

# Chapter M3: Gateway conditions

## Pathfinder Group – claims for UC from 16.6.14

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# Chapter M3: Gateway conditions – claims for UC from 16.6.14

## Introduction

M3001 This Chapter gives guidance on who can claim UC in the second stage of transition from existing benefits to UC. Claims can be made by people

1. who meet the gateway conditions<sup>1</sup> **and**
2. in specified circumstances, by people (including joint claimants) whether or not they meet the gateway conditions<sup>2</sup>.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 3(3)(a) & Sch 5; 2 art 3(3)(b)*

M3002 The second stage applies to claims or, where 5. applies, awards made on or after 16.6.14<sup>1</sup> where

1. a claimant who lives in one of the relevant districts makes a claim for UC **or**
2. a claimant gave incorrect information about living in one of the relevant districts and this is discovered after
  - 2.1 a decision is made that the claimant is entitled to UC **and**
  - 2.2 one or more payments have been made in respect of the claimant **or**
3. a claim for UC is treated as made by a couple<sup>2</sup> **or**
4. a claim for UC is made by a former member of a couple<sup>3</sup> **or**
5. an award of UC is made without a claim<sup>4</sup>.

**Note:** See the Appendix for details of the relevant districts.

*1 WR Act 12 (Commencement No. 9 etc.) (Amdt) Order, art 3(1);*

*2 UC, PIP, JSA & ESA (C&P) Regs, reg 9(8);*

*3 reg 9(6); 4 regs 6(1), 6(2), 9(6), 9(7) & 9(10)*

M3003 However, the Secretary of State may determine not to accept any particular claims for UC temporarily in order to

1. safeguard the efficient administration of UC **or**
2. ensure the effective testing of systems for the administration of UC<sup>1</sup>.

*1 UC (TP) Regs 14, reg 4*

M3004 For guidance on the effects of entitlement to UC for claimants who meet the gateway conditions, see ADM Chapter M4 (Gateway conditions – effect of transition to UC from 16.6.14).

M3005 For guidance on claims for UC made before 16.6.14, see ADM Chapter M1 (Pathfinder Group – Claims for UC).

# Definitions

## Meaning of JSA and ESA

M3006 In this Chapter and ADM Chapter M4 (Gateway conditions – effect of transition to UC from 16.6.14)

1. “new style JSA” means JSA as amended by law, based on NI contributions only
2. “old style JSA” means JSA as it applies before the amendments referred to in 1. (it includes JSA(Cont) and JSA(IB))
3. “new style ESA” means ESA as amended by law, based on NI contributions only
4. “old style ESA” means ESA as it applies before the amendments referred to in 3. (it includes ESA(Cont) and ESA(IR))<sup>1</sup>.

**Note 1:** See ADM Chapters S8 (JSA transition) and V8 (ESA transition) for guidance on when claims to JSA and ESA can be made in the relevant districts.

**Note 2:** See the Appendix for the date from which claims for UC can be made in the relevant districts.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 2(1); UC (TP) Regs 14, reg 2(1); WR Act 12, Sch 3 & 14 Part 1; JS Act 95; WR Act 07, Part 1*

## Meaning of existing benefit

M3007 Existing benefit means<sup>1</sup>

1. JSA(IB)<sup>2</sup>
2. ESA(IR)<sup>3</sup>
3. IS<sup>4</sup>
4. HB<sup>5</sup>
5. CTC<sup>6</sup>
6. WTC<sup>6</sup>.

*1 UC (TP) Regs 14, reg 2(1); 2 JS Act 95; 3 WR Act 07, Part 1; 4 SS CB Act 92, s 124; 5 s 130; 6 TC Act 02*

## Meaning of gateway conditions

M3008 The gateway conditions are the requirements in M3072 – M3131<sup>1</sup>.

*1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5*

## Meaning of new claimant partner

M3009 Where

1. a person is entitled to UC as a single person **and**
2. the award terminates when they become a member of a couple **and**
3. the other member of the couple was not entitled to UC as a single claimant immediately before the formation of the couple **and**
4. the couple is treated as having made a claim for UC<sup>1</sup> **and**
5. the DM is satisfied that the claimants meet the UC basic conditions of entitlement (other than the acceptance of a claimant commitment)<sup>2</sup>

the other member of the couple is known as a new claimant partner<sup>3</sup>

**Note:** See ADM Chapter A2 for detailed guidance on claims.

*1 UC, PIP, JSA & ESA (C&P) Regs, reg 9(8); 2 WR Act 12, s 4(1)(a) – (d); 3 UC (TP) Regs 14, reg 2(1) & 7(1)*

## Meaning of date of claim

M3010 For the purposes of claimants who satisfy the gateway conditions<sup>1</sup>, the date of a claim for UC is normally

1. the date it is received, whether made electronically or by telephone **or**
2. if later, the first day for which the claim is made<sup>2</sup>.

See Chapter A2 (Claims) for detailed guidance on the date of UC claims, including exceptions to the normal rule.

*1 UC (TP) Regs 14, reg 2(2)(a); 2 UC, PIP, JSA & ESA (C&P) Regs, reg 10*

M3011 Where a couple is treated as having made a claim for UC<sup>1</sup>, the date on which the claim is treated as having been made is the date two people form a couple<sup>2</sup>.

