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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 226**

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

**PART 2**

**CHAPTER 2**

**EFFECT OF TRANSITION TO UNIVERSAL CREDIT**

**Support for housing costs**

**30.**—(1) Paragraph (3) applies where—

- (a) an award of universal credit is made to a claimant who—
    - (i) was entitled to income-based jobseeker’s allowance, income-related employment and support allowance or income support (a “relevant award”) at any time during the period of one month ending with the day on which the claim for universal credit was made or treated as made (or would have been so entitled were it not for termination of that award by virtue of an order made under Article 2(2) of the Order or the effect of these Regulations), or
    - (ii) was at any time during the period of one month ending with the day on which the claim for universal credit was made or treated as made, the partner of a person (“P”) who was at that time entitled to a relevant award, where the award of universal credit is not a joint award to the claimant and P; and
  - (b) on the relevant date, the relevant award included an amount in respect of housing costs under—
    - (i) paragraphs 14 to 16 of Schedule 2 to the JSA Regulations 1996(1),
    - (ii) paragraphs 16 to 18 of Schedule 6 to the ESA Regulations 2008(2), or, as the case may be,
    - (iii) paragraphs 15 to 17 of Schedule 3 to the Income Support (General) Regulations (Northern Ireland) 1987(3).
- (2) In this regulation the “relevant date” means—
- (a) where paragraph (1)(a)(i) applies and the claimant was not entitled to the relevant award on the date on which the claim for universal credit was made or treated as made, the date on which the relevant award terminated;

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(1) Schedule 2 is modified in relation to certain persons by [S.R. 2008 No. 503](#), as amended by [S.R. 2009 No. 426](#). Paragraph 15 was amended by regulation 4(8)(c) of [S.R. 2008 No. 428](#). Paragraph 16 was amended by regulation 5 of [S.R. 2006 No. 407](#).

(2) Schedule 6 is modified in relation to certain persons by [S.R. 2008 No. 503](#), as amended by [S.R. 2009 No. 426](#).

(3) [S.R. 1987 No. 459](#); Schedule 3 is modified in relation to certain persons by [S.R. 2008 No. 503](#), as amended by [S.R. 2009 No. 426](#). Paragraph 16 was amended by regulation 2(8)(c) of [S.R. 2008 No. 248](#); Paragraph 17 was amended by regulation 5 of [S.R. 2006 No. 407](#).

- (b) where paragraph (1)(a)(i) applies, the claimant is not a new claimant partner and he or she was entitled to the relevant award on the date on which the claim for universal credit was made, that date;
  - (c) where paragraph (1)(a)(i) applies, the claimant is a new claimant partner and he or she was entitled to the relevant award on the date on which the claim for universal credit was treated as made, that date; and
  - (d) where paragraph (1)(a)(ii) applies, the date on which the claimant ceased to be the partner of P or, if earlier, the date on which the relevant award terminated.
- (3) Where this paragraph applies, paragraph 5 of Schedule 5 to the Universal Credit Regulations (no housing costs element under this Schedule for qualifying period) does not apply.
- (4) Paragraph (5) applies where paragraph (1)(a) applies, but the relevant award did not include an amount in respect of housing costs because the claimant’s entitlement (or, as the case may be, P’s entitlement) was nil by virtue of—
- (a) paragraph 6(1)(c) or 7(1)(b) of Schedule 2 to the JSA Regulations 1996;
  - (b) paragraph 8(1)(c) or 9(1)(b) of Schedule 6 to the ESA Regulations 2008; or, as the case may be,
  - (c) paragraph 6(1)(c) or 8(1)(b) of Schedule 3 to the Income Support (General) Regulations (Northern Ireland) 1987.
- (5) Where this paragraph applies—
- (a) paragraph 5(2) of Schedule 5 to the Universal Credit Regulations does not apply; and
  - (b) the “qualifying period” referred to in paragraph 5 of that Schedule is the period of 273 days starting with the first day on which the claimant (or, as the case may be, P) was entitled to the relevant award, taking into account any period which was treated as a period of continuing entitlement under—
    - (i) paragraph 13 of Schedule 2 to the JSA Regulations 1996(4);
    - (ii) paragraph 15 of Schedule 6 to the ESA Regulations 2008(5); or, as the case may be,
    - (iii) paragraph 14 of Schedule 3 to the Income Support (General) Regulations (Northern Ireland) 1987(6),
 provided that, throughout that part of the qualifying period after the award of universal credit is made, receipt of universal credit is continuous and the claimant otherwise qualifies for the inclusion of an amount calculated under Schedule 5 to the Universal Credit Regulations in their award.
- (6) For the purposes of—

