
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends 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 (S.I. 2013/1511 (C. 60) (“the No. 11 Order”)) and the Welfare Reform Act 2012 (Commencement No. 17 and Transitional and Transitory Provisions) Order 2014 (S.I. 2014/1583 (C. 61) (“the No. 17 Order”)) so as to modify the “gateway conditions” specified in Schedule 5 to 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 (“the No. 9 Order”) by (in large part) removing the condition that a claimant must not have responsibility for children or young persons in a case where the claimant resides in certain postcode districts or part-districts covered by the No. 11 and No. 17 Orders.

The amendment has the effect that the provisions listed in Schedule 2 to the No. 9 Order (“the UC provisions”) will come into force where, on the date on which a claim for universal credit (UC) is made, the claimant resides in one of those postcode districts or part-districts and meets the modified gateway conditions.

The amendment also has the effect that the provisions in Part 1 of the Welfare Reform Act 2012 (c.5) that abolish income-related employment and support allowance and income-based jobseeker’s allowance (“the amending provisions”) will come into force where on the date on which a claim for UC, an employment and support allowance (ESA) or a jobseeker’s allowance (JSA) is made, the claimant resides in those postcode districts or part-districts and meets the modified gateway conditions.

This Order also clarifies the definition of “claimant” in the existing commencement orders under which the UC provisions and the amending provisions come into force and makes a technical amendment to certain transitional provisions concerning waiting periods.

Article 3 provides that the main case in which the amendments regarding the gateway conditions and the definition of “claimant” apply is where a claim is made for UC, ESA or JSA on or after 24th November 2014 and the claimant resides in one of the areas in relation to which the UC provisions and the amending provisions come into force under the existing commencement orders.

Articles 4 and 5 amend the definitions of “gateway conditions” in article 2(1) of the No. 11 and No. 17 Orders so that there is no longer a general condition that a claimant must not have responsibility for children and young persons. In its place is a condition that a claimant must not have responsibility for certain children and young persons (for example most children or young persons who are looked after by a local authority and children or young persons who are entitled to a disability living allowance or personal independence payment).

Article 6 substitutes for paragraph (1) of article 5 of the No. 9 Order new paragraphs (1), (1A) and (1B) which clarify the meaning of “claimant” in article 4(2)(a) of, and Schedule 5 to, the No. 9 Order where a person makes a claim for an employment and support allowance or a jobseeker’s allowance and is a member of a couple, and makes consequential changes to other existing commencement orders.

Article 7 amends provisions of the No. 9 Order consequent on changes made by the Social Security (Jobseeker’s Allowance and Employment and Support Allowance (Waiting Days) Regulations (S.I. 2014/2309) with respect to waiting days for entitlement to employment and support allowance and jobseeker’s allowance.