*1 UC, PIP, JSA & ESA (C&P) Regs, reg 9(8); UC (TP) Regs 14, reg 2(2)(b)*

M3012 – M3020

## Who can claim UC

M3021 Claims for UC in the second stage of transition to UC can only be made by claimant who

1. on the day the claim is made, live in one of the relevant districts and meet the gateway conditions **or**
2. give incorrect information about living in one of the relevant districts or meeting the gateway conditions when they do not do so and that is discovered after

**2.1** a decision is made that the claimant is entitled to UC **and**

**2.2** at least one payment has been made<sup>1</sup>.

**Note:** See M3150 et seq for guidance on claimants giving incorrect information regarding entitlement to claim.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 3(3)(a) & (b)*

## **Formation and separation of couples**

### **Formation of couple – treated as making a claim**

M3022 Where

1. a single UC claimant forms a couple, and as a result their UC award is terminated **and**
2. the other member of the couple was not entitled to UC as a single claimant **and**
3. they are joint claimants

they are treated as making a claim for UC<sup>1</sup>. But see M3041 et seq for where this does not apply. See ADM Chapter A2 for guidance on claims.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 3(3)(c); UC, PIP, JSA & ESA (C&P) Regs, reg 9(8)*

### **Formation of couple – no claim required**

M3023 Where

1. two single UC claimants form a couple **and**
2. they are entitled to UC as joint claimants without the need for a claim<sup>1</sup>

an award of UC can be made. But see M3041 et seq for when this does not apply.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 3(3)(f); UC, PIP, JSA & ESA (C&P) Regs, reg 9(7)*

### **Former joint claimants – claim required**

M3024 Where

1. an award of UC to joint claimants terminates because they separate **and**
2. the claimant who is not exempt from the requirement to make a claim makes a claim for UC within one month, starting from the date they notify the Secretary of State that they ceased to be a couple<sup>1</sup>

a claim may be made. But see M3041 et seq for where a claim cannot be made. See ADM Chapter A2 for guidance on claims.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 3(3)(d); UC, PIP, JSA & ESA (C&P) Regs, reg 9(6)*

## Former joint claimants – no claim required

M3025 Where a UC joint claim couple separates, the person who

1. does not notify the change of circumstances **or**
2. notifies it after the other member of the couple has notified the change

is not required to make a claim in order to be awarded UC<sup>1</sup>. See ADM Chapter A2 for further details. But see M3041 et seq for where this does not apply.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 3(3)(f); UC, PIP, JSA & ESA (C&P) Regs, reg 9(6)*

### Example

Edith and Jonny are entitled to UC as joint claimants from 10.7.14.

On 24.9.14 Jonny notifies that Edith returned to her parents' home on 15.9.14, and is now pregnant. He makes a further claim for UC, including a request for the claim to be backdated, and is entitled from 10.9.14 as a single claimant. Edith is entitled to UC from 10.9.14 as a single claimant without the need for a claim, even though she no longer meets the gateway conditions. Both Edith and Jonny continue to satisfy the conditions of entitlement to UC.

## Member of a couple dies

M3026 Where a joint award has ended because of the death of a member of a couple

1. the award of UC will continue as if the person had not died for the assessment period in which the death occurs and the following two assessment periods<sup>1</sup> **and**
2. an award of UC can be made to the single person at the end of this period without the need for a claim<sup>2</sup>.

See ADM Chapter A2 for further details. But see M3041 et seq for where this does not apply.

*1 UC Regs, reg 37; 2 WR Act 12 (Commencement No. 9 etc.) Order, art 3(3)(f); UC, PIP, JSA & ESA (C&P) regs, reg 9(10)*

## Earned income – no claim required

M3027 In cases where it is decided that

1. a person is no longer entitled to UC solely due to the level of earned income, but becomes entitled again within six months **or**
2. on a claim for UC, a person is not entitled to UC solely due to the level of earned income, but becomes entitled within six months

a claim to UC is not required in order to award UC<sup>1</sup>. See ADM Chapter A2 (Claims) and Chapters H3 and H4 (Earned income) for detailed guidance. But see M3041 et seq for when this does not apply.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 3(3)(e); UC, PIP, JSA & ESA (C&P) Regs, reg 6(1)*

M3028 – M3040

## Exception - entitlement to other benefits

- M3041 A claim for UC by joint claimants as in M3022 cannot be treated as made<sup>1</sup> where the member of the couple who was not entitled to UC as a single claimant is entitled to SPC<sup>2</sup>. In order to become entitled to UC that member of the couple would need to relinquish entitlement to SPC. See ADM Chapter A4 (Supersession) for guidance on relinquishing an award of benefit.

*1 UC, PIP, JSA & ESA (C&P) Regs, reg 9(8); 2 WR Act 12 (Commencement No. 9 etc.) Order, art 3(7)*

- M3042 A claim for UC as in M3024 by a former joint claimant, who is not exempt from the requirement to claim<sup>1</sup>, cannot be made where the claimant is entitled to SPC or their partner, if they have one, is entitled to

1. SPC **or**
2. old style JSA **or**
3. old style ESA **or**
4. IS<sup>2</sup>.

In order to become entitled to UC, the claimant or partner would need to relinquish entitlement to SPC or the existing benefit. See ADM Chapter A4 (Supersession) for guidance on relinquishing an award of benefit.