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- (4) Paragraph 13 was amended by regulation 29(5) of S.R. 1996 No. 358, regulation 2(18)(a) of S.R. 1996 No. 503, regulation 7(2) of S.R. 1997 No. 165, regulation 13(3) of S.R. 1997 No. 541, regulation 11(4) of S.R. 1998 No. 324, regulation 2(6) of S.R. 1999 No. 107, regulation 2(2) of S.R. 1999 No. 315, Article 9(17)(b) of S.R. 1999 No. 428 (C. 32), paragraph 54(8) (b), (c), (d) and (e) of S.R. 2000 No. 350, regulation 12(b) of S.R. 2001 No. 78, regulation 9(b)(ii)(bb) and (iii) of S.R. 2001 No. 151, regulation 5 of S.R. 2002 No. 128, regulation 32(b) of S.R. 2003 No. 191, regulation 4(7) of S.R. 2005 No. 424, regulation 13(12)(b) of S.R. 2006 No. 359, regulation 4(14) of S.R. 2008 No. 112, regulation 19(25)(e) of S.R. 2008 No. 286, regulation 3(5) of S.R. 2008 No. 290, regulation 4(8)(b) of S.R. 2008 No. 428, regulation 2(10) of S.R. 2009 No. 141, regulation 7(8) of S.R. 2011 No. 135 and regulation 10(11)(b) of S.R. 2011 No. 357.
  - (5) Paragraph 15 was amended by regulation 3(30)(d) of S.R. 2008 No. 413, regulation 14(10)(b), (c) and (d) of S.R. 2011 No. 135, regulation 21(15) of S.R. 2011 No. 357 and regulation 5(7) of S.R. 2011 No. 368.
  - (6) Paragraph 14 was amended by regulation 2(3)(i) of S.R. 1995 No. 434, regulation 24(b) of S.R. 1996 No. 199, regulation 5(10) (b) of S.R. 1996 No. 405, regulation 16(3) of S.R. 1997 No. 541, regulation 3(5) of S.R. 1998 No. 182, regulation 8(4)(b) of S.R. 1998 No. 324, regulation 3 of S.R. 1999 No. 107, regulation 2(1) of S.R. 1999 No. 315, Article 7(11)(b)(i) and (ii) of S.R. 1999 No. 472 (C. 36), regulation 3(5) of S.R. 2000 No. 241, regulation 6 of S.R. 2001 No. 78, regulation 12(b)(ii)(bb) and (iv), regulation 5 of S.R. 2002 No. 128, regulation 24(6)(d) of S.R. 2003 No. 191, regulation 2(7) of S.R. 2005 No. 424, regulation 5(6)(b) of S.R. 2006 No. 359, regulation 2(9)(b)(ii) and (15) of S.R. 2008 No. 112, regulation 2(8)(b) of S.R. 2008 No. 248, regulation 12(11)(f) of S.R. 2008 No. 286 and regulation 3(7) of S.R. 2011 No. 135.

- (a) paragraph (1)(b) of this regulation, inclusion of an amount in respect of housing costs in a relevant award is to be taken into account even if the relevant award subsequently terminated by virtue of an order made under Article 2(2) of the Order, regulation 5 or, as the case may be, regulation 6, before the date on which that amount was included in the award;
- (b) paragraph (5)(b) of this regulation, entitlement to a relevant award is to be treated as having continued until the relevant date even if the award subsequently terminated by virtue of an order made under Article 2(2) of the Order, regulation 5 or, as the case may be, regulation 6, before that date.