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STATUTORY INSTRUMENTS

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**2016 No. 33**

**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**

**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)(1);

“claimant”—

(a) in relation to an employment and support allowance, has the same meaning as in Part 1 of the Welfare Reform Act 2007(2), save as mentioned in article 5(1A) of the No. 9 Order as applied by article 4(7) of this Order(3);

(b) in relation to a jobseeker’s allowance, has the same meaning as in the Jobseekers Act 1995(4) (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(5);

“the Claims and Payments Regulations 1987” means the Social Security (Claims and Payments) Regulations 1987(6);

“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;

“joint claimants”, in relation to universal credit, has the same meaning as in Part 1 of the Act(7);

“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(8);

“the No. 22 Order” means the Welfare Reform Act 2012 (Commencement No. 22 and Transitional and Transitory Provisions) Order 2015(9);

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(1) Article 4 was substituted by [S.I. 2014/1452 \(C. 56\)](#) and amended by [S.I. 2014/1923 \(C. 88\)](#).

(2) 2007 c. 5.

(3) Article 5(1A) was inserted by [S.I. 2014/3067 \(C. 129\)](#).

(4) 1995 c. 18.

(5) See section 40.

(6) [S.I. 1987/1968](#).

(7) See section 40.

(8) [S.I. 2013/983 \(C. 41\)](#).

(9) [S.I. 2015/101 \(C. 6\)](#).

“the No. 23 Order” means the Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015(10);

“the No. 24 Order” means the Welfare Reform Act 2012 (Commencement No. 24 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2015(11);

“the Part 1 designated postcodes” means the postcode districts and part-districts specified in Part 1 of the Schedule;

“the Part 2 designated postcodes” means the postcode part-districts specified in Part 2 of the Schedule;

“the Part 3 designated postcodes” means the postcode part-districts specified in Part 3 of the Schedule;

“the Part 4 designated postcode” means the postcode part-district specified in Part 4 of the Schedule;

“the Part 5 designated postcodes” means the postcode districts and part-districts specified in Part 5 of the Schedule;

“the Part 6 designated postcodes” means the postcode district and part-districts specified in Part 6 of the Schedule;

“the Part 7 designated postcodes” means the postcode districts and part-district specified in Part 7 of the Schedule;

“single claimant”, in relation to universal credit, has the same meaning as in Part 1 of the Act(12).

(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(13) 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.

(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(14), in the case of a claim for an employment and support allowance; or

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(10) S.I. 2015/634 (C. 32).

(11) S.I. 2015/1537 (C. 87).

(12) See section 40.

(13) S.I. 2013/380.

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

(b) regulation 6(4ZA) to (4ZD) and (4A)(a)(i) and (b) of those Regulations<sup>(15)</sup>, 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.

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<sup>(15)</sup> 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.

**Changes to legislation:**

There are currently no known outstanding effects for the 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, Section 2.