
STATUTORY RULES OF NORTHERN IRELAND

2022 No. 194

**The Universal Credit (Transitional Provisions)
(Amendment) Regulations (Northern Ireland) 2022**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Universal Credit (Transitional Provisions) (Amendment) Regulations (Northern Ireland) 2022 and come in to operation on 1st August 2022.

(2) In these Regulations “Transitional Provisions Regulations” means the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016(1).

Abolition of the Department’s discretion to determine that claims for universal credit may not be made

2. Regulation 2A of the Transitional Provisions Regulations (department discretion to determine that claims for universal credit may not be made) is revoked.

Exclusion of claims for certain existing benefits

3. Regulation 4 of the Transitional Provisions Regulations (exclusion of claims for certain existing benefits) is revoked.

Restriction on claims for housing benefit, income support or a tax credit

4. Before regulation 5 of the Transitional Provisions Regulations (termination of awards of certain existing benefits: new claimant partners) insert—

“Restriction on claims for housing benefit, income support or a tax credit

4A.—(1) Except as provided by paragraphs (2) to (7) a person may not make a claim for housing benefit, income support, or a tax credit.

(2) Paragraph (1) does not apply to a claim for housing benefit in respect of specified accommodation or temporary accommodation.

(3) Paragraph (1) does not apply to a claim for housing benefit that is made during the last assessment period of an award of universal credit, where the claimant reaches the qualifying age for state pension credit and paragraph 26 of Schedule 1 to the Decisions and Appeals Regulations(2) applies, in respect of entitlement arising from the date the claimant reaches that age.

(4) Paragraph (1) does not apply to a claim for housing benefit by a single person who has reached the qualifying age for state pension credit, or a member of a State Pension

(1) [S.R. 2016 No. 226](#). The relevant amending instruments are [S.R. 2017 No. 116](#), [S.I. 2017/781](#), [S.R. 2018 No. 92](#), [S.R. 2019 No. 152](#), [S.R. 2020 No. 119](#)

(2) [S.R. 2016 No. 221](#). Schedule 1 paragraph 26 was substituted by [S.R. 2020 No. 119](#).

Credit Act couple where both members have reached that age or a member of a polygamous marriage where all members have reached that age.

- (5) Paragraph (1) does not apply to a claim for housing benefit where—
- (a) the claim is made by a member of a State Pension Credit Act couple who has reached the qualifying age for state pension credit and the other member has not reached that age; and
 - (b) one of the savings in the sub-paragraphs of article 4(1) of the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 13 and Savings and Transitional Provisions and Commencement No. 8 and Transitional and Transitory Provisions (Amendment)) Order 2019⁽³⁾ applies and the saving has not ceased to have effect under article 4(2) of that order.
- (6) Paragraph (1) does not apply to a claim for a tax credit where a person makes or persons make a claim for child tax credit or working tax credit and on the date on which he or she (or they) makes or make the claim he or she (or they) has or have an award of working tax credit or child tax credit respectively.
- (7) Paragraph (1) does not apply to a claim for a tax credit where a person has or had, or persons have or had, an award of child tax credit or working tax credit in respect of a tax year and that person or those persons makes or make (or is or are treated as making) a claim for that tax credit for the next tax year.
- (8) For the purposes of this regulation—
- (a) “polygamous marriage” has the same meaning as in regulation 3(4) of the Universal Credit Regulations;
 - (b) “State Pension Credit Act couple” means a couple as defined in section 17(1) of the State Pension Credit Act (Northern Ireland) 2002⁽⁴⁾, and a reference to the date on which a claim for tax credit is made is a reference to the date on which such a claim is made or treated as made as provided for in the Tax Credits (Claims and Notification) Regulations 2002⁽⁵⁾.”

Termination of existing benefits – removal of requirement for the Department to determine that the basic conditions are met

- 5.—(1) The Transitional Provisions Regulations are amended as follows.
- (2) In regulation 5(1) (termination of awards of certain existing benefits: new claimant partners)
- (a) at the end of sub-paragraph (b) insert “and”; and
 - (b) omit sub-paragraph (d) and the “and” preceding it.
- (3) In regulation 6 (termination of awards of certain existing benefits: other claimants)—
- (a) in paragraph (1)(a), after “is made” insert “, whether or not subsequently withdrawn”;
 - (b) in paragraph (1) omit sub-paragraph (b) and the “and” preceding it; and
 - (c) after paragraph (2A) insert—
 - “(2B) This regulation does not apply in the case of a single claimant who has reached the qualifying age for state pension credit or in the case of joint claimants who have both reached the qualifying age for state pension credit.”
- (4) In regulation 10(1) (modification of tax credits legislation: overpayments and penalties)—

