
STATUTORY INSTRUMENTS

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**

Modification of the No. 22 Order: removal of the gateway conditions

6.—(1) This article applies in the case of a claim for universal credit, an employment and support allowance or a jobseeker’s allowance that is made or treated as made on or after 27th January 2016.

(2) Where this article applies, the provisions of the No. 22 Order referred to in sub-paragraphs (a) and (b) have effect, with respect to a claimant residing in the designated postcodes referred to in the sub-paragraph in question, as though the reference in those provisions to meeting the gateway conditions were omitted—

- (a) articles 3(2)(i) and 4(2)(q) and (r), in respect of the Part 3 designated postcodes; and
- (b) articles 3(2)(t) and 4(2)(mm) and (nn), in respect of the Part 4 designated postcode.

(3) With respect to any claim in relation to which provisions of the No. 22 Order are modified under paragraph (2), the No. 22 Order has effect as though—

- (a) in article 2(1), for the definition of “claimant” there were substituted—

““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) of this Order;
- (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) of this Order;
- (c) in relation to universal credit, has the same meaning as in Part 1 of the Act;”;

- (b) for article 3(2)(v) there were substituted—

“(v) a claim for universal credit that is made on or after the date referred to in sub-paragraph (i) or (t), 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.”;

(c) for article 3(5) there were substituted—

“(5) 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 or give incorrect information regarding his or her (or their) residing in one of the No. 37 or No. 48 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).”;

(d) for article 4(2)(qq) there were substituted—

“(qq) a claim for universal credit that is made on or after the date referred to in sub-paragraph (q) or (mm), 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) for article 4(7) there were substituted—

“(7) Paragraphs (1A) and (1B) of article 5 of the No. 9 Order apply for the purposes of sub-paragraphs (r) and (nn) 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).”.