance therefore continues as a new style ESA award); and
 - (iii) the first day on which the person is entitled to an employment and support allowance under the new style ESA award occurs on or after 1st July 2013.

(2) Where this paragraph applies, article 10 of the No. 9 Order is amended as follows—

- (a) for the title substitute “ Transition from old style ESA ”;
- (b) for paragraph (1) substitute—
 - “(1) This article applies where a person—
 - (a) makes, or is treated as making, a claim for an employment and support allowance and, under article 4, 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, applies in relation to the claim; or
 - (b) (i) has an old style ESA award immediately before the appointed day in relation to a case of a claim for universal credit referred to in article 4(2) (a) to (d) (and any award made in respect of the claim), or an award of universal credit referred to in article 4(2)(e) or (f); and
 - (ii) the old style ESA award consists of or includes a contributory employment and support allowance (which allowance therefore continues as a new style ESA award),

and, in the case of sub-paragraph (a), the condition referred to in paragraph (1A) is satisfied.

(1A) The condition is that—

- (a) the person previously made, or was treated as having made, a claim for an employment and support allowance and Part 1 of the 2007 Act, as it has effect apart from the provisions of Schedule 3, and Part 1 of Schedule 14, to the Act that remove references to an income-related allowance, applied in relation to the claim;
 - (b) a notice was issued to the person under regulation 4 of the 2010 Transitional Regulations and Part 1 of the 2007 Act, as that Part has effect apart from the provisions of Schedule 3, and Part 1 of Schedule 14, to the Act that remove references to an income-related allowance, applied in relation to the notice; or
 - (c) the person previously had a new style ESA award and article 6(2) applied in relation to the award (which award therefore continued as an old style ESA award).”;
- (c) after paragraph (2)(g) omit “and” and insert—
- “(ga) in regulation 39(6) (exempt work), the reference to an employment and support allowance included a reference to an old style ESA award;
 - (gb) in regulation 85(2)(a) (waiting days), where a claimant was entitled to an old style ESA award with effect from the first day of a period of limited capability for work by virtue of regulation 144(2)(a) of the ESA Regulations 2008^{M10} and, with effect from the second or third day of that period, that award continued as a new style ESA award in the circumstances referred to in paragraph (1)(b) of this article, the reference to an employment and support allowance included a reference to the old style ESA award.”;
- (d) after paragraph (2)(h) insert—
- “(i) in regulation 89 (short absence), where—
 - (i) a claimant had an old style ESA award in the circumstances referred to in paragraph (1)(b) of this article;
 - (ii) a temporary absence from Great Britain commenced when regulation 152 of the ESA Regulations 2008 applied to the claimant; and
 - (iii) the first 4 weeks of the temporary absence had not ended immediately before the first day of entitlement to the new style ESA award,
 the initial words of regulation 89 included a reference to the claimant being entitled to the new style ESA award during the remainder of the first 4 weeks of the temporary absence that commenced when regulation 152 of the ESA Regulations 2008 applied to the claimant;
 - (j) in regulation 90 (absence to receive medical treatment), where—
 - (i) a claimant had an old style ESA award in the circumstances referred to in paragraph (1)(b) of this article;
 - (ii) a temporary absence from Great Britain commenced when regulation 153 of the ESA Regulations 2008^{M11} applied to the claimant; and
 - (iii) the first 26 weeks of the temporary absence had not ended immediately before the first day of entitlement to the new style ESA award,
 the initial words of paragraph (1) of regulation 90 included a reference to the claimant being entitled to the new style ESA award during the remainder of the first 26 weeks of the temporary absence that commenced when regulation 153 of the ESA Regulations 2008 applied to the claimant;
 - (k) in regulation 93 (disqualification for misconduct etc)—