*1 UC, PIP, JSA & ESA (C&P) Regs, reg 9(6); 2 WR Act 12 (Commencement No. 9 etc.) Order, art 3(8)*

### Example

Terry and Adrienne are entitled to UC as joint claimants. Terry notifies DWP that he and Adrienne have separated, and he has moved in with Cheryl, who is entitled to SPC. Terry is required to claim again if he wishes to be entitled to UC. Terry and Cheryl must choose whether to claim UC, in which case Cheryl would need to give up her entitlement to SPC, or to stay on SPC, which would be superseded to award the couple rate.

- M3043 An award of UC without a claim as in M3023 (former joint claimant not required to claim), M3025 (former single claimants not required to claim as joint claimants), M3026 (member of a couple dies) or M3027 (earned income) cannot be made if the claimant or their partner is entitled to

1. SPC **or**



2. old style JSA **or**
3. old style ESA **or**
4. IS<sup>1</sup>.

In order to become entitled to UC, the claimant or partner would need to relinquish entitlement to SPC or the existing benefit. See ADM Chapter A4 (Supersession) for guidance on relinquishing an award of benefit.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 3(9)*

M3044 – M1069

## Gateway conditions

M3070 A claimant meets the gateway conditions if **all** the requirements in M3072 – M3131 are satisfied<sup>1</sup>

*1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5*

M3071 **[See ADM memo 14/14]** In order to meet some requirements, the claimant must make a declaration by whatever method is required by the Secretary of State<sup>1</sup>. This will usually be by asking the claimant a question relevant to the declaration. See M3080, M3110 and M3130 **1.** and **3.** for further details of where a declaration is required.

*1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 8*

## Personal characteristics

M3072 **[See ADM memo 14/14] [See ADM memo 15/14][See ADM memo 4/15][See ADM memo 15/15]** The claimant must be

1. aged at least 18, and under 60 years and six months<sup>1</sup> **and**
2. single<sup>2</sup> **and**
3. a British citizen who
  - 3.1 has lived in the UK for two years before the date of the UC claim **and**
  - 3.2 has not left the UK for any reason for a continuous period of four weeks or more during the period in **3.1**<sup>3</sup>.

*1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 1(a); 2 Sch 5, para 1(b); 3 Sch 5, para 1(c)*

### Example

Brendan is single and 21 years old. He is a British citizen who was born and lives in the UK. After completing his university course on 5.7.14, he goes to work in a hotel in France, returning to the UK on 8.10.14 when the contract ends. Brendan has no income, and needs to claim a means-tested benefit while he looks for work. As he

has been out of the UK for more than four weeks, Brendan does not meet the gateway conditions and is not eligible to claim UC. He claims JSA.

M3073 – M3074

## **Fitness to work**

### **Pregnancy**

M3075 A claimant who

1. is pregnant **or**
2. has been pregnant, where the date of her confinement was within the period of 15 weeks ending with the date of the UC claim

does not meet the gateway conditions<sup>1</sup>.

*1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 2(1)*

M3076 Confinement means<sup>1</sup>

1. labour resulting in the birth of a living child **or**
2. labour after 24 weeks of pregnancy resulting in the birth of a child whether alive or dead

and where labour begins on one day and the child is born on another day, she is treated as having been confined on the date of the birth.

*1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 2(2); UC Regs, reg 8(4)*

### **Example**

Cleo's baby was born on 14.8.14, but only survives for a few hours. She is not entitled to any benefits while she is living with her partner, who is in F/T employment. On 9.10.14 her partner leaves the household, and Cleo contacts the DWP to claim a means-tested benefit. Cleo is not eligible to claim UC, as it is less than 15 weeks since her baby was born, and she claims JSA(IB).

M3077 – M3079

## **Limited capability for work**

M3080 A claimant who meets the gateway conditions

1. must not have a doctor's statement in respect of the day on which the UC claim is made, unless it has subsequently been determined that they do not have LCW<sup>1</sup> **and**
2. must not be waiting for a doctor's statement<sup>2</sup> **and**
3. must declare that they do not consider themselves to be unfit for work<sup>3</sup> **and**

4. must not have had a determination that they have LCW, unless it has subsequently been determined that they do not have LCW<sup>4</sup>.

*1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 2(3)(a); SS (Med Ev) Regs, Sch 1, Part 1; WR Act 07; 2 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 2(3)(b); 3 Sch 5, para 2(3)(c); 4 Sch 5, para 2(3)(d); WR Act 07*

#### Example 1

Bryn was entitled to ESA(IR). His award ends on 26.9.14 when he is treated as not having LCW after he failed without good cause to attend a medical examination. Bryn has a current doctor's statement which is due to expire on 9.11.14. Bryn is not eligible to claim UC. He can claim ESA(IR) or JSA(IB) instead.

