
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 226

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

PART 2

CHAPTER 1

ENTITLEMENT TO OTHER BENEFITS

Exclusion of claims for certain existing benefits

4.—(1) Except as provided in paragraphs (5) to (9) a universal credit claimant may not make a claim for income support, housing benefit or tax credit.

(2) For the purposes of this regulation, a person is a universal credit claimant if—

- (a) the person is entitled to universal credit;
- (b) the person has made a claim for universal credit, a decision has not yet been made on that claim and the person has not been informed (in accordance with an order made under Article 2(2) of the Order) that he or she is not entitled to claim universal credit;
- (c) the person was previously entitled to a joint award of universal credit which terminated because the person ceased to be a member of a couple, he or she is not exempt (by virtue of regulation 8(6) of the Claims and Payments Regulations (claims for universal credit by members of a couple)) from the condition of entitlement to universal credit that he or she makes a claim for it and the period of one month, starting with the date on which the person notified the Department that he or she ceased to be a member of a couple, has not expired;
- (d) the person may be entitled to an award of universal credit in circumstances where, by virtue of regulation 8(6), (7) or (10) of the Claims and Payments Regulations, it is not a condition of entitlement that he or she makes a claim for it, but no decision has yet been made as to the person's entitlement;
- (e) the person is treated, under the Claims and Payments Regulations as having made a claim for universal credit, but no decision has yet been made as to the person's entitlement; and
- (f) a decision has been made that the person is not entitled to universal credit and—
 - (i) the Department is considering whether to revise that decision under Article 10 of the Social Security Order 1998, whether on an application made for that purpose, or on its own initiative, or
 - (ii) the person has appealed against that decision to the Appeal Tribunal and that appeal and any subsequent appeal to the Commissioner or to a court has not been finally determined.

(3) For the purposes of paragraph (1)—

- (a) a universal credit claimant makes a claim for benefit mentioned in that paragraph if the claimant takes any action which results in a decision on a claim being required under the relevant Regulations; and
 - (b) except as provided in paragraphs (5) to (7), it is irrelevant that the effect of any provision of the relevant Regulations is that, for the purposes of those Regulations, the claim is made or treated as made at a time when the claimant was not a universal credit claimant.
- (4) The relevant Regulations are—
- (a) in relation to a claim for income support, the Claims and Payments Regulations 1987;
 - (b) in relation to a claim for housing benefit, the Housing Benefit Regulations or as the case may be, the Housing Benefit (State Pension Credit) Regulations; and
 - (c) in relation to a claim for tax credit, the Tax Credits (Claims and Notifications) Regulations 2002⁽¹⁾.
- (5) A universal credit claimant is not precluded from making a claim for income support if—
- (a) first notification of the claimant’s intention to make that claim was made, or deemed to be made, for the purposes of regulations 6(1A)(c) or 6A of the Claims and Payments Regulations 1987⁽²⁾, before the date on which the claim for universal credit was made or treated as made; and
 - (b) in accordance with the Claims and Payments Regulations 1987, the claimant’s entitlement to income support in connection with the claim will (if the claimant is entitled to income support) pre-date—
 - (i) the date, or anticipated date, of the claimant’s entitlement to universal credit in connection, with the current award or claim, or
 - (ii) where the claimant is a new claimant partner and regulation 5(4) would apply to the award, the date on which it would terminate in accordance with that provision.
- (6) A universal credit claimant is not precluded from making a claim for housing benefit if—
- (a) first notification of the claimant’s intention to make that claim was given (within the meaning of regulation 81(5)(d) of the Housing Benefit Regulations⁽³⁾ or, as the case may be, regulation 62(6)(d) of the Housing Benefit (State Pension Credit) Regulations⁽⁴⁾) before the date on which the claim for universal credit was made or treated as made; and
 - (b) in accordance with the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations, the claimant’s entitlement to housing benefit in connection with the claim will (if the claimant is entitled to housing benefit) pre-date—
 - (i) the date, or anticipated date, of the claimant’s entitlement to universal credit in connection with the current award or claim, or
 - (ii) where the claimant is a new claimant partner and regulation 5(5)(b) would apply to the award, the date on which it would terminate in accordance with the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations.
- (7) A universal credit claimant is not precluded from correcting or completing a claim for housing benefit which was defective within the meaning of the Housing Benefit Regulations or the Housing Benefit (State Pension Credit) Regulations if—

(1) S.I. 2002/2014.

(2) Regulation 6(1A) was inserted by regulation 3(4)(b) of S.R. 1997 No. 156 and regulation 6A was inserted by paragraph 4 of Schedule 3 to S.R. 2001 No. 176.

(3) Regulation 81(5)(d) was substituted by regulation 2(2)(j) of S.R. 2008 No.371.

(4) Regulation 62(6)(d) was substituted by regulation 3(2)(j) of S.R. 2008 No.371.

- (a) the defective claim was made before the date on which the claim for universal credit was made or treated as made; and
 - (b) in accordance with the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations, the claimant's entitlement to housing benefit in connection with the claim will (if the claimant is entitled to housing benefit) pre-date—
 - (i) the date, or anticipated date, of the claimant's entitlement to universal credit in connection with the current award or claim, or
 - (ii) where the claimant is a new claimant partner and regulation 5(5)(b) would apply to the award, the date on which it would terminate in accordance with the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations.
- (8) A universal credit claimant is not precluded from making a claim for housing benefit in respect of specified accommodation.
- (9) A universal credit claimant is not precluded from making a claim for a tax credit which the claimant is treated as having made by virtue of regulation 5(7) or 6(4)(a).