

## 2015 No. 634 (C. 32)

### SOCIAL SECURITY

#### The Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015

Made - - - -

10th March 2015

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

#### Citation

1. This Order may be cited as the Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015.

#### 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)(b);  
“claimant”—

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

(b) in relation to a jobseeker’s allowance, has the same meaning as in the Jobseekers Act 1995(e) (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) of this Order;

(c) in relation to universal credit, has the same meaning as in Part 1 of the Act(f);  
“the Claims and Payments Regulations 1987” means the Social Security (Claims and Payments) Regulations 1987(g);

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

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

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(a) 2012 c. 5.

(b) Article 4 was substituted by S.I. 2014/1452 (c. 56) and amended by S.I. 2014/1923 (c. 88).

(c) 2007 c. 5.

(d) Article 5(1A) was inserted by S.I. 2014/3067 (c. 129).

(e) 1995 c. 18.

(f) See section 40.

(g) S.I. 1987/1968.

“joint claimants”, in relation to universal credit, has the same meaning as in Part 1 of the Act(a);

“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(b);

“the No. 11 Order” means 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(c);

“the No. 13 Order” means the Welfare Reform Act 2012 (Commencement No. 13 and Transitional and Transitory Provisions) Order 2013(d);

“the No. 14 Order” means the Welfare Reform Act 2012 (Commencement No. 14 and Transitional and Transitory Provisions) Order 2013(e);

“the No. 16 Order” means the Welfare Reform Act 2012 (Commencement No. 16 and Transitional and Transitory Provisions) Order 2014(f);

“the No. 17 Order” means the Welfare Reform Act 2012 (Commencement No. 17 and Transitional and Transitory Provisions) Order 2014(g);

“the No. 19 Order” means the Welfare Reform Act 2012 (Commencement No. 19 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2014(h);

“the No. 21 Order” means the Welfare Reform Act 2012 (Commencement No. 21 and Transitional and Transitory Provisions) Order 2015(i);

“the No. 22 Order” means the Welfare Reform Act 2012 (Commencement No. 22 and Transitional and Transitory Provisions) Order 2015(j);

“the No. 50 relevant districts” means the postcode part-districts SM6 7 and SM6 8;

“the No. 51 relevant districts” means the postcode part-districts CR0 4 and SM6 9;

“the No. 52 relevant districts” means the postcode part-districts CR0 2 and SE1 5;

“single claimant”, in relation to universal credit, has the same meaning as in Part 1 of the Act(k).

(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(l) 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.

(3) For the purposes of this Order, the Claims and Payments Regulations 1987 apply, subject to paragraphs (4) and (5), 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.

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(a) See section 40.

(b) S.I. 2013/983 (c. 41).

(c) S.I. 2013/1511 (c. 60).

(d) S.I. 2013/2657 (c. 107).

(e) S.I. 2013/2846 (c. 114).

(f) S.I. 2014/209 (c. 7).

(g) S.I. 2014/1583 (c. 61).

(h) S.I. 2014/2321 (c. 99).

(i) S.I. 2015/33 (c. 4).

(j) S.I. 2015/101 (c. 6).

(k) See section 40.

(l) S.I. 2013/380.

- (4) Subject to paragraph (5), 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.
- (5) Where, by virtue of—
- (a) regulation 6(1F)(b) or (c) of the Claims and Payments Regulations 1987(a), 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(b), 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 (4)(a) is taken, the claim is treated as made on that earlier date.

### Day appointed for the coming into force of the universal credit provisions

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).

- (2) The claims referred to are—
- (a) a claim for universal credit that is made on or after 18th March 2015 in respect of a period that begins on or after 18th March 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 50 relevant districts;
  - (b) a claim for universal credit that is made on or after 10th June 2015 in respect of a period that begins on or after 10th June 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 51 relevant districts;
  - (c) a claim for universal credit that is made on or after 4th November 2015 in respect of a period that begins on or after 4th November 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 52 relevant districts;
  - (d) a claim for universal credit that is made on or after the date referred to in any of sub-paragraphs (a) to (c), in respect of a period that begins on or after that date where—
    - (i) in the case of a single claimant, the claimant gives incorrect information regarding the claimant residing in a district as referred to in the sub-paragraph in question and the claimant does not reside in such a district 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 and one or both of them does not or do not reside in such a district on the date on which the claim is made,and 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.