#### Example 2

Tamara's entitlement to ESA(IR) ends on 4.6.14 after she is found not to have LCW following application of the WCA. Tamara satisfies all the gateway conditions, and is eligible to claim UC.

M3081 – M3084

### Entitlement to other benefits

M3085 **[See ADM memo 14/14]** To meet the gateway conditions, the claimant must not be entitled to<sup>1</sup>

1. an existing benefit (see M3007) **or**
2. JSA(Cont) **or**
3. ESA(Cont) **or**
4. IB **or**
5. SDA **or**
6. DLA<sup>2</sup> **or**
7. PIP<sup>3</sup>.

**Note:** References to JSA(Cont) and ESA(Cont) mean awards of those benefits made under legislation which came into force before 2013<sup>4</sup>.

*1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 3(1); 2 SS CB Act 92, s 71; 3 WR Act 12, s 77; 4 WR Act 12 (Commencement No. 9 etc.) Order, art 2(1); JSA Regs 96; ESA Regs 08*

### Decision on entitlement to other benefit awaited

M3086 **[See ADM memo 14/14]** The claimant must not be waiting for

1. a decision on a claim for any of the benefits in M3085 **1. – 3.**<sup>1</sup> **or**
2. the outcome of an application for revision<sup>2</sup> of a decision that the claimant is not entitled to

**2.1 JSA or**

**2.2 ESA or**

**2.3 IS or**

**2.4 HB.**

1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 3(3)(a); 2 Sch 5, para 3(3)(b);  
SS Act 98, s 9; Child Support, Pensions & SS Act 00, Sch 7

### **Decision on appeal awaited**

M3087 Where the claimant has appealed against a decision that they are not entitled to a benefit in M3085 **1. – 3.**, the Secretary of State must be satisfied

1. that the appeal to the FtT, and any subsequent appeal to the UT or the higher courts, is not ongoing<sup>1</sup> **and**
2. where an appeal has been finally determined, that there is no possibility of a further appeal by any party<sup>2</sup>.

1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 3(4)(a); 2 Sch 5, para 3(4)(b)

M3088 The Secretary of State will be satisfied that there is no possibility of a further appeal as in M3087 **2.** if

1. an appeal was decided in the claimant's favour and the Secretary of State does not intend to appeal that decision **or**
2. the appeal was decided in the Secretary of State's favour and the time for the claimant to appeal has expired.

M3089 – M3099

### **Award of JSA ends**

M3100 **[See ADM memo 14/14]** A claimant does not meet the gateway conditions if

1. they were entitled to old style JSA **and**
2. that award terminated within two weeks of the date on which a UC claim is made<sup>1</sup>.

1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 3(5)

### **Award of ESA ends**

M3101 **[See ADM memo 14/14]** A claimant does not meet the gateway conditions if

1. they were entitled to old style ESA **and**
2. that award terminated within two weeks of the date on which a UC claim is made<sup>1</sup>.

But see M3102 for an exception to this rule.

1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 3(6)

M3102 A claimant meets the gateway conditions if an award of old style ESA is terminated within two weeks of date on which a UC claim is made, where the old style ESA award ended because the DM determined that the claimant no longer had LCW<sup>1</sup>.

**Note:** See M3086 – M3088 where the person applies for revision of, or lodges an appeal against, the decision terminating old style ESA entitlement.

1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 3(6); WR Act 07

### Example

Helen's award of ESA(IR) is terminated when she starts work, and she is treated as not having LCW. The job only lasts for one week. Helen is eligible to claim UC if she meets the gateway conditions. If she considers herself unfit for work, she does not meet the gateway conditions, and can claim ESA(IR) again.

M3103 – M3104

### Treated as entitled to Tax Credit

M3105 To meet the gateway conditions, a claimant must not be treated as entitled to TC<sup>1</sup>. See ADM Chapter M4 (Gateway conditions – effects of transition to UC from 16.6.14) for guidance on where a person is treated as entitled to TC.

1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 3(2); UC (TP) Regs 14, reg 11

M3106 – M3109

### Income and capital

M3110 [See ADM memo 14/14][See ADM memo 15/14][See ADM memo 1/15]  
[See ADM memo 4/15] [See ADM memo 15/15] To meet the gateway conditions, the claimant

1. must declare that during the period of one month starting from the date the UC claim is made their earned income is not expected to exceed

1.1 £270 if they are aged under 25 **or**

1.2 £330 if they are aged 25 or over **and**

2. must not have capital in excess of £6,000<sup>1</sup>.

**Note:** See ADM Chapters H1 – H4 for guidance on the meaning of earned income and capital<sup>2</sup>.

1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 4; 2 UC Regs, Part 6

### Example 1

Ashleigh works F/T in an IT store on weekdays, and P/T in a bar on Saturday evenings. He is made redundant from the weekday job when the store closes, and claims UC from 17.6.14. Ashleigh declares that his earnings from the bar job for the next month will be £148.56, as he expects to work for 6 hours at the NMW of £6.19

on 22.6.14, 29.6.14, 6.7.14 and 13.7.14. Ashleigh satisfies all the gateway and UC conditions.