- (i) in paragraph (3), for “Paragraph (2) does” there were substituted “Paragraphs (2) and (5) do ”; and
 - (ii) after paragraph (4) there were inserted—
 - “(5) Subject to paragraph (3), a claimant is to be disqualified for receiving an employment and support allowance for any period determined by the Secretary of State under regulation 157(2) of the Employment and Support Allowance Regulations 2008^{M12} less any days during that period on which those Regulations applied to the claimant.
 - (6) Where paragraph (5) applies to a claimant, paragraph (2) is not to apply to that claimant with respect to any matter referred to in paragraph (1) that formed the basis for the claimant's disqualification under regulation 157(2) of the Employment and Support Allowance Regulations 2008.”;
 - (l) in regulation 95 (treating a claimant as not having limited capability for work), the existing words became paragraph (1) and—
 - (i) at the beginning of paragraph (1), there were inserted “Subject to paragraph (2),”; and
 - (ii) after paragraph (1), there were inserted—
 - “(2) A claimant is to be treated as not having limited capability for work if—
 - (a) under Part 1 of the Act as it has effect apart from the amendments made by Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance (“the former law”), the claimant was disqualified for receiving a contributory employment and support allowance during a period of imprisonment or detention in legal custody;
 - (b) Part 1 of the Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance (“the current law”) applied to the claimant with effect from a day that occurred during the period of imprisonment or detention in legal custody referred to in sub-paragraph (a) and during the period of six weeks with effect from the day on which the claimant was first disqualified as referred to in sub-paragraph (a); and
 - (c) the total of—
 - (i) the period for which the claimant was disqualified for receiving a contributory employment and support allowance during the period of imprisonment or detention in legal custody when the former law applied to the claimant; and
 - (ii) the period for which the claimant was disqualified for receiving an employment and support allowance during the period of imprisonment or detention in legal custody when the current law applied to the claimant,
- (e) after paragraph (2) insert—

“(3) Subject to paragraph (4), where this article applies, the 2007 Act is to be read as though—

- (a) the reference to an employment and support allowance in section 1A(1) and (4) to (6);
- (b) the first reference to an employment and support allowance in section 1A(3); and
- (c) the first reference to an employment and support allowance in section 1B^{M13},

included a reference to a contributory employment and support allowance.

(4) Where this article applies and the 2010 Transitional Regulations^{M14} apply to a person, paragraph (3)(c) becomes paragraph (3)(b) and, for paragraph (3)(a) and (b), there is substituted—

- “(a) in section 1A as substituted by the 2010 Transitional Regulations—
 - (i) the reference to an employment and support allowance in section 1A(1), (4) and (5); and
 - (ii) the first reference to an employment and support allowance in section 1A(3); and”.

(5) Where this article applies and a claimant—

- (a) had an old style ESA award in the circumstances referred to in paragraph (1) (b); and
- (b) the old style ESA award had not been preceded by a new style ESA award in the circumstances referred to in paragraph (1A)(c),

the 2007 Act is to be read as if, in section 24(2), the beginning of the assessment phase (subject to section 24(3)) was the first day of the period for which the claimant was entitled to the old style ESA award.”.

Marginal Citations

M10 [S.I. 2008/794](#). Regulation 144(2) was amended by 2008/2848, 2010/1907 and 2012/913.

M11 [Regulation 153](#) was amended by [S.I. 2009/2655](#).

M12 [Regulation 157](#) was amended by [S.I. 2010/1160](#).

M13 [Section 1B](#) was inserted by section 52(1) of the Act and amended by paragraph 26 of Schedule 3, and Part 1 of Schedule 14, to the Act. These amendments (which form part of the “amending provisions”) are commenced for certain cases by article 4 of the No. 9 Order and article 4 of this Order.

M14 [Section 1A](#) is substituted for the purposes of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit)(Existing Awards)(No.2) Regulations 2010 ([S.I. 2010/1907](#)) (referred to in the No. 9 Order as “the 2010 Transitional Regulations”) by paragraph 2A of Schedule 2 to those Regulations and further modified by article 7 of this Order.

Transition from new style ESA to old style ESA

9.—(1) Paragraph (2) applies in relation to a case where—

- (a) (i) a person makes, or is treated as making, a claim for an employment and support allowance;
- (ii) Part 1 of the 2007 Act as it has effect apart from the provisions of Schedule 3, and Part 1 of Schedule 14, to the Act that remove references to an income-related allowance, applies in relation to the claim; and
- (iii) the claim is made or treated as made on or after 1st July 2013; or

