
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 226) (“The Transitional Provisions Regulations”).

Regulation 1 provides for citation, commencement and interpretation.

Regulation 2 revokes regulation 2A of the Transitional Provisions Regulations (department discretion to determine claims for universal credit may not be made). This removes the discretion of the department to temporarily exclude universal credit claims in any area or in any category of case if considered necessary to safeguard the efficient administration of universal credit. This provision is no longer needed owing to progress with the rollout of universal credit.

Regulation 3 revokes regulation 4 of the Transitional Provisions Regulations (exclusion of claims for certain existing benefits), which excludes universal credit claimants from claiming income support, housing benefit or tax credits. Regulation 4 is no longer needed.

Regulation 4 inserts a new paragraph 4A into the Transitional Provision Regulations. The new regulation replaces regulation 4.

Regulation 5 amends regulations 5, 6, 10 and 11 of the Transitional Provisions Regulations. The effect of these omissions is that there is no longer a requirement for the Department to be satisfied that the claimant or claimants meet the basic conditions specified in Article 9(1)(a) to (d) of the Welfare Reform (Northern Ireland) Order 2015 (other than any of those conditions which the claimant is not required to meet by virtue of regulations under Article 9(2) of the Welfare Reform (Northern Ireland) Order 2015) when a universal credit claim is made.

Regulation 6 revokes regulation 45(7) of the Transitional Provision Regulations.

Regulation 7 makes Northern Ireland specific amendments to regulation 47(1) of the Transitional Provisions Regulations (termination of existing benefits if no claim before the deadline) in order to clarify that only a rent allowance is payable during the two week run-on of housing benefit when a claim to UC is made.

Regulation 8 revokes regulation 48 of the Transitional Provisions Regulations. This has the effect of aligning the termination of any existing benefits for notified persons who claim as a different benefit unit with the termination of existing benefits upon natural migration following a change in couple status. Paragraph (2) provides that if a notified person claims UC as a different benefit unit they will not qualify for transitional protection.

Regulation 9 makes Northern Ireland specific amendments to regulation 54(7) and (11) of the Transitional Provisions Regulations (transitional element – total legacy benefit) in order to clarify that only the rent element is to be included in the calculation of legacy benefits when calculating the transitional protection element or the benefit cap.

Regulation 10 provides that when calculating the adjustment of a transitional element under regulation 56 of the Transitional Provisions Regulations, if the LCWRA element replaces the LCW element the “relevant increase” is the difference between the two amounts.

Regulation 11 provides for the protection for full time students in Regulation 61 of the Transitional Provisions Regulations to cease to apply in the same way as any of the other forms of transitional protection. In addition, that protection for full-time students will only apply to a subsequent award in the same circumstances as other forms of transitional protection can apply to a subsequent award.

Regulation 12 abolishes discretionary hardship payments.

Status: *This is the original version (as it was originally made).*

Regulation 13 and the Schedule contains amendments consequential on these Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sectors is foreseen.