From 22.6.14 Ashleigh works increased hours at the bar, and by 16.7.14 his earnings exceed £330. Ashleigh met the gateway conditions on the date on which he claimed UC, and his entitlement to claim is not affected by his subsequent change of circumstances. He remains entitled to UC as he is liable for rent payments.

## Housing

M3112 To meet the gateway conditions, the claimant must not<sup>1</sup>

1. be homeless<sup>2</sup> and must live at their usual address (see M3113 – M3114) **or**
2. live in accommodation where
  - 2.1 care **or**
  - 2.2 supervision **or**
  - 2.3 counselling **or**
  - 2.4 advice **or**
  - 2.5 other support services (but see M3115)are provided by the landlord directly or indirectly to help them live there **or**
3. live in the same household as a person who is
  - 3.1 a member of the regular forces or the reserve forces<sup>3</sup> **and**
  - 3.2 absent from the household in connection with that role **or**
4. own or partly own the place where they live.

**Note:** See ADM Chapter F4 (Housing costs element: Support for owner occupiers) for guidance on whether a person owns their home.

1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para (5); 2 Housing Act 96, s 175; 3 Armed Forces Act 06, s 374

M3113 A person is homeless if

1. they have nowhere that they are entitled to live, for example because they own it or have a tenancy agreement **or**
2. they have accommodation but
  - 2.1 cannot gain entry to it (for example it is occupied by squatters) **or**
  - 2.2 it is moveable accommodation such as a caravan, mobile home or houseboat, and there is nowhere that it can be placed to live in<sup>1</sup>.

1 Housing Act 96, s 175

M3114 A claimant living in

1. temporary accommodation provided by a LA because they are homeless **or**
2. a hostel for people on bail or probation

does not meet the gateway conditions.

M3115 Services provided solely for the provision of adequate accommodation, such as maintenance of common areas in a block of flats, are excluded from M3112 **2.5**<sup>1</sup>.

<sup>1</sup> WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 5(c)

M3116 – M3119

## Caring responsibilities

M3120 [See ADM memo 14/14][See ADM memo 23/14][See ADM memo 1/15]  
[See ADM memo 4/15] [See ADM memo 15/15] A claimant who meets the gateway conditions must not

1. have
  - 1.1 a child<sup>1</sup> aged under 16 **or**
  - 1.2 a young person for whom they are responsible<sup>2</sup> (see M3121)
 living with them some or all of the time **or**
2. be an adopter with whom a child is expected to be placed within two weeks of the date of the UC claim<sup>3</sup> **or**
3. be a foster parent<sup>4</sup> (see M3122) **or**
4. be liable to pay CSM<sup>5</sup> **or**
5. have any responsibility for providing care to a person with a physical or mental impairment, unless this is as part of paid or voluntary employment<sup>6</sup>.

<sup>1</sup> WR Act 12, s 40; WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 6(1)(a) & 3(3)(a); <sup>2</sup> Sch 5, para 6(1)(b); <sup>3</sup> Sch 5, para 6(2)(a) UC(Regs, reg 89(3)); <sup>4</sup> WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 6(2)(b) & 6(3)(b); <sup>5</sup> Sch 5, para 6(2)(c); CS Act 91; <sup>6</sup> WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 6(2)(d)

### Example

Jerry is unemployed after the factory where he works is closed down. He continues to work one day a week as a volunteer carer at a residential care home for people with mental health conditions. Jerry is not excluded from claiming UC.

### Responsible for a young person

M3121 For the purposes of M3120 **1.2**, a claimant is responsible for a young person where<sup>1</sup>

1. the young person is aged 16 or over but under 20 **and**
2. the claimant would be responsible for that young person<sup>2</sup> if they were a qualifying young person<sup>3</sup>.

See ADM Chapter F7 (Child care element) for guidance on qualifying young persons.

1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 6(1)(b); 2 UC Regs, reg 4; 3 reg 5

### Example 1

Maryam and her partner Jacob are separated. Their son Paul is aged 17, and stays with Jacob and his new partner during the week, as their home is nearer school. He stays with Maryam at the weekends. Maryam's job ends, and she claims UC. Although Paul stays with Maryam some of the time, she is not treated as responsible for him, and therefore is not prevented from claiming UC.

### Example 2

Nigel is aged 25 and lives in his parents' home along with his brother, Paul. Paul is aged 18 and is in work.

If Paul were a qualifying young person, his parents would be responsible for him. Nigel would not be responsible for him, and is not excluded from claiming UC.

### Foster parent

M3122 For the purposes of M3120 3., a foster parent is a person who is approved as<sup>1</sup>

1. in England<sup>2</sup> and Wales<sup>3</sup>, a foster parent **or**
2. in Scotland<sup>4</sup>, a kinship carer or foster carer

even if they do not currently have a child placed with them.