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(a) Para. (1F) was inserted by S.I. 2008/1554 and substituted by S.I. 2009/1490.

(b) Paras. (4ZA) to (4ZD) were inserted by S.I. 2000/1982 and para. (4ZC) was amended by S.I. 2009/1490. Para. (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.

(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) 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.

(5) Article 3A of the No. 9 Order(a) 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 or give incorrect information regarding his or her (or their) residing in one of the No. 50, No. 51 or No. 52 relevant districts, as it applies in connection with the giving of incorrect information regarding a claimant residing in one of the relevant districts (as defined in the No. 9 Order).

**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 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 that is made on or after 18th March 2015 in respect of a period that begins on or after 18th March 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 50 relevant districts;
- (b) a claim for universal credit that is made on or after 10th June 2015 in respect of a period that begins on or after 10th June 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 51 relevant districts;
- (c) a claim for universal credit that is made on or after 4th November 2015 in respect of a period that begins on or after 4th November 2015 where, on the date on which the claim is made, the claimant resides in one of the No. 52 relevant districts;
- (d) a claim for universal credit that is made on or after the date referred to in any of sub-paragraphs (a) to (c), in respect of a period that begins on or after that date where—
  - (i) in the case of a single claimant, the claimant gives incorrect information regarding the claimant residing in a district as referred to in the sub-paragraph in question and the claimant does not reside in such a district 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 and one or both of them does not or do not reside in such a district on the date on which the claim is made,

and 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;

- (e) a claim for an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 18th March 2015 where, on the date on which the claim is made or treated as made, the claimant resides in one of the No. 50 relevant districts;
- (f) a claim for an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 10th June 2015 where, on the date on which the claim is made or treated as made, the claimant resides in one of the No. 51 relevant districts;

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(a) Article 3A was substituted by S.I. 2014/1923 (c. 88) and is amended by article 8 of this Order.

- (g) a claim for an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 4th November 2015 where, on the date on which the claim is made or treated as made, the claimant resides in one of the No. 52 relevant districts;
- (h) a claim for an employment and support allowance or a jobseeker's allowance other than one referred to in sub-paragraphs (e) to (g) 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 any of sub-paragraphs (a) to (d).

(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)(h), "relevant period" means, in relation to a claim for universal credit within any of sub-paragraphs (a) to (d) of paragraph (2), 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 within any of sub-paragraphs (a) to (c) of paragraph (2), or within sub-paragraph (d)(i) or (ii) of that paragraph, 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(a), 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(b).

(6) Paragraphs (6), (7), (9) and (10) of article 4 of the No. 9 Order(c) apply in relation to 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 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) Paragraphs (1A) and (1B) of article 5 of the No. 9 Order(d) apply for the purposes of sub-paragraphs (e) to (g) of paragraph (2) 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) 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.

[Art. 5 makes amends to art. 2, 3 & 4 of this order for claims to universal credit, employment and support allowance and jobseekers allowance for claims from 18.3.15 and before 10.6.15].

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(a) 1998 c. 14.

(b) See section 3 of the Tribunals, Courts and Enforcement Act 2007 (c. 15) as to the meaning of "First-tier Tribunal" and "Upper Tribunal".

(c) Paras. (9) & (10) of article 4 were inserted by S.I. 2015/32 (c. 3) as amended by S.I. 2015/101 (c. 6).

(d) Article 5 was substituted by S.I. 2014/1452 (c. 56) and amended by S.I. 2014/1923 (c. 88); paras. (1) to (1B) of article 5 were inserted by S.I. 2014/3067 (c. 129).

**Application of the No. 9 Order**

6. Articles 9 to 22 of the No. 9 Order(a) 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 sub-paragraph (a), (b) or (g) of article 4(2) of the No. 9 Order and any award made in respect of the claim.

