
EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies a series of prior Orders (the “prior commencement Orders”, defined below) which bring into force provisions of the Welfare Reform Act 2012 (c. 5) (“the Act”) relating to universal credit (“UC”) and the abolition of income-related employment and support allowance and income-based jobseeker’s allowance. Those prior commencement Orders are:

- (a) the Welfare Reform Act 2012 (Commencement No. 17 and Transitional and Transitory Provisions) Order 2014 (S.I. 2014/1583 (C. 61));
- (b) 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 (S.I. 2014/2321 (C. 99));
- (c) the Welfare Reform Act 2012 (Commencement No. 22 and Transitional and Transitory Provisions) Order 2015 (S.I. 2015/101 (C. 6) (“the No. 22 Order”)); and
- (d) 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 (S.I. 2015/1537 (C. 87) (“the No. 24 Order”)).

Articles 3 and 4 of each of the prior commencement Orders brought into force respectively 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”)), and provisions of the Act relating to the abolition of income-related employment and support allowance and income-based jobseeker’s allowance (“the amending provisions”, as defined in the No. 9 Order).

Article 3 of this Order modifies the provisions of the prior commencement Orders (for the coming into force of the UC provisions and the amending provisions) set out in the first column of the table in the Schedule so that the restrictions on claiming UC (“the gateway conditions”, set out in Schedule 5 to the No. 9 Order) do not apply. The modified provisions are specified in connection with the postcode districts and part-districts specified in the corresponding entry in the second column of the table. The modifications apply by reference to residence in those areas where claims are made for universal credit, an employment and support allowance or a jobseeker’s allowance on or after the dates in the corresponding entry in the third column of the table.

Article 4 of this Order makes consequential modifications to a number of similar provisions in each of the prior commencement Orders to remove references to meeting the gateway conditions. By virtue of the gateway conditions no longer applying, claims by couples will become possible for the first time in certain of the specified postcodes, namely those for which the UC provisions were commenced under the No. 22 Order and the No. 24 Order for single UC claimants only. The consequential modifications to those Orders also make provision for claims by couples.

Article 5 modifies article 7 of the Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015 (S.I. 2015/634 (C. 32)) such that, where the gateway conditions no longer apply to claims for universal credit by virtue of article 3 of this Order, save in specified cases a person may not make a claim for housing benefit, income support or a tax credit on a date on which, if that person made a claim for UC on that date, the UC provisions would come into force under the provisions in question.