
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 226

The Universal Credit (Transitional Provisions)
Regulations (Northern Ireland) 2016

PART 2

CHAPTER 2

EFFECT OF TRANSITION TO UNIVERSAL CREDIT

Transition from income support payable on the grounds of incapacity for work or disability and other incapacity benefits

23.—(1) This regulation applies where an award of universal credit is made to a claimant (other than a claimant to whom regulation 24 or 25 applies) who was entitled to income support on the grounds of incapacity for work or disability on the date on which the claim for universal credit was made or treated as made or is entitled to incapacity benefit or severe disablement allowance.

(2) Where this regulation applies—

(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 28(1)(a) of the Universal Credit Regulations (award to include LCW and LCWRA elements) from the beginning of the first assessment period,

(ii) regulation 29 of those Regulations (period for which the LCW or LCWRA element is not to be included) 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;

(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 28(1)(b) of the Universal Credit Regulations from the beginning of the first assessment period,

(ii) regulation 29 of those 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.

(3) In this regulation—

“income support on the grounds of incapacity for work or disability” means an award of income support which is an “existing award” within the meaning of Schedule 4 to the 2007 Act.