**Transitional provision: claims for housing benefit, income support or a tax credit**

7.—(1) Except as provided by paragraphs (2) to (6), a person may not make a claim for housing benefit, income support or a tax credit (in the latter case, whether or not as part of a Tax Credits Act couple) on any date where, if that person made a claim for universal credit on that date (in the capacity, whether as a single person or as part of a couple, in which he or she is permitted to claim universal credit under the Universal Credit Regulations 2013(b)), the provisions of the Act listed in Schedule 2 to the No. 9 Order would come into force under article 3(1) and ►<sup>1</sup>(2)(a) to (c) of this Order in relation to that claim◄ for universal credit.

<sup>1</sup>Words substituted in art. 7(1) by art. 2(a)(i) of S.I. 2015/740 as from the effective date of art. 7(1).

<sup>2</sup>Words in art. 7(2) inserted by reg. 4 of S.I. 2017/376 as from 6.4.17.

<sup>3</sup>Words in art. 7(2) inserted by reg. 3(3) of S.I. 2019/10 as from 16.1.19.

<sup>4</sup>Words deleted in art. 7(2) by reg. 4(3) of S.I. 2019/27 as from 1.2.19.

(2) Paragraph (1) does not apply to a claim for housing benefit, income support or a tax credit where, by virtue of a determination made under regulation 4►<sup>2</sup>, or by virtue of regulation ►<sup>3</sup>4A◄ ►<sup>4</sup>◄ of the Universal Credit (Transitional Provisions) Regulations 2014(c), the person in question would be prevented from making a claim for universal credit as referred to in that paragraph.

(3) Paragraph (1) does not apply to a claim for housing benefit in respect of specified accommodation.

(4) Paragraph (1) does not apply to a claim for housing benefit or a tax credit where—

- (a) in the case of a claim for housing benefit, the claim is made by a person who has reached the qualifying age for state pension credit, or by a person who is a member of a State Pension Credit Act couple the other member of which has reached that age;
- (b) in the case of a claim for a tax credit, the claim is made by—
  - (i) a person who has reached the qualifying age for state pension credit;
  - (ii) a Tax Credits Act couple both members of which have reached, or either member of which has reached, that age; or
  - (iii) in a case not covered by paragraph (i), a person who is a member of a State Pension Credit Act couple where the other member of the couple has reached that age.

(5) Paragraph (1) does not apply to a claim for a tax credit where a person or persons makes or make a claim for child tax credit or working tax credit and on the date on which he or she (or they) makes or make the claim he or she (or they) is or are entitled to working tax credit or child tax credit respectively.

(6) Paragraph (1) does not apply to a claim for a tax credit where a person is or was, or persons are or were, entitled to child tax credit or working tax credit in respect of a tax year and that person or those persons makes or make (or is or are treated as making) a claim for that tax credit for the next tax year.

(a) Articles 10 to 13 of, and Sch. 4 to, the No. 9 Order (Sch. 4 takes effect under article 9) were amended by S.I. 2013/1511 (c. 60); article 11 of the No. 9 Order was amended by S.I. 2013/2657 (c. 107); articles 9, 11, 13, 15, 18 and 22 of the No. 9 Order were amended by S.I. 2014/1452 (c. 56); articles 10, 11, 12 and 13 were amended by S.I. 2014/3067 (c. 129).

(b) S.I. 2013/376.

(c) S.I. 2014/1230.

(7) In paragraph (5), the reference to a person being entitled to a tax credit includes where a person is treated as being entitled to a tax credit in the circumstances referred to in regulation 11 of the Universal Credit (Transitional Provisions) Regulations 2014 but as if regulation 11 were amended as follows—

- (a) in paragraph (1), for “For the purposes of regulations 7(7) and 8(4)” substitute “For the purposes of article 6(5) of the Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015”; and
- (b) for paragraph (2)(d)(iii), substitute—
  - “(iii) the person’s claim for child tax credit or working tax credit is made during the period of 30 days starting with the date on the notice referred to in paragraph (ii).”.

(8) Subject to paragraph (9), for the purposes of this article—

- (a) a claim for housing benefit, income support or a tax credit is made by a person on the date on which he or she takes any action which results in a decision on a claim being required under the relevant Regulations; and
- (b) it is irrelevant that the effect of any provision of the relevant Regulations is that, for the purpose of those Regulations, the claim is made or treated as made on a date that is earlier than the date on which that action is taken.