- (b) (i) a person has a new style ESA award and article 6(2) of the No. 9 Order applies in relation to the award (which award therefore continues as an old style ESA award); and
 - (ii) the first day on which the person in question is entitled to an employment and support allowance under the old style ESA award occurs on or after 1st July 2013.
- (2) Where this paragraph applies, article 11 of the No. 9 Order is amended as follows—
- (a) for the title substitute “ Transition from new style ESA ”;
 - (b) for paragraph (1) substitute—
 - “(1) This article applies where a person—
 - (a) makes, or is treated as making, a claim for an employment and support allowance and Part 1 of the 2007 Act, as it has effect apart from the provisions of Schedule 3, and Part 1 of Schedule 14, to the Act that remove references to an income-related allowance, applies in relation to the claim; or
 - (b) has a new style ESA award and article 6(2) applies in relation to the award (which award therefore continues as an old style ESA award),and, in the case of sub-paragraph (a), the condition referred to in paragraph (1A) is satisfied.
 - (1A) The condition is that—
 - (a) the person previously made, or was treated as having made, a claim for an employment and support allowance and, under article 4, 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, applied in relation to the claim;
 - (b) a notice was issued to the person under regulation 4 of the 2010 Transitional Regulations and, under article 4, 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, applied in relation to the notice; or
 - (c) the person previously—
 - (i) had an old style ESA award immediately before the appointed day in relation to a case of a claim for universal credit referred to in article 4(2) (a) to (d) (and any award made in respect of the claim), or an award of universal credit referred to in article 4(2)(e) or (f); and
 - (ii) the old style ESA award consisted of or included a contributory employment and support allowance (which allowance therefore continued as a new style ESA award).”;
 - (c) after paragraph (2)(g), omit “and” and insert—
 - “(ga) in regulation 45(10) (exempt work), the reference to an employment and support allowance included a reference to a new style ESA award;
 - (gb) in regulation 144(2)(a) (waiting days), where the claimant was entitled to a new style ESA award with effect from the first day of a period of limited capability for work by virtue of regulation 85(2)(a) of the ESA Regulations 2013 and, with effect from the second or third day of that period, that award continued as an old style ESA award in the circumstances referred to in paragraph (1)(c) of this article, the reference to an employment and support allowance included a reference to the new style ESA award.”;
 - (d) after paragraph (2)(h), insert—

- “(i) in regulation 152 (short absence), where—
- (i) a claimant had a new style ESA award in the circumstances referred to in paragraph (1)(b) of this article;
 - (ii) a temporary absence from Great Britain commenced when regulation 89 of the ESA Regulations 2013 applied to the claimant; and
 - (iii) the first 4 weeks of the temporary absence had not ended immediately before the first day of entitlement to the old style ESA award,
- the initial words of regulation 152 included a reference to the claimant being entitled to the old style ESA award during the remainder of the first 4 weeks of the temporary absence that commenced when regulation 89 of the ESA Regulations 2013 applied to the claimant;
- (j) in regulation 153 (absence to receive medical treatment)—
- (i) a claimant had a new style ESA award in the circumstances referred to in paragraph (1)(b) of this article;
 - (ii) a temporary absence from Great Britain commenced when regulation 90 of the ESA Regulations 2013 applied to the claimant; and
 - (iii) the first 26 weeks of the temporary absence had not ended immediately before the first day of entitlement to the old style ESA award,
- the initial words of paragraph (1) of regulation 153 included a reference to the claimant being entitled to the old style ESA award during the remainder of the first 26 weeks of the temporary absence that commenced when regulation 90 of the ESA Regulations 2013 applied to the claimant;
- (k) in regulation 157 (disqualification for misconduct etc)—
- (i) in paragraph (3), for “Paragraph (2) does” there were substituted “Paragraphs (2) and (4) do”; and
 - (ii) after paragraph (3) there were inserted—
 - “(4) Subject to paragraph (3), a claimant is to be disqualified for receiving an employment and support allowance for any period determined by the Secretary of State under regulation 93(2) of the Employment and Support Allowance Regulations 2013 less any days during that period on which those Regulations applied to the claimant.
 - (5) Where paragraph (4) applies to a claimant, paragraph (2) is not to apply to that claimant with respect to any matter referred to in paragraph (1) that formed the basis for the claimant's disqualification under regulation 93(2) of the Employment and Support Allowance Regulations 2013.”; and
- (l) in regulation 159 (treating a claimant as not having limited capability for work), the existing words became paragraph (1) and—
- (i) at the beginning of paragraph (1), there were inserted “Subject to paragraph (2),”; and
 - (ii) after paragraph (1), there were inserted—
 - “(2) A claimant is to be treated as not having limited capability for work if—
 - (a) under Part 1 of the Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance

