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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 216**

**The Universal Credit Regulations (Northern Ireland) 2016**

**PART 4**

**ELEMENTS OF AN AWARD**

*Particular needs or circumstances – capability for work*

**Period for which the <sup>F1</sup>... LCWRA element is not to be included**

**29.**—(1) An award of universal credit is not to include the <sup>F2</sup>... LCWRA element until the beginning of the assessment period that follows the assessment period in which the relevant period ends.

(2) The relevant period is the period of 3 months beginning with—

- (a) if regulation 42(2) applies (claimant with monthly earnings equal to or above the relevant threshold) the date on which the award of universal credit commences or, if later, the date on which the claimant applies for the <sup>F3</sup>... LCWRA element to be included in the award, or
- (b) in any other case, the first day on which the claimant provides evidence of their having limited capability for work in accordance with the Medical Evidence Regulations.

(3) Where, in the circumstances referred to in paragraph (4), there has been a previous award of universal credit—

- (a) if the previous award included the <sup>F4</sup>... LCWRA element, paragraph (1) does not apply, and
- (b) if the relevant period in relation to that award has begun but not ended, the relevant period ends on the date it would have ended in relation to the previous award.

(4) The circumstances are where—

- (a) immediately before the award commences, the previous award has ceased because the claimant ceased to be a member of a couple or became a member of a couple, or
- (b) within the six months before the award commences, the previous award has ceased because the financial condition in Article 10(1)(b) (or if it was a joint claim, Article 10(2)(b)) of the Order was not met.

(5) Paragraph (1) also does not apply if—

- (a) the claimant is terminally ill, or
- (b) the claimant—
  - (i) is entitled to an employment and support allowance that includes the support component <sup>F5</sup>..., or
  - (ii) was so entitled on the day before the award of universal credit commenced and has ceased to be so entitled by virtue of section 1A of the Welfare Reform Act (Northern Ireland) 2007 <sup>M1</sup> (duration of contributory allowance).

[<sup>F6</sup>(6) Paragraph (1) does not apply where a claimant has limited capability for work and it is subsequently determined that they have limited capability for work and work-related activity.]

(7) Where, by virtue of this regulation, the condition in Article 10(1)(b) or 10(2)(b) of the Order is not met, the amount of the claimant's income (or, in the case of joint claimants, their combined income) is to be treated during the relevant period as such that the amount payable is the prescribed minimum (see regulation 17).

### Textual Amendments

- F1** Words in [reg. 29 heading](#) omitted (coming into force in accordance with reg. 1(2) of the amending Rule) by virtue of [The Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/146\)](#), regs. 1(2), **2(4)(a)**
- F2** Words in reg. 29(1) omitted (coming into force in accordance with reg. 1(2) of the amending Rule) by virtue of [The Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/146\)](#), regs. 1(2), **2(4)(a)**
- F3** Words in reg. 29(2)(a) omitted (coming into force in accordance with reg. 1(2) of the amending Rule) by virtue of [The Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/146\)](#), regs. 1(2), **2(4)(a)**
- F4** Words in reg. 29(3)(a) omitted (coming into force in accordance with reg. 1(2) of the amending Rule) by virtue of [The Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/146\)](#), regs. 1(2), **2(4)(a)**
- F5** Words in reg. 29(5)(b)(i) omitted (coming into force in accordance with reg. 1(2) of the amending Rule) by virtue of [The Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/146\)](#), regs. 1(2), **2(4)(b)**
- F6** [Reg. 29\(6\)](#) re-inserted (29.6.2023) by [The Social Security, Universal Credit and State Pension \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/93\)](#), regs. 1, **2**

### Modifications etc. (not altering text)

- C1** [Reg. 29](#) excluded (coming into force in accordance with reg.1 of the amending Rule) by [The Universal Credit \(Transitional Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/226\)](#), regs. 1, **23(2)(b)(ii)**
- C2** [Reg. 29](#) excluded (coming into force in accordance with reg.1 of the amending Rule) by [The Universal Credit \(Transitional Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/226\)](#), regs. 1, **23(2)(a)(ii)**
- C3** [Reg. 29](#) excluded (coming into force in accordance with reg.1 of the amending Rule) by [The Universal Credit \(Transitional Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/226\)](#), regs. 1, **22(3)(a)**
- C4** [Reg. 29](#) excluded (coming into force in accordance with reg.1 of the amending Rule) by [The Universal Credit \(Transitional Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/226\)](#), regs. 1, **27(4)(a)(ii)**
- C5** [Reg. 29](#) excluded (coming into force in accordance with reg.1 of the amending Rule) by [The Universal Credit \(Transitional Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/226\)](#), regs. 1, **22(5)(a)**
- C6** [Reg. 29](#) excluded (coming into force in accordance with reg.1 of the amending Rule) by [The Universal Credit \(Transitional Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/226\)](#), regs. 1, **28(2)(b)(ii)**
- C7** [Reg. 29](#) excluded (coming into force in accordance with reg.1 of the amending Rule) by [The Universal Credit \(Transitional Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/226\)](#), regs. 1, **27(4)(b)(ii)**
- C8** [Reg. 29](#) excluded (coming into force in accordance with reg.1 of the amending Rule) by [The Universal Credit \(Transitional Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/226\)](#), regs. 1, **28(2)(a)(ii)**
- C9** [Reg. 29](#) excluded (coming into force in accordance with reg.1 of the amending Rule) by [The Universal Credit \(Transitional Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/226\)](#), regs. 1, **19(5)(a)**

- C10** Reg. 29 excluded (coming into force in accordance with reg.1 of the amending Rule) by The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/226), regs. 1, **19(3)(a)**
- C11** Reg. 29 excluded (coming into force in accordance with reg.1 of the amending Rule) by The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/226), regs. 1, **22(7)(a)**
- C12** Reg. 29 excluded (coming into force in accordance with reg.1 of the amending Rule) by The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/226), regs. 1, **20(3)(a)**
- C13** Reg. 29(1) excluded (coming into force in accordance with reg.1 of the amending Rule) by The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/226), regs. 1, **27(3)(c)**
- C14** Reg. 29(1) excluded (coming into force in accordance with reg.1 of the amending Rule) by The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/226), regs. 1, **25(4)(c)**
- C15** Reg. 29(1) excluded (coming into force in accordance with reg.1 of the amending Rule) by The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/226), regs. 1, **24(4)(b)**
- C16** Reg. 29(1) excluded (coming into force in accordance with reg.1 of the amending Rule) by The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/226), regs. 1, **25(2)(c)**
- C17** Reg. 29(1) excluded (coming into force in accordance with reg.1 of the amending Rule) by The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/226), regs. 1, **24(3)(b)**
- C18** Reg. 29(1) excluded (coming into force in accordance with reg.1 of the amending Rule) by The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/226), regs. 1, **27(2)(c)**
- C19** Reg. 29(2) excluded (coming into force in accordance with reg.1 of the amending Rule) by The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/226), regs. 1, **22(6)(a)**
- C20** Reg. 29(2) excluded (coming into force in accordance with reg.1 of the amending Rule) by The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/226), regs. 1, **21(2)(a)**
- C21** Reg. 29(2) excluded (coming into force in accordance with reg.1 of the amending Rule) by The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/226), regs. 1, **20(2)(a)**

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**Marginal Citations**

- M1** Section 1A was inserted by Article 57 of the Order.

**Changes to legislation:**

There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, Section 29.