1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 6(3)(b); 2 Fostering Services (England) Regs 2011;

3 Fostering Services (Wales) Regulations 2003; 4 Looked After Children (Scotland) Regulations 2009

M3123 – M3129

### Other requirements

M3130 **[See ADM memo 14/14] [See ADM memo 1/15]** To meet the gateway conditions, the claimant

1. must declare that they do not expect to have any S/E earnings<sup>1</sup> during the period of one month starting from when the UC claim is made **and**
2. must not be in education or training, whether F/T or P/T, of **any** kind<sup>2</sup> **and**
3. must declare that they do not expect to be in education or training of **any** kind during the period of one month starting from when the UC claim is made<sup>2</sup> **and**
4. must not have<sup>3</sup>
  - 4.1 a deputy appointed by the Court of Protection to act on their behalf<sup>4</sup> **or**



- 4.2 a receiver appointed before 1.10.07 who is treated as a deputy as in 4.1<sup>5</sup> **or**
- 4.3 any other person acting on their behalf in relation to the UC claim **and**
- 5. must have a NINO<sup>6</sup> **and**
- 6. must have
  - 6.1 an account with<sup>7</sup>
    - 6.1.a a bank **or**
    - 6.1.b a building society **or**
    - 6.1.c the Post Office **or**
  - 6.2 a current account with a Credit Union<sup>8</sup>.

**Note:** Education in 2. includes adult education classes, for example in art or computing skills.

- 1 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 7(a); UC Regs, reg 57;
- 2 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 7(b); 3 Sch 5, para 7(c);
- 4 Mental Capacity Act 05, Part 1; 5 Mental Health Act 83, Part 7; Mental Capacity Act 05, Sch 5 & 7;
- 6 WR Act 12 (Commencement No. 9 etc.) Order, Sch 5, para 7(d);
- 7 Sch 5, para 7(e); 8 Sch 5, para 7(e); Credit Unions Act 79

### Example

Pete is a school leaver aged 18, and is awaiting the results of his examinations. He has a place at university starting on 4.10.14 depending on those results. Pete is a qualifying young person until 31.8.14. He is not excluded from claiming UC on 1.9.14, as he does not expect to start university within a month of that date. If Pete claimed UC on 5.9.14, he would be excluded from claiming UC, and would need to claim JSA(IB) instead.

- M3131 The declaration in M3130 3. excludes any education or training undertaken as part of any UC work-related requirement. See ADM Chapter J3 (Work-related requirements) for further details.

M3132 – M3149

## Claims for UC – claimant does not meet gateway conditions

- M3150 [See ADM memo 14/14] [See Memo ADM 25/14] [See Memo ADM 2/15] [See Memo ADM 8/15] Where

- 1. a claim for UC is made **and**
- 2. it is established that the claimant did not
  - 2.1 meet the gateway conditions **or**

## **2.2** live in a relevant district

at the date of the claim, the action to take depends on whether or not a decision has been made on the claim, and if so, whether payments of an award have been made<sup>1</sup>.

**Note:** See M3022 – M3023 where a former UC joint claimant claims UC and does not meet the gateway conditions.

1 WR Act 12 (Commencement No. 9 etc.) Order, art 3A(1)

M3151 – M3154

## **UC claim awaiting decision**

M3155 Where the DM is considering a UC claim and discovers that the claimant gave incorrect information and does not

1. meet the gateway conditions **or**
2. live in a relevant district

on the date the claim was made, the claimant is informed that they are not entitled to claim UC<sup>1</sup>.

1 WR Act 12 (Commencement No. 9 etc.) Order, art 3A(2)(a)

## **Claim for old style JSA, old style ESA or IS**

M3156 Where

1. the claimant is informed that they are not entitled to claim UC as in M3155<sup>1</sup>  
**and**
2. the claimant makes a claim for
  - 2.1 old style JSA **or**
  - 2.2 old style ESA **or**
  - 2.3 IS **and**
3. the date of the claim<sup>2</sup> as in 2. is
  - 3.1 after the date of the UC claim **and**
  - 3.2 no later than one month after the date on which the claimant was informed that they are not entitled to claim UC<sup>3</sup>

the claim as in 2. is treated as made on the date that the claim for UC was made<sup>4</sup> or the first day on which the claimant would have been entitled to HB or a TC if they had claimed it, if that date is later than the date on which the claim for UC was made<sup>5</sup>. The guidance in DMG Chapter 02 about treating a claim as made on a later date does **not** apply<sup>6</sup>.

1 WR Act 12 (Commencement No. 9 etc.) Order, art 3A(2)(a); 2 SS (C&P) Regs;

3 WR Act 12 (Commencement No. 9 etc.) Order, art 3A(2)(b);

4 art 3A(2)(b)(i); 5 art 3A(2); 6 art 3A(2)(b)(ii); SS (C&P) Regs

### Example

Ross claims UC on 16.8.14 after separating from his partner Sadie, whose award of ESA(IR) included an amount for him. Before the claim is determined, the DM establishes that the address Ross gave is his mother's home. He does not live there, and has no permanent address, staying with different friends on a temporary basis. Ross is told on 29.8.14 that he is not entitled to claim UC. He telephones DWP on 27.9.14 to say he wishes to claim JSA, and the claim form is completed at an interview on 1.10.14. Ross's JSA claim is treated as made on 16.8.14.