- (“the former law”), the claimant was disqualified for receiving an employment and support allowance during a period of imprisonment or detention in legal custody;
- (b) Part 1 of the Act as it has effect apart from the amendments made by Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance (“the current law”) applied to the claimant with effect from a day that occurred during the period of imprisonment or detention in legal custody referred to in sub-paragraph (a) and during the period of six weeks with effect from the day on which the claimant was first disqualified as referred to in sub-paragraph (a); and
- (c) the total of—
- (i) the period for which the claimant was disqualified for receiving an employment and support allowance during the period of imprisonment or detention in legal custody when the former law applied to the claimant; and
 - (ii) the period for which the claimant was disqualified for receiving a contributory employment and support allowance during the period of imprisonment or detention in legal custody when the current law applied to the claimant, amounts to more than six weeks.”; and
- (e) after paragraph (2) insert—
- “(3) Subject to paragraph (4), where this article applies, the 2007 Act is to be read as though—
- (a) the reference to a contributory allowance in section (1A)(1) and (4) to (6);
 - (b) the first reference to a contributory allowance in section (1A)(3); and
 - (c) the first reference to a contributory allowance in section 1B,
- included a reference to a new style ESA award.
- (4) Where this article applies and the 2010 Transitional Regulations^{M15} apply to a person, paragraph (3)(c) becomes paragraph (3)(b) and, for paragraph (3)(a) and (b), there is substituted—
- “(a) in section 1A as substituted by the 2010 Transitional Regulations—
- (i) the reference to a contributory allowance in section 1A(1), (4) and (5); and
 - (ii) the first reference to a contributory allowance in section 1A(3); and”.
- (5) Where this article applies and a claimant—
- (a) had a new style ESA award in the circumstances referred to in paragraph (1) (b); and
 - (b) the new style ESA award had not been preceded by an old style ESA award in the circumstances referred to in paragraph (1A)(c),
- section 24(2) of the 2007 Act is to be read as if the beginning of the assessment phase (subject to section 24(3)) was the first day of the period for which the claimant was entitled to the new style ESA award.”.

Marginal Citations

M15 Section 1A is substituted for the purposes of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit)(Existing Awards)(No.2) Regulations 2010 (S.I. 2010/1907) (referred to in the No. 9 Order as “the 2010 Transitional Regulations”) by paragraph 2A of Schedule 2 to those Regulations.

Transition from old style JSA to new style JSA

- 10.—(1) Paragraph (2) applies in relation to the case where—
- (a) (i) a person makes, or is treated as making, a claim for a jobseeker's allowance;
 - (ii) under article 4 of the No. 9 Order, 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, applies in relation to the claim; and
 - (iii) the claim is made or treated as made on or after 1st July 2013; or
 - (b) (i) a person has an old style JSA award (whether or not the award was made to the person as a member of a joint-claim couple) immediately before the appointed day in relation to a case of a claim for universal credit referred to in article 4(2)(a) to (d) of the No. 9 Order (and any award made in respect of the claim) or an award of universal credit referred to in article 4(2)(e) or (f) of the No. 9 Order;
 - (ii) the old style JSA award consists of or includes a contributory employment and support allowance (which allowance therefore continues as a new style JSA award); and
 - (iii) the first day on which the person in question is entitled to a jobseeker's allowance under the new style JSA award occurs on or after 1st July 2013.
- (2) Where this paragraph applies, for article 12 of the No. 9 Order substitute—

“Transition from old style JSA

- 12.—(1) This article applies where a person—
- (a) makes, or is treated as making, a claim for a jobseeker's allowance and, under article 4, 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, applies in relation to the claim; or
 - (b) (i) has an old style JSA award (whether or not the award was made to the person as a member of a joint-claim couple) immediately before the appointed day in relation to a case of a claim for universal credit referred to in article 4(2)(a) to (d) (and any award made in respect of the claim), or an award of universal credit referred to in article 4(2)(e) or (f); and
 - (ii) the old style JSA award consists of or includes a contribution-based jobseeker's allowance (which allowance therefore continues as a new style JSA award),
- and, in the case of sub-paragraph (a), the condition referred to in paragraph (2) is satisfied.
- (2) The condition is that the person previously—
- (a) made, or was treated as having made, a claim for a jobseeker's allowance (whether or not as a member of a joint-claim couple) and the 1995 Act, as it has effect apart from the provisions of Part 1 of Schedule 14 to the Act that remove references to an income-based jobseeker's allowance, applied in relation to the claim; or

