
STATUTORY INSTRUMENTS

2013 No. 2657

**The Welfare Reform Act 2012 (Commencement No. 13
and Transitional and Transitory Provisions) Order 2013**

Citation

1. This Order may be cited as the Welfare Reform Act 2012 (Commencement No. 13 and Transitional and Transitory Provisions) Order 2013.

Interpretation

2.—(1) In this Order—

“the Act” means the Welfare Reform Act 2012;

“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);

[^{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;]

“employment and support allowance” means an employment and support allowance under Part 1 of the Welfare Reform Act 2007 ^{M1};

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

[^{F3} “gateway conditions” means the conditions specified in Schedule 5 to the No. 9 Order]

“jobseeker's allowance” means a jobseeker's allowance under the Jobseekers Act 1995 ^{M2};

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

“No. 4 relevant districts” means the postcode part-districts specified in 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 ^{M3}.

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

[^{F2}“Upper Tribunal” has the same meaning as in the Social Security Act 1998.]

[^{F2}(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.]

^{F3}(3)

^{F3}(4)

Textual Amendments

- F1** Art. 2(1) amended (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** Art. 2 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), **arts. 3, 19(1), 19(2)**
- F3** Art. 2 amended (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, 7(2)**
- F4** Art. 2 amended (30.6.2014 for specified purposes) by The Welfare Reform Act 2012 (Commencement No. 9, 11, 13 14, 16 and 17 and Transitional and Transitory Provisions (Amendment)) Order 2014 (S.I. 2014/1661), **arts. 3, 6(3)**

Modifications etc. (not altering text)

- C1** Art. 2 modified (29.6.2016) by The Welfare Reform Act 2012 (Commencement No. 13, 14, 16, 19, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2016 (S.I. 2016/596), **art. 6(1)(2)(a)**
- C2** Art. 2 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. 15**

Marginal Citations

- M1** 2007 c.5.
- M2** 1995 c.18.
- M3** 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).

[^{F5}(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. 4 relevant districts and meets the gateway conditions; and
- (b) [^{F6}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. 4 relevant district or meeting the gateway conditions and the claimant does not reside in such a district or does not meet the gateway conditions 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 or meeting the gateway conditions and one or both of them does not or do not reside in such a district or does not or do not meet those conditions 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 or meeting the gateway conditions.]]

(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 ^{F7}....

^{F5}(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.

[^{F8}(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. 4 relevant district or meeting the gateway conditions, 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) or meeting the gateway conditions.]

Textual Amendments

- F5** Art. 3 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 \(S.I. 2014/1452\)](#), **arts. 3, 19(1), 19(3)**
- F6** Art. 3 amended (30.6.2014 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13 14, 16 and 17 and Transitional and Transitory Provisions \(Amendment\)\) Order 2014 \(S.I. 2014/1661\)](#), **arts. 3, 6(4)**
- F7** 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. 6(1)(b)**
- F8** Art. 3 amended (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, 7(3)**

Modifications etc. (not altering text)

- C3** Art. 3 modified (29.6.2016) by [The Welfare Reform Act 2012 \(Commencement No. 13, 14, 16, 19, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2016 \(S.I. 2016/596\)](#), **art. 6(1)(2)(b)(c)**
- C4** Art. 3 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. 15**
- C5** Art. 3(2)(a) modified (29.6.2016) by [The Welfare Reform Act 2012 \(Commencement No. 13, 14, 16, 19, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2016 \(S.I. 2016/596\)](#), **art. 4, Sch.**
- C6** Art. 3(2)(a) modified (27.7.2016) by [The Welfare Reform Act 2012 \(Commencement No. 13, 14, 16, 19, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2016 \(S.I. 2016/596\)](#), **art. 5, Sch.**

- C7** 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.**
- C8** 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

[^{F9}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 [^{F10}or treated as made], the claimant—
- (i) resides in one of the No. 4 relevant districts; and
 - (ii) meets the gateway conditions;
- (b) [^{F11}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. 4 relevant district or meeting the gateway conditions and does not reside in such a district or does not meet the gateway conditions 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 or meeting those conditions and one or both of them does not or do not reside in such a district or does not or do not meet those conditions 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 or meeting the gateway conditions;]
- (c) [^{F10}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)[^{F11}, (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 (6) and (7) 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) ^{F12} Paragraphs (1) to (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.]

(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

- F9** Art. 4 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 \(S.I. 2014/1452\)](#), **arts. 3, 19(1), 19(4)**
- F10** Art. 4 amended (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, 7(4)**
- F11** Art. 4 amended (30.6.2014 for specified purposes) by [The Welfare Reform Act 2012 \(Commencement No. 9, 11, 13 14, 16 and 17 and Transitional and Transitory Provisions \(Amendment\)\) Order 2014 \(S.I. 2014/1661\)](#), **arts. 3, 6(5)**
- F12** Art. 4(7) amended (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(4)**

Modifications etc. (not altering text)

- C9** Art. 4 modified (29.6.2016) by [The Welfare Reform Act 2012 \(Commencement No. 13, 14, 16, 19, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2016 \(S.I. 2016/596\)](#), **art. 6(1)(2)(d)(e)**
- C10** Art. 4 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. 15**
- C11** Art. 4 modified (22.7.2020) 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)) (as amended: (4.8.2020) by (S.I. 2020/826), regs. 1, 2(2)).
- C12** Art. 4(2)(a) modified (29.6.2016) by [The Welfare Reform Act 2012 \(Commencement No. 13, 14, 16, 19, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2016 \(S.I. 2016/596\)](#), art. 4, **Sch.**
- C13** Art. 4(2)(a) modified (27.7.2016) by [The Welfare Reform Act 2012 \(Commencement No. 13, 14, 16, 19, 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2016 \(S.I. 2016/596\)](#), art. 5, **Sch.**

- C14** 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.**
- C15** 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)
- C16** Art. 4(6) amended (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**

Amendment of the No. 9 Order

5. With effect from 29th October 2013—

- (a) in article 11(2)(f)(ii) of the No. 9 Order, for “paragraph (2)(b)(iii)” substitute “paragraph (4)(c)”; and
- (b) in article 5 of 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^{M4}, the reference to article 11 of the No. 9 Order is a reference to article 11 as amended by paragraph (a).

Marginal Citations

M4 [S.I. 2013/1511](#) (C. 60).

Application of the No. 9 Order

6. [^{F13}Articles] 9 to 22 of the No. 9 Order^{M5F14} 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 [^{F15}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

- F13** Art. 6 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. 19(5)**
- F14** Art. 6 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**
- F15** Art. 6 amended (30.6.2014 for specified purposes) by *The Welfare Reform Act 2012* (Commencement No. 9, 11, 13 14, 16 and 17 and Transitional and Transitory Provisions (Amendment)) Order 2014 (S.I. 2014/1661), **arts. 3, 6(6)**

Marginal Citations

M5 Articles 10 to 13 of, and Schedule 4 (which takes effect under article 9) to, the Order were amended by [S.I. 2013/1511](#) (C.60); article 11 of the Order was amended by article 5 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. 13 and Transitional and Transitory Provisions) Order 2013.