

07-26: Next Stage of the Abolition of Legacy Benefits - Amendment

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INTRODUCTION

1. This Memo follows on from ADM Memo 12/25 which gave guidance on The Welfare Reform Act 2012 (Commencement No. 35) (Abolition of Benefits) Order 2025¹. That Commencement Order is now amended through a new Order – The Welfare Reform Act 2012 (Commencement No.35) (Abolition of Benefits) (Amendment) Order 2026². This Memo gives guidance on the new Order and should be read in conjunction with ADM Memo 12/25.

1 [WRA 2012, CO 35](#); 2 [WRA 2012, CO35 \(Amndt\)](#)

2. Commencement Order No.35 is amended in relation to Income-related Employment and Support Allowance (ESA(IR)) and Housing Benefit (HB) for working age persons.

ABOLITION OF ESA (IR)

3. For anyone whose ESA(IR) award is not already abolished the date of abolition will be **01/07/26**, except for

3.1 those claimants who have a two-week run-on period of ESA(IR) still to elapse, for whom the abolition will take place at the end of the run-on period¹ **or**

3.2 where an appointee is acting for the claimant immediately before 01/07/26, or where the Secretary of State determines an appointee was likely to be needed (in the six months prior to 01/07/26), where there is no abolition date² until one of the events in paragraph 4 occurs.

4. Where someone in the **3.2** cohort does make a claim to UC, or does not make a claim to UC by the deadline set in their Managed Migration notice, the normal abolition dates then apply³ (i.e. where a claim

was made, after the two-week run-on period⁴, or where no claim was made, after two weeks beginning with the deadline date).⁵

1 [WRA 12, CO 35, Art 3A\(1\)](#); 2 [Art 3A\(2\)](#); 3 [Art 3A\(3\)](#); 4 [UC \(MM Pilot\) Regs 2019 , Reg 5\(1\)](#); 5 [UC TP Regs 2014, Reg 46\(1\)](#)

ABOLITION OF HB

LEAVING TEMPORARY OR SPECIFIED ACCOMODATION

5. The original Commencement Order No.35 provided for the following abolition date for HB claimants in temporary or specified accommodation, who then leave that accommodation¹ (see paragraph 13 of ADM Memo 12/25):

13. The date of abolition of HB in relation to an award of HB where the claimant

13.1 is **not** entitled to UC, IS JSA(IB) or ESA(IR), **and**

13.2 is **not** someone over the qualifying age for state pension credit (including those in protected mixed age couples,) **and**

13.3 is entitled to that award in respect of specified or temporary accommodation,

is any day falling on or after **14/11/25** that is the day after the last day on which the claimant is entitled to HB in respect of specified or temporary accommodation.

6. This now applies for the period from **14/11/25** up to (but not including) **01/07/26**². On 01/07/26 they will be subject to the provisions set out in paragraph 7 below when leaving temporary or specified accommodation.

1 [UC TP Regs 2014, Reg 2\(1\)](#); 2 [WRA 12, CO35, Art 6](#)

NOT IN TEMPORARY OR SPECIFIED ACCOMODATION

7. The date for the abolition of HB for persons **not** in temporary or specified accommodation¹ is **01/07/26**, except where the award of HB

7.1. is already terminated²,

7.2 is due to terminate at the end of a two-week run-on period³ (the abolition date being the day after the run-on period)³

7.3 is made to a claimant also in receipt of old-style ESA, who had an appointee appointed immediately before 01/07/26 or needs to have one appointed (see paragraph **3.2.** and **4** above)⁴,

7.4. is for someone in prison (or serving a sentence in hospital)⁵ immediately before 01/07/26⁶ (the abolition date being the day after the day they are released from prison/hospital), **or**

7.5 is for someone over the qualifying age for state pension credit, including those in protected mixed age couples (for whom there is no abolition date).⁷

1 [WRA 12, CO35 Art 7\(5\)](#); 2 [Art 7\(1\)\(a\)](#);3 [Art 7\(1\)\(b\)](#); 4 [Art 7\(4\)\(b\), Art 3A](#); 5 [UC Regs 2013, Reg 19\(1\)\(b\), \(c\)](#); 6 [WRA 12, CO35 Art 7\(2\)](#); 7 [UC TP Regs 2014, Reg 6A\(3\) to \(5\)](#); [WRA 12, CO35 Art 7\(4\)\(b\)](#)

ANNOTATIONS

The number of this Memo (07/26) should be noted at paragraphs:

Para 3-4: [M5300](#), Para 5-7: [M5433](#)

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds,

Existing arrangements for such referrals should be followed, as set out in Memo ADM [07/19](#) -
Requesting case guidance from DMA Leeds for all benefits.

DMA LEEDS: May 2026