(9) Where under the provisions referred to in paragraph (10), a claim for housing benefit or income support is treated as made at a date that is earlier than the date on which the action referred to in paragraph (8)(a) is taken, the claim is treated as made on that earlier date.

(10) The provisions referred to are—

- (a) in the case of a claim for housing benefit, regulation 83(4E), (4F), (5)(d) or (8) of the 2006 Regulations<sup>(a)</sup> or, as the case may be, regulation 64(5F), (5G), (6)(d) or (9) of the the 2006 (SPC) Regulations<sup>(b)</sup>; or
- (b) in the case of a claim for income support, <sup>1</sup>regulation 6(1A)(b) or 6A<sup>1</sup> of the Claims and Payments Regulations 1987<sup>(c)</sup>.

<sup>1</sup>Words in art. 7(10)(b) substituted by art. 2(a)(ii) of S.I. 2015/740 as from the effective date of art. 7(10)(b).

(11) For the purposes of this article—

- (a) “couple” (apart from in the expressions “State Pension Credit Act couple” and “Tax Credit Act couple”), has the meaning given in section 39 of the Act;
- (b) “housing benefit” means housing benefit under section 130 of the Social Security Contributions and Benefits Act 1992<sup>(d)</sup>;
- (c) “income support” means income support under section 124 of the Social Security Contributions and Benefits Act 1992;
- (d) “qualifying age for state pension credit” means the qualifying age referred to in section 1(6) of the State Pension Credit Act 2002<sup>(e)</sup>;
- (e) “the 2006 Regulations” means the Housing Benefit Regulations 2006<sup>(f)</sup>;
- (f) “the 2006 (SPC) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006<sup>(g)</sup>;

(a) S.I. 2006/213. In regulation 83, para. (4E) was inserted by S.I. 2006/2967 and amended by S.I. 2008/2299; para. (4F) was inserted by S.I. 2008/2299; para. (5) was amended by S.I. 2007/2911, 2008/1082, 2299 and 2013/2070; para. (8) was substituted by S.I. 2008/2987.

(b) S.I. 2006/214. In regulation 64, para. (5F) was inserted by S.I. 2006/2967 and amended by S.I. 2008/2299; para. (5G) was inserted by S.I. 2008/2299; para. (6) was amended by S.I. 2007/2911 and 2008/2299; para. (9) was substituted by S.I. 2008/2987.

(c) Regulation 6(1A) was inserted by S.I. 1997/793. Regulation 6A was inserted by S.I. 2000/897 and amended by S.I. 2001/3210, 2002/1703, 2003/492, 2004/959 and 2006/832.

(d) 1992 c. 4.

(e) 2002 c. 16.

(f) S.I. 2006/213.

(g) S.I. 2006/214.

- (g) “the relevant Regulations” means–
- (i) in the case of a claim for housing benefit, the 2006 Regulations or, as the case may be, the 2006 (SPC) Regulations;
  - (ii) in the case of a claim for income support, the Claims and Payments Regulations 1987;
  - (iii) in the case of a claim for a tax credit, the Tax Credits (Claims and Notifications) Regulations 2002(a);
- (h) “specified accommodation” means accommodation to which one or more of sub-paragraphs (2) to (5) of paragraph 3A of Schedule 1 to the Universal Credit Regulations 2013(b) applies;
- (i) “State Pension Credit Act couple” means a couple as defined in section 17 of the State Pension Credit Act 2002(c);
- (j) “tax credit” (including “child tax credit” and “working tax credit”) and “tax year” have the same meanings as in the Tax Credits Act 2002(d);
- (k) “Tax Credits Act couple” means a couple as defined in section 3(5A) of the Tax Credits Act 2002(e).

**Amendment of the Welfare Reform Act 2012 (Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional**

[Art. 8 amends art 3A(3) and 5A(3) of the No. 9 order S.I. 2013/983 (c. 41) and the any reference to the No. 9 order made in the No. s 11 – 14, 16-17, 19, 21 or 22 Orders].

[Art. 9 makes various amends to S.I. 2015/33 (c. 33) for claims to universal credit, employment and support allowance and jobseekers allowance made on or after 10.6.15].