### Claim for HB

M3157 Where

1. the claimant is informed that they are not entitled to claim UC as in M3155<sup>1</sup>  
**and**
2. the claimant makes a claim for HB **and**
3. the date of the HB claim<sup>2</sup> is
  - 3.1 after the date of the UC claim **and**
  - 3.2 no later than one month after the date on which the claimant was informed that they are not entitled to claim UC<sup>3</sup>

the HB claim is treated as made on the date that the claim for UC was made<sup>4</sup>. The provisions about treating a claim as made on a later date do **not** apply<sup>5</sup>.

<sup>1</sup> WR Act 12 (Commencement No. 9 etc.) Order, art 3A(2)(a); 2 HB Regs 06; HB (Persons who have attained the qualifying age of state pension credit) Regs 06;  
<sup>3</sup> WR Act 12 (Commencement No. 9 etc.) Order, art 3A(2)(c); 4 art 3A(2)(c)(i); 5 art 3A(2)(c)(ii)

### Claim for Tax Credits

M3158 Where

1. the claimant is informed that they are not entitled to claim UC as in M3155<sup>1</sup>  
**and**
2. the claimant makes a claim for
  - 2.1 CTC **or**
  - 2.2 WTC **and**
3. the date of the TC claim<sup>2</sup> is
  - 3.1 after the date of the UC claim **and**
  - 3.2 no later than one month after the date on which the claimant was informed that they are not entitled to claim UC<sup>3</sup>

the TC claim is treated as made on the date that the claim for UC was made<sup>4</sup>. The provisions about treating a claim as made on a later date do **not** apply<sup>5</sup>.

1 WR Act 12 (Commencement No. 9 etc.) Order, art 3A(21(a)); 2 TC (Claims and Notifications) Regs 02;  
3 WR Act 12 (Commencement No. 9 etc.) Order, art 3A(2)(d); 4 art 3A(2)(d)(i); 5 art 3A(2)(d)(ii)

M3159 – M3169

## Claimant entitled to UC – no payment made

M3170 Where

1. a decision is made that the claimant is entitled to UC **and**
2. the DM discovers that the claimant
  - 2.1 gave incorrect information **and**
  - 2.2 did not
    - 2.2.a meet the gateway conditions **or**
    - 2.2.b live in a relevant districton the date the claim was made **and**
3. no payment of UC has been made

the decision made on the UC claim ceases to have effect immediately<sup>1</sup>.

1 WR Act 12 (Commencement No. 9 etc.) Order, art 3A(3)(a)

M3171 Where M3170 applies, the claimant is informed that they are not entitled to claim UC<sup>1</sup>. The guidance at M3156 – M3158 applies where a claim for

1. old style JSA **or**
  2. old style ESA **or**
  3. IS **or**
  4. HB **or**
  5. CTC **or**
  6. WTC
- is made<sup>2</sup>.

1 WR Act 12 (Commencement No. 9 etc.) Order, art 3A(3)(b); 2 art 3A(3)(c)

M3172 – M3174

## Claimant entitled to UC – payment made

M3175 Where

1. a decision is made that the claimant is entitled to UC **and**

2. the DM discovers that the claimant
  - 2.1 gave incorrect information **and**
  - 2.2 did not
    - 2.2.a meet the gateway conditions **or**
    - 2.2.b live in a relevant district

on the date the claim was made **and**

3. one or more payments of UC have been made

the claim for UC is treated as one the claimant is entitled to make<sup>1</sup>, i.e. the requirements to meet the gateway conditions and live in a relevant district do not apply.

1 WR Act 12 (Commencement No. 9 etc.) Order, art 3A(4)(a)

M3176 Where M3175 applies

1. the decision awarding UC is treated as a decision made on a claim<sup>1</sup> **and**
2. the award of UC continues, provided that the claimant continues to satisfy the conditions of entitlement<sup>2</sup>.

See ADM Chapter E1 (Introduction and entitlement) for detailed guidance on UC conditions of entitlement.

1 WR Act 12 (Commencement No. 9 etc.) Order, art 3A(4)(b); SS Act 98, s 8;

2 WR Act 12 (Commencement No. 9 etc.) Order, art 3A(4)(c)

M3177 – M3999

# Appendix: Relevant districts

[See memo ADM 16-14]