⁽³⁾ S.R. 2019 No. 4 (C. 1) The relevant amending instruments are S.R. 2019 No. 107, S.R. 2020 No. 119

⁽⁴⁾ The definition of “couple” in section 17 was substituted by regulation 71(a) of S.I. 2019/1514

⁽⁵⁾ S.I. 2002/2014

- (a) at the end of sub-paragraph (a) insert “and”; and
 - (b) omit sub-paragraph (c) and the “and” preceding it.
- (5) In regulation 11(1) (modification of tax credits legislation: finalisation of tax credits)—
- (a) at the end of sub-paragraph (a) insert “and”; and
 - (b) omit sub-paragraph (c) and the “and” preceding it.

Managed migration – abolition of the limit on number of cases migrated

6. Regulation 45(7) (migration notice) of the Transitional Provisions Regulations 2016 is revoked.

Managed migration – termination of existing benefits if no claim before the deadline

7. In regulation 47(1)(a) of the Transitional Provisions Regulations (termination of existing benefits if no claim before the deadline) after “housing benefit” insert “in the form of a rent rebate or allowance awarded in connection with regulation 13 of the Housing Benefit Regulations(6) or regulation 13 of the Housing Benefit (State Pension Credit) Regulations(7).”.

Managed Migration – notified persons who claim as a different benefit unit

8.—(1) Regulation 48 of the Transitional Provisions Regulations (notified persons who claim as a different benefit unit) is revoked.

(2) In regulation 51(2) of the Transitional Provisions Regulations (department to determine whether transitional protection applies) for “where regulation 48 (notified persons who claim as a different benefit unit) applies” substitute—

““where-

- (a) notified persons who were a couple for the purposes of an award of an existing benefit when the migration notice was issued are single persons or members of a different couple for the purposes of a claim for universal credit; or
- (b) notified persons who were single for the purposes of an award of an existing benefit when the migration notice was issued are a couple for the purposes of a claim for universal credit; or
- (c) notified persons who were members of a polygamous marriage for the purposes of an award of an existing benefit when the migration notice was issued are a couple or single persons for the purposes of a claim for universal credit.”.

Managed migration – the transitional element – total legacy amount

9.—(1) Regulation 54 of The Transitional Provisions Regulations (the transitional element – total legacy amount) is amended as follows.

(2) In paragraph (7) in the preliminary text after “housing benefit” insert “, in the form of a rent rebate or allowance awarded in connection with regulation 13 of the Housing Benefit Regulations or regulation 13 of the Housing Benefit (State Pension Credit) Regulations,”.

- (a) In paragraph (11)(a) after the second reference to “housing benefit” insert “, in the form of a rent rebate or allowance awarded in connection with regulation 13 of the Housing Benefit Regulations or regulation 13 of the Housing Benefit (State Pension Credit) Regulations,”.

(6) S.R. 2006 No. 405

(7) S.R. 2006 No. 406

Managed migration – adjustment to transitional element where other elements increase

10.—(1) Regulation 56 (the transitional element – initial amount and adjustment where other elements increase) of the Transitional Provisions Regulations is amended as follows.

(2) In paragraph (4), after ““relevant increase” is” insert “, subject to paragraph (5),”.

(3) At the end insert the following paragraphs:—

“(5) In cases where the LCW is replaced by the LCWRA element, the “relevant increase” is to be treated as the difference between the amounts of those elements.

(6) In this regulation “LCW element”(8) and “LCWRA element” have the same meaning as in regulation 2 of the Universal Credit Regulations.””

Managed migration – protection for full-time students

11. In regulation 61 of the Transitional Provisions Regulations (protection for full-time students until course completed) the existing text becomes paragraph (1) and after paragraph (1) insert—

“(2) Paragraph (1) does not apply to any assessment period in respect of which a transitional element or transitional capital disregard would (if the claimant had been entitled to that element or that disregard) have ceased to apply by virtue of regulation 57 (circumstances in which transitional protection ceases) or regulation 58 (application of transitional protection to a subsequent award).”.

Abolition of discretionary hardship payments

12. Regulation 65 of the Transitional Provisions Regulations (discretionary hardship payments) is revoked.

Consequential amendments

13. The Schedule contains consequential amendments.

Sealed with the Official Seal of the Department for Communities on 6th July 2022

(L.S.)

Anne McCleary
A senior officer of the Department for
Communities

(8) The LCW element was abolished from 3rd April 2017 by [S.R. 2017 No. 146](#) but is saved for certain claimants by transitional provisions as set out in Schedule 2 to [S.R. 2017 No.146](#)