[Art. 9(5) (b) amended by reg. 2(b) of S.I. 2015/740 as from the effective date of art. 9(5) (b)].

[Art. 10 substitutes words in reg. 5(3) (a) of S.I. 2014/2887 with effect from 18.3.15].

[Art. 11 substitutes words in reg. 4(3) (a) of S.I. 2015/345].

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

*Freud*  
Parliamentary Under Secretary of State

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(a) S.I. 2002/2014.

(b) Para. 3A was inserted by S.I. 2014/771.

(c) The definition of “couple” in section 17 was substituted by S.I. 2014/560.

(d) 2002 c. 21. See sections 1(1) and (2), 48(1) and 67.

(e) 2002 c. 21. Subsection (5A) was inserted by section 254(1) of, and para. 144(1) & (3) of Sch. 24 to, the Civil Partnership Act 2004 (c. 33).

10th March 2015

Department for Work and Pensions.

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force 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 income-based jobseeker’s allowance, in relation to the cases set out in articles 3 and 4.

Article 3 brings into force provisions relating to UC in Part 1 of the Act (“the UC provisions”), as set out in Schedule 2 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 (S.I. 2013/983 (c. 41) (“the No. 9 Order”), in relation to a number of different cases as set out below.

Under article 3(1) and (2)(a), the UC provisions come into force in relation to a claim for UC, and any award that is made in respect of the claim, where the claim is made on or after 18th March 2015 with respect to a period that begins on or after 18th March 2015 and, on the date on which the claim is made, the claimant resides in one of the “No. 50 relevant districts”. Sub-paragraphs (b) and (c) of article 3(2) make the same provision for claims made on or after 10th June 2015 where the claimant resides in one of the “No. 51 relevant districts”, and for claims made on or after 4th November 2015 where the claimant resides in one of the “No. 52 relevant districts”, respectively. See article 2(1) for the definition of those areas.

Under article 3(1) and (2)(d), the UC provisions come into force in relation to a claim for UC, and any award that is made in respect of the claim, where the claimant claims UC on or after the dates referred to in article 3(2)(a) to (c) in respect of a period that begins on or after those dates and provides incorrect information regarding the claimant residing in the area in question, but this is only discovered once payments of UC have been made.

Under article 3(3), the day appointed for the coming into force of the UC provisions in the above cases is the first day of the period in respect of which the claim is made.

Paragraphs (4) and (5) of article 3 apply the provisions of article 3(6) (period for which a claim for UC is made) and article 3A (incorrect information regarding entitlement to claim UC) of the No. 9 Order respectively to the cases in article 3(2) of this Order (see below as to the amendment of article 3A by article 8 of this Order).

Article 4 brings into force provisions of the Act relating to the abolition of income-related employment and support allowance and income-based jobseeker’s allowance (“the amending provisions”), in relation to a number of different cases as referred to below.

Below, “old style ESA” means employment and support allowance under Part 1 of the Welfare Reform Act 2007 (c. 5) as that Part has effect apart from the amending provisions, and “old style JSA” means jobseeker’s allowance under the Jobseekers Act 1995 (c. 18) as that Act has effect apart from the amending provisions.

Under article 4(1) and (2)(a), 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 the claim is made on or after 18th March 2015 with respect to a period that begins on or after 18th March 2015 and, on the date on which the claim is made, the claimant resides in one of the “No. 50 relevant districts”. Sub-paragraphs (b) and (c) of article 4(2) make the

same provision for claims made on or after 10th June 2015 where the claimant resides in one of the “No. 51 relevant districts”, and for claims made on or after 4th November 2015 where the claimant resides in one of the “No. 52 relevant districts”, respectively.

Under article 4(1) and (2)(d), 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 the claimant claims UC on or after the dates referred to in article 4(2)(a) to (c) in respect of a period that begins on or after those dates and provides incorrect information regarding the claimant residing in the area in question, but this is only discovered once payments of UC have been made.

