
STATUTORY INSTRUMENTS

2014 No. 1626

The Universal Credit (Transitional Provisions) (Amendment) Regulations 2014

Amendments relating to transition from incapacity benefit or severe disablement allowance

5.—(1) In regulation 22 (transition from income support payable on the grounds of incapacity for work or disability)—

- (a) at the end of the heading insert “and other incapacity benefits”; and
- (b) in paragraph (1)—
 - (i) after “to a claimant” insert “(other than a claimant to whom regulation 23 or 24 applies)”; and
 - (ii) at the end insert “or is entitled to incapacity benefit or severe disablement allowance”.

(2) In regulation 23 (transition from other incapacity benefits)—

- (a) at the end of the heading insert “: assessment under the 2010 Regulations”;
- (b) in paragraph (1)—
 - (i) in sub-paragraph (a) at the end insert “(“the relevant award”)”; and
 - (ii) for sub-paragraph (b) substitute—
 - “(b) on or before the date on which the claim for universal credit is made or treated as made, a notice has been issued to the claimant under regulation 4 of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No.2) Regulations 2010 (“the 2010 Regulations”) (notice commencing the conversion phase).”;

(c) after paragraph (1) insert—

“(1A) Where this regulation applies, regulations 27(3) (award to include LCW and LCWRA elements) and 38 (determination of limited capability for work and work-related activity) of the Universal Credit Regulations do not apply and the question whether a claimant has limited capability for work, or for work and work-related activity, is to be determined, for the purposes of the Act and the Universal Credit Regulations, in accordance with this regulation.”;

(d) in paragraph (2)—

- (i) for the opening words substitute “Where it is determined in accordance with the 2010 Regulations that the relevant award qualifies for conversion into an award in accordance with regulation 7 of those Regulations (qualifying for conversion) and that award includes the work-related activity component”; and

(ii) omit sub-paragraph (a); and

(e) in paragraph (3)—

- (i) for the opening words substitute “Where it is determined in accordance with the 2010 Regulations that the relevant award qualifies for conversion into an award in accordance with regulation 7 of those Regulations and that award includes the support component”; and
 - (ii) omit sub-paragraph (a).
- (3) In regulation 25 (transition from other incapacity benefits: supplementary), in paragraph (2) after “For the purposes of regulations” insert “22,”.
- (4) In regulation 26 (other claimants with incapacity for work: credits only cases where claimant is approaching pensionable age)—
- (a) in paragraph (1)(c)—
 - (i) for “neither regulation 22 nor regulation 24 applies” substitute “none of regulations 22, 23 or 24 apply”; and
 - (ii) for “either” substitute “any”; and
 - (b) after paragraph (3) insert—

“(4) Where the claimant is not entitled to a payment, allowance or increased rate of pension specified in either regulation 24(1)(d) or regulation 24(3)(d)—

 - (a) if it is determined in accordance with Part 5 of the Universal Credit Regulations that the claimant has limited capability for work—
 - (i) the claimant is to be treated as having had limited capability for work for the purposes of regulation 27(1)(a) of the Universal Credit Regulations from the beginning of the first assessment period;
 - (ii) regulation 28 of the Universal Credit Regulations does not apply; and
 - (iii) the LCW element is (subject to the provisions of Part 4 of the Universal Credit Regulations) to be included in the award with effect from the beginning of the first assessment period; and
 - (b) if it is determined in accordance with Part 5 of the Universal Credit Regulations that the claimant has limited capability for work and work-related activity—
 - (i) the claimant is to be treated as having had limited capability for work and work-related activity for the purposes of regulation 27(1)(b) of the Universal Credit Regulations from the beginning of the first assessment period;
 - (ii) regulation 28 of the Universal Credit Regulations does not apply; and
 - (iii) the LCWRA element is (subject to the provisions of Part 4 of the Universal Credit Regulations) to be included in the award of universal credit with effect from the beginning of the first assessment period.”.