

GATEWAY CONDITIONS 8

These conditions apply to claims made or treated as in certain relevant districts.

In summary, at the date of claim the claimant/both claimants must:

- live in a relevant district (or gave incorrect information about living in a relevant district area and it is discovered after at least one payment has been made)
- be single or part of a couple
- be a British Citizen who has resided in the UK continuously in the two years prior to the date of claim without leaving the UK for a continuous period of 4 weeks or more during that period
- be aged 18 or over and under 60 years and 6 months
- have a national insurance number
- not be pregnant or given birth in the last 15 weeks
- not have a doctor's statement in respect of the day on which the UC claim is made (unless it is subsequently determined that they do not have limited capability to work), must not be waiting for a doctor's statement, must declare that they do not consider themselves to be unfit for work and must not have a determination that they have limited capability for work (unless it has been determined later that they do not have LCW)
- have capital under £6,000 (a couple are subject to the same capital amount).
- have expected earned income in the one month period from the date of claim of under £338. If part of a couple each person must declare they expect to earn under £338 and as a couple their total earned income must not be expected to exceed £541
- Not be carrying on a trade, profession or vocation for which they receive self-employed earnings and must declare that they do not expect to carry on self-employed acting in the one month after the UC claim is made
- Must not be a company director or member of a limited liability partnership
- Not be in any education or training of any kind
- Not have a deputy appointed or any other person acting on their behalf in relation to the UC claim.
- not be homeless or in certain types of supported accommodation
- live in the same household as a person who is a member of the regular or reserve forces and is absent from the home in connection with those duties
- not own (or partly own) their own home
- not have a child or young person living with them some or all of the time where that child or young person has been certified as severely sight impaired or blind or is looked after by a local authority (unless during a period of respite care) or is entitled to DLA/PIP
- not be an adopted with whom a child has been placed in the 12 months before the date of the UC claim or is expected to be placed within 2 months of the date of the UC claim
- must not be a foster parent or liable to pay CSM
- have an responsibility for providing care to a person with a physical or mental impairment, unless this is as part of paid or voluntary employment
- must not have an appointee or receiver acting for them in respect of their UC claim
- must have a bank, post office or building society account or an account with a credit union

In addition the claimant must not have been entitled to:

- Old style ESA (see DWP ADM Chapter M3 for guidance)
- Old style JSA (see DWP ADM Chapter M3 for guidance)

- Income support
- Incapacity benefit
- Severe disablement allowance
- Disability Living Allowance
- Personal independence payment

A claimant who is entitled to housing benefit or is entitled (or treated as entitled) to tax credits is not precluded from meeting the gateway conditions.

Note that if a claimant is waiting for a decision on housing benefit, tax credits, old style JSA, old style ESA or income support then they cannot claim.

Where the claimant is awaiting the application for revision of a decision relating to JSA, ESA, IS or HB they will not meet the gateway conditions. Similarly if they have appeal against certain benefits.