
STATUTORY INSTRUMENTS

2015 No. 101

The Welfare Reform Act 2012 (Commencement No. 22 and Transitional and Transitory Provisions) Order 2015

Interpretation

2.—(1) In this Order—

“the 2015 Amendment Order” means the Welfare Reform Act 2012 (Commencement No. 9, 11, 13, 14, 16, 17 and 19 and Transitional and Transitory Provisions (Amendment)) Order 2015 ^{M1};

“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) ^{M2};

“the Claims and Payments Regulations 1987” means the Social Security (Claims and Payments) Regulations 1987 ^{M3};

“claimant”—

(a) in relation to an employment and support allowance, has the same meaning as in Part 1 of the Welfare Reform Act 2007 ^{M4};

(b) in relation to a jobseeker's allowance, has the same meaning as in the Jobseekers Act 1995 ^{M5} (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);

(c) in relation to universal credit, has the same meaning as in Part 1 of the Act ^{M6};

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

“First-tier Tribunal” has the same meaning as in the Social Security Act 1998 ^{M7};

“Index of Relevant Districts” means the Index of Relevant Districts issued by the Department for Work and Pensions on 10th February 2015 ^{M8};

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

“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;

“Upper Tribunal” has the same meaning as in the Social Security Act 1998.

(2) In this Order, “gateway conditions” means the conditions specified in Schedule 5 to the No. 9 Order ^{M9}—

(a) as that Schedule has effect apart from the amendments made by article 4(5)(b) of the 2015 Amendment Order;

(b) as if that Schedule, as it has effect under sub-paragraph (a), were amended in accordance with paragraph (4) of this article; and

Status: Point in time view as at 21/03/2016. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The Welfare Reform Act 2012 (Commencement No. 22 and Transitional and Transitory Provisions) Order 2015, Section 2. (See end of Document for details)

- (c) in relation to a case where a claim for universal credit, an employment and support allowance or a jobseeker's allowance is made or treated as made on or after 6th April 2015, as if, in paragraph 4(1) of that Schedule, as that Schedule has effect under sub-paragraph (b), for “£330” there were substituted “ £338 ”.
- (3) In this Order, references to numbered “relevant districts” are to the postcode districts and part-districts specified in the first column of the table in the Index of Relevant Districts corresponding to the number relating to those relevant districts that is specified in the third column of that table.
- (4) The amendments to Schedule 5 to the No. 9 Order (gateway conditions) referred to in sub-paragraph (2)(b) are—
- (a) after paragraph 1(a) (personal characteristics) ^{M10} insert—
- “(b) a single person (where that expression has the meaning given by section 40 of the Act);”;
- (b) for paragraph 4 (income and capital) ^{M11} substitute—
- “4.—(1) The claimant must declare that, during the period of one month starting with the date on which the claim for universal credit is made, the claimant's earned income is expected not to exceed £330.
- (2) The claimant's capital must not exceed £6,000.
- (3) For the purposes of this paragraph, “earned income” and “capital” have the same meanings as they have in Part 6 of the Universal Credit Regulations.”;
- (c) in paragraph 8 (declarations)—
- (i) in sub-paragraph (1) omit “, 4(2)”;
- (ii) omit sub-paragraph (2).
- (5) 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 ^{M12} apply for the purposes of deciding—
- (a) whether a claim for universal credit is made; and
- (b) the date on which such a claim is made.
- (6) For the purposes of this Order, the Claims and Payments Regulations 1987 apply, subject to paragraphs (7) and (8), for the purposes of deciding—
- (a) whether a claim for an employment and support allowance or a jobseeker's allowance is made; and
- (b) the date on which the claim is made or treated as made.
- (7) Subject to paragraph (8), for the purposes of this Order—
- (a) a person makes a claim for an employment and support allowance or a jobseeker's allowance if he or she takes any action which results in a decision on a claim being required under the Claims and Payments Regulations 1987; and
- (b) it is irrelevant that the effect of any provision of those Regulations is that, for the purposes of those Regulations, the claim is made or treated as made at a date that is earlier than the date on which that action is taken.
- (8) Where, by virtue of—
- (a) regulation 6(1F)(b) or (c) of the Claims and Payments Regulations 1987 ^{M13}, in the case of a claim for an employment and support allowance; or

(b) regulation 6(4ZA) to (4ZD) and (4A)(a)(i) and (b) of those Regulations^{M14}, in the case of a claim for a jobseeker's allowance,

a claim for an employment and support allowance or a jobseeker's allowance is treated as made at a date that is earlier than the date on which the action referred to in paragraph (7)(a) is taken, the claim is treated as made on that earlier date.

Modifications etc. (not altering text)

- C1** Art. 2 modified (14.1.2016) by [The Welfare Reform Act 2012 \(Commencement No. 26 and Transitional and Transitory Provisions and Commencement No. 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2016 \(S.I. 2016/33\)](#), **art. 6**
- C2** Art. 2 modified (21.3.2016) by [The Welfare Reform Act 2012 \(Commencement No. 27 and Transitional and Transitory Provisions and Commencement No. 22, 23 and 24 and Transitional and Transitory Provisions \(Modification\)\) Order 2016 \(S.I. 2016/407\)](#), **art. 6**

Marginal Citations

- M1** [S.I. 2015/32 \(C. 3\)](#).
- M2** [S.I. 2013/983 \(C. 41\)](#); [article 4](#) was substituted by [S.I. 2014/1452 \(C. 56\)](#).
- M3** [S.I. 1987/1968](#).
- M4** 2007 c. 5.
- M5** 1995 c. 18.
- M6** See [section 40](#) of the Welfare Reform Act 2012.
- M7** 1998 c. 14.
- M8** See the Explanatory Note for details of the internet publishing and availability of the Index of Relevant Districts; a copy is also being published alongside this Order in the libraries of both Houses of Parliament.
- M9** [Schedule 5](#) was inserted by [S.I. 2014/1452 \(C. 56\)](#); relevant amending instruments are [S.I. 2014/1661 \(C. 69\)](#) and [1923 \(C. 88\)](#) and [S.I. 2015/32 \(C. 3\)](#). By [article 3\(3\)](#) of [S.I. 2015/32](#), the amendment of [Schedule 5](#) with respect to Credit Union accounts takes effect in relation to claims for universal credit, an employment and support allowance or a jobseeker's allowance made on or after 6th April 2015.
- M10** [S.I. 2014/1923 \(C. 88\)](#) revoked sub-paragraph 1(b); [article 2\(4\)\(a\)](#) reinserts the revoked provision for the purposes of this Order.
- M11** Amended by [S.I. 2014/1923 \(C. 88\)](#).
- M12** [S.I. 2013/380](#).
- M13** Paragraph (1F) was inserted by [S.I. 2008/1554](#) and substituted by [S.I. 2009/1490](#).
- M14** Paragraphs (4ZA) to (4ZD) were inserted by [S.I. 2000/1982](#) and paragraph (4ZC) was amended by [S.I. 2009/1490](#). Paragraph (4A) was inserted by [S.I. 1996/1460](#), substituted by [S.I. 1997/793](#) and amended by [S.I. 1999/3108](#), [S.I. 2000/1982](#) and [S.I. 2009/1490](#).

Status:

Point in time view as at 21/03/2016. This version of this provision has been superseded.

Changes to legislation:

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