## Relevant districts from 29.4.13<sup>1</sup>

M43

OL6

OL7

SK16

## No. 2 relevant districts from 1.7.13<sup>2</sup>

WN1 1 and WN1 2

WN2 1 to WN2 5

WN3 0

WN3 4 to WN3 6

WN5 0

WN5 6 to WN5 9

WN6 0

WN6 7 TO WN6 9

## No. 3 relevant districts from 29.7.13<sup>3</sup>

M35 0 to M35 4

OL3 9

M35 6 AND M35 7

OL4 0 to OL4 5

M35 9

OL8 and OL9

OL1 0 TO OL1 6

WA1 and WA2

OL1 8 AND OL1 9

WA3 4 to WA3 7

OL2 1

WA4 and WA 5

OL2 3 TO OL2 9

WA13 0

OL3 1

WA13 9

OL3 5 TO OL3 7

## No. 4 relevant districts from 28.10.13<sup>4</sup>

M35 5

W6 0

W6 6 to W6 9

W14 0

W14 4

W14 8 and W14 9

WN1 3

## No. 5 relevant districts from 25.11.13<sup>5</sup>

CV21 1 to CV21 4

IV13 7

CV21 9

IV21 2

CV22 5 to CV22 7

IV22 2

IV1 1

IV26 2

IV1 3

IV54 8

IV1 9

IV63 6 and IV63 7

IV2 3 to IV2 7

PH19 1

IV3 5

PH20 1

IV3 8

PH21 1

IV4 7

PH22 1

IV5 7

PH23 3

IV8 8

PH24 3

IV9 8

PH25 3

IV10 8

PH26 3

IV11 8

PH26 9

IV12 4 and IV12 5

PH32 4

IV12 9

## No. 6 relevant districts from 25.2.14<sup>6</sup>

BA1 0 to BA1 7	HG1 9
BA2 0 to BA2 6	HG2 0
BA2 9	HG2 7 to HG2 9
BA3 2 and BA3 3	HG3 1 to HG3 4
BA3 9	HG4 1 to HG4 3
BS31 1	HG4 9
BS31 3	HG5 0
BS31 9	HG5 5
BS39 4 and BS39 5	HG5 8 and HG5 9
BS39 7	LS17 0
HG1 1 to HG1 5	YO51 9

## No. 7 relevant districts from 7.4.14<sup>7</sup>

CH5 1 to CH5 4	
CH5 9	

## No. 8 relevant districts from 23.6.14<sup>8</sup>

M31	SK14 4
M32	SK14 6
M33 2	SK14 9



M33 4 to M33 7	SK15
M34	WA14 1 and WA14.2
M41	WA14.5
OL5	WA15 5 and WA15 6
SK14 1 and SK14 2	WA15 9

## No. 9 relevant districts from 30.6.14<sup>9</sup>

BL1	L30
BL2	L31 0
BL3	L31 2 and L31 3
BL4	L31 5 to L31 9
BL5 1	L37 1 to L37 4
BL5 3	L37 6 to L37 8
BL6 4	L38
BL6 9	M26 3
L20 0	PR8 1 and PR8 2
L20 3 to L20 6	PR8 6
L21	PR8 9
L22	PR9 0
L23	PR9 7
L29	PR9 9

## No. 10 relevant districts from 7.7.14<sup>10</sup>

CH41	CH48
CH42	CH49

CH43	CH60
CH44	CH61
CH45	CH62 0 to CH62 8
CH46	CH63
CH47	

## No. 11 relevant districts from 14.7.14<sup>11</sup>

BL0 9	M45
BL8 1 to BL8 3	PR0
BL8 9	PR1
BL9 0	PR2
BL9 5	PR4 4 and PR4 5
BL9 8 and BL9 9	PR5 4 and PR5 5
M25 1	PR11
M25 3	PR25 1 to PR25 3
M25 9	PR25 9
M26 1 and M26 2	PR26 6
M26 4	

## No. 12 relevant districts from 21.7.14<sup>12</sup>

L10 0	M17 1
L10 2 and L10 3	M17 8
L10 6	M27 0
L10 8	M27 5
L28 3 to L28 7	M27 8 and M27 9

L32	M28
L33 0 to L33 2	M30
L33 5 to L33 9	M38
L34	WA9
L35 0 to L35 5	WA10
L35 7 to L35 9	WA11 0
L36 0 to L36 4	WA11 8 and WA11 9
L36 6 to L36 9	WA12

## No. 13 relevant districts from 28.7.14<sup>13</sup>

CH1	CW10
CH2	CW11
CH3	CW12 1 and CW12 2
CH4 7 and CH4 8	CW12 4
CH62 9	CW12 9
CW1	SK9
CW2 6 to CW2 8	WA6
CW3 0	WA14 3 and WA14 4
CW4	WA16
CW5	

1 WR Act 12 (Commencement No. 9 etc) Order, art 2, 3 & 4 & Sch 1;

2 WR Act 12 (Commencement No. 11 etc) Order, art 2, 3 & 4 & Sch;

3 WR Act 12 (Commencement No. 13 etc) Order, art 2, 3 & 4 & Sch;

4 WR Act 12 (Commencement No. 14 etc) Order, art 2, 3 & 4 & Sch;

5 WR Act 12 (Commencement No. 14 etc) Order, art 2, 3 & 4 & Sch;

6 WR Act 12 (Commencement No. 16 etc) Order, art 2(1), 3 & 4 & Sch 1, Part 1

7 WR Act 12 (Commencement No. 16 etc) Order, art 2(1), 3 & 4 & Sch 1, Part 2

8 WR Act 12 (Commencement No. 17 etc) Order, art 2(1), 3 & 4 & Sch, Part 1

9 WR Act 12 (Commencement No. 17 etc) Order, art 2(1), 3 & 4 & Sch., Part 2

10 WR Act 12 (Commencement No. 17 etc) Order, art 2(1), 3 & 4 & Sch, Part 3

11 WR Act 12 (Commencement No. 17 etc) Order, art 2(1), 3 & 4 & Sch, Part 4

12 WR Act 12 (Commencement No. 17 etc) Order, art 2(1), 3 & 4 & Sch, Part 5

13 WR Act 12 (Commencement No. 17 etc) Order, art 2(1), 3 & 4 & Sch, Part 6