Under article 4(1) and sub-paragraphs (e) to (g) of paragraph (2), the amending provisions come into force in relation to a claim for an employment and support allowance (“ESA”) or a jobseeker’s allowance (“JSA”), and any award that is made in respect of the claim, where the claim is made on or after the dates referred to in any of those sub-paragraphs and, on the date on which the claim is made, the claimant resides in the area specified in that sub-paragraph.

Under article 4(1) and (2)(h), the amending provisions come into force in relation to the case of a claim for ESA or JSA where the claim is not a claim for ESA or JSA as referred to in article 4(2)(e) to (g) and where the claim is made during the “relevant period” (mainly the period when a claim for UC is being considered or an award of UC is extant).

Under article 4(3), the day appointed for the coming into force of the amending provisions in the above cases is the first day of the period in respect of which the claim is made.

Paragraphs (6) to (8) of article 4 apply the provisions of article 4(6), (7), (9) and (10) (matters included in the reference to the case of a claim for UC) and article 5(1A), (1B) (claim for ESA or JSA by a member of a couple) and (8) (the period for which a claim for ESA, JSA or UC is made) of the No. 9 Order to the cases in article 4(2).

Article 5 contains a transitory provision to the effect that, where a claim is made for UC, ESA or JSA on or after 18th March 2015 and before 10th June 2015, and where, under articles 3 and 4, a claimant must reside in a specified area in order for the UC provisions and the amending provisions to come into force in relation to the claim, then the claimant must also meet the “specified condition” in order for those provisions to come into force.

Article 6 provides that 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 article 4(2)(a), (b) or (g) of the No. 9 Order, and any award made in respect of the claim.

Article 7 contains transitional provisions that provide that, save in specified cases, a person may not make a claim for housing benefit, income support or a tax credit on any date where, if that person made a claim for UC on that date, the UC provisions would come into force in relation to the claim by virtue of article 3(1) and (2)(a) of this Order.

Article 8(2) amends the No. 9 Order, in relation to a claim for UC that is made on or after 18th March 2015, in order to insert in article 3A(3) of that Order (exception to provision allowing backdating of claims for old style ESA, old style JSA, income support, housing benefit or a tax credit) a reference to a determination made under regulation 4 of the Universal Credit (Transitional Provisions) Regulations 2014 (S.I 2014/1230) (claims for UC may not be made in an area, or category of case) so that backdating can occur where the claimant is not able to claim UC in an area referred to in article 3A(3) owing to such a determination.

Article 8(5) makes a technical amendment to article 5A of the No. 9 Order (determination under regulation 4 and claims for ESA or JSA), in relation to a claim for

ESA or JSA that is made on or after 18th March 2015, to align it with articles 4 and 5 of the No. 9 Order following amendments made by S.I. 2015/32 (c. 3) with respect to the date on which claims for ESA and JSA are made.

Paragraphs (2) to (4) of article 9 amend articles 2, 3 and 4 of the Welfare Reform Act 2012 (Commencement No. 21 and Transitional and Transitory Provisions) Order 2015 (S.I. 2015/33) (“No. 21 Order”) in order to remove references to the “specified condition” in relation to a claim for UC, ESA or JSA that is made on or after 10th June 2015 (so mirroring the provisions made by articles 3, 4 and 5 of this Order).

Article 9(5) amends article 6 of the No. 21 Order (bar on claiming housing benefit, income support or a tax credit, where a person is able to claim UC under the Order), with effect from 18th March 2015, in order to insert an additional exception regarding the making of a determination under regulation 4 of the Universal Credit (Transitional Provisions) Regulations 2014, mirroring the exception in article 7(2) of this Order, and to make a technical change to align article 6(9) of the No. 21 Order with article 7(10) of this Order.

Article 10 modifies the Universal Credit (Digital Service) Amendment Regulations 2014 (2014/2887) to the effect that the saving in that regulation does not apply (and so the amendments made by those Regulations do apply) where an award of UC is made by reference to residence in the postcode part-districts referred to in articles 3 and 4 of this Order, as well as where such an award is made by reference to residence in postcode part-district SM5 2 (in relation to which the UC provisions come into force under S.I. 2015/33 (c. 4)). Article 11 makes similar provision in relation to the Universal Credit (Surpluses and Self-employed Losses) (Digital Service) Amendment Regulations 2015 (S.I. 2015/345).