- (b) had a new style JSA award and article 6(2) applied in relation to the award (which award therefore continued as an old style JSA award).
- (3) Where this article applies, the JSA Regulations 2013 are to be read as if—
- (a) in regulation 15(3)(b) (victims of domestic violence), the reference to regulation 15 applying to the claimant included a reference to the claimant having been treated as being available for employment under regulation 14A(2) or (6) of the JSA Regulations 1996 ^{M16};
- (b) in regulation 36(1) (waiting days), where a person was entitled to an old style JSA award with effect from the first day of a jobseeking period by virtue of regulation 46(1)(a) of the JSA Regulations 1996 ^{M17} and, with effect from the second or third day of that period, that award continued as a new style JSA award in the circumstances referred to in paragraph (1)(b) of this article, the reference to a jobseeker's allowance included a reference to the old style JSA award;
- (c) in regulation 37 (jobseeking period)—
- (i) the jobseeking period in relation to a claimant included any period that, under regulation 47 of the JSA Regulations 1996 (jobseeking period) ^{M18}, forms part of the jobseeking period for the purposes of the 1995 Act; and
- (ii) in paragraph (3), 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;
- (d) in regulation 41 (persons temporarily absent from Great Britain), where a person had an old style JSA award in the circumstances referred to in paragraph (1)(b) of this article, the reference in paragraph (2)(b), (3)(a) and (c), (5)(a) and (6)(b) to entitlement to a jobseeker's allowance included a reference to the old style JSA award; and
- (e) in regulation 46 (short periods of sickness), after paragraph (5) there were inserted—
- “(6) Where—
- (a) a person has been treated under regulation 55(1) of the Jobseeker's Allowance Regulations 1996 ^{M19} as capable of work or as not having limited capability for work for a certain period; and
- (b) these Regulations apply to that person with effect from a day (“the relevant day”) within that period,
- the person is to be treated for the part of that period that begins with the relevant day as capable of work or as not having limited capability for work.
- (7) Where paragraph (6) applies to a person and the conditions in paragraph (1) (a) to (c) are fulfilled in relation to that person on any day within the part of a period referred to in paragraph (6), the requirement of paragraph (1) to treat the person as capable of work or as not having limited capability for work is to be regarded as satisfied with respect to the fulfilment of those conditions on that day.
- (8) For the purposes of paragraph (3), where paragraph (6) applies to a person, paragraph (3) is to apply to the person as though the preceding provisions of this regulation had applied to the person with respect to the person having been treated for a period, under regulation 55(1) of the Jobseeker's Allowance Regulations 1996 and paragraph (6), as capable of work or as not having limited capability for work.”.

(4) Where this article applies, the 1995 Act is to be read as though, in section 5 of the 1995 Act^{M20}, the reference to a jobseeker's allowance in subsection (1) and the first reference to a jobseeker's allowance in subsection (2) included a reference to a contribution-based jobseeker's allowance.

(5) For the purposes of this article, "joint-claim couple" has the meaning given in section 1(4) of the 1995 Act."

Marginal Citations

M16 Regulation 14A was inserted by S.I. 2012/853 and amended by S.I. 2012/1479.

M17 Regulation 46 was amended by S.I. 1998/71, 2000/1978, 2003/511 and 2008/1554.

M18 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.

M19 Regulation 55 was amended by S.I. 1996/1517, 1999/2860, 2004/1869, 2008/1554, 2010/1907, 2011/674 and 2012/2568.

M20 Section 5 was amended by Part 1 of Schedule 14 to the Act; and the amendment (which forms part of the "amending provisions") is commenced for certain cases by article 4 of the No. 9 Order and article 4 of this Order.

Transition from new style JSA to old style JSA

11.—(1) Paragraph (2) applies in relation to a case where—

- (a) (i) a person makes, or is treated as making, a claim for a jobseeker's allowance (whether or not as a member of a joint-claim couple);
- (ii) the 1995 Act, as it has effect apart from the provisions of Part 1 of Schedule 14 to the Act that remove references to an income-based jobseeker's allowance, applies in relation to the claim; and
- (iii) the claim is made or treated as made on or after 1st July 2013; or
- (b) (i) a person has a new style JSA award and article 6(2) of the No. 9 Order applies in relation to the award (which award therefore continues as an old style JSA award); and
- (ii) the first day on which the person in question is entitled to a jobseeker's allowance under the old style JSA award occurs on or after 1st July 2013.

(2) Where this paragraph applies, for article 13 of the No. 9 Order substitute—

“Transition from new style JSA

13.—(1) This article applies where a person—

- (a) makes, or is treated as making, a claim for a jobseeker's allowance (whether or not as a member of a joint-claim couple) and the 1995 Act, as it has effect apart from the provisions of Part 1 of Schedule 14 to the Act that remove references to an income-based jobseeker's allowance, applies in relation to the claim; or
- (b) has a new style JSA award and article 6(2) applies in relation to the award such that it continues as an old style JSA award,

and, in the case of sub-paragraph (a), the condition referred to in paragraph (2) is satisfied.

(2) the condition is that the person previously—

- (a) made, or was treated as having made, a claim for a jobseeker's allowance and, under article 4, 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, applied in relation to the claim; or
- (b) (i) had an old style JSA award immediately before the appointed day in relation to a case of a claim for universal credit referred to in article 4(2)(a) to (d) (and any award made in respect of the claim), or an award of universal credit referred to in article 4(2)(e) or (f); and
- (ii) the old style JSA award consisted of or included a contributory employment and support allowance (which allowance therefore continued as a new style JSA award).
- (3) Where this article applies, the JSA Regulations 1996 are to be read as if—
- (a) in regulation 14A (victims of domestic violence), for the purposes of paragraph (3) (b) of that regulation, a person had been treated as available for employment on a day (under paragraph (2) of that regulation) where regulation 15 of the JSA Regulations 2013 applied to that person on that day;
- (b) in regulation 46 (waiting days)—
- (i) where a person was entitled to a new style JSA award with effect from the first day of a jobseeking period by virtue of regulation 36(1) of the JSA Regulations 2013 and, with effect from the second or third day of that period, that award continued as an old style JSA award in the circumstances referred to in paragraph (1)(b) of this article, the reference to a jobseeker's allowance in paragraph (1)(a) included a reference to the new style JSA award; and
- (ii) the second reference to a jobseeker's allowance in paragraph (1)(d) included a reference to a new style JSA award;
- (c) in regulation 47 (jobseeking period)—
- (i) the jobseeking period in relation to a claimant included any period that, under regulation 37 of the JSA Regulations 2013 (jobseeking period) forms part of the jobseeking period for the purposes of the 1995 Act; and
- (ii) in paragraph (4), 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 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;
- (d) in regulation 50 (persons temporarily absent from Great Britain), where a person had a new style JSA award in the circumstances referred to in paragraph (1)(b) of this article, the reference in paragraph (2)(b), (3)(a) and (c), (5)(a) and (c), (6AA) (a) and (6D)(b) to entitlement to a jobseeker's allowance included a reference to the new style JSA award^{M21}; and
- (e) in regulation 55 (short periods of sickness), after paragraph (5) there were inserted—
- “(6) Where—
- (a) a person has been treated under regulation 46(1) of the Jobseeker's Allowance Regulations 2013 as capable of work or as not having limited capability for work for a certain period; and
- (b) these Regulations apply to that person with effect from a day (“the relevant day”) within that period,
- the person is to be treated for the part of that period that begins with the relevant day as capable of work or as not having limited capability for work.

(7) Where paragraph (6) applies to a person and the conditions in paragraph (1) (a) to (c) are fulfilled in relation to that person on any day within the part of a period referred to in paragraph (6), the requirement of paragraph (1) to treat the person as capable of work or as not having limited capability for work is to be regarded as satisfied with respect to the fulfilment of those conditions on that day.

(8) For the purposes of paragraph (3), where paragraph (6) applies to a person, paragraph (3) is to apply to the person as though the preceding provisions of this regulation had applied to the person with respect to the person having been treated for a period, under regulation 46(1) of the Jobseeker's Allowance Regulations 2013 and paragraph (6), as capable of work or as not having limited capability for work.”.

(4) Where this article applies, the 1995 Act is to be read as though, in section 5 of the 1995 Act^{M22}, the reference to a contribution-based jobseeker's allowance in subsection (1) and the first reference to a contribution-based jobseeker's allowance in subsection (2) included a reference to a new style JSA award.

(5) For the purposes of this article, “joint-claim couple” has the meaning given in section 1(4) of the 1995 Act.”.

Marginal Citations

M21 Paragraph (6AA) was inserted by [S.I. 2004/1869](#) and amended by [S.I. 2008/2767](#). Paragraph (6D) was inserted by [2012/2575](#).

M22 [Section 5](#) was amended by Part 1 of Schedule 14 to the Act; and the amendment (which forms part of the “amending provisions”) is commenced for certain cases by article 4 of the No. 9 Order and article 4 of this Order.

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

Department for Work and Pensions

Freud
Parliamentary Under-Secretary of State

Changes to legislation:

There are currently no known outstanding effects for the The Welfare Reform Act 2012 (Commencement No. 11 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2013.