
DRAFT STATUTORY INSTRUMENTS

2013 No.

The Universal Credit (Transitional Provisions) Regulations 2013

PART 3

EFFECT OF TRANSITION TO UNIVERSAL CREDIT

CHAPTER 1

ENTITLEMENT TO EXISTING BENEFITS

Exclusion of entitlement to existing benefits

15.—(1) A person is not entitled to any benefit mentioned in paragraph (2) at any time when they are entitled to universal credit.

(2) The benefits are—

- (a) income support under section 124 of the Social Security Contributions and Benefits Act 1992;
- (b) housing benefit under section 130 of that Act;
- (c) tax credits;
- (d) state pension credit.

(3) A person who is entitled to universal credit may not make a claim for any benefit mentioned in paragraph (2)(a) to (c), even if, because of any of the provisions mentioned in paragraph (4), the claim is made or treated as made at a time when the person was not entitled to universal credit.

(4) The provisions are—

- (a) regulation 6(1A)(b), (1F)(c), (3), (4ZC)(b), (16), (19), (28) or (30) of the Social Security (Claims and Payments) Regulations 1987(1) (“the 1987 Regulations”);
- (b) regulation 83(5) or (12) of the Housing Benefit Regulations 2006(2) (“the 2006 Regulations”);
- (c) regulation 64(6) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(3) (“the 2006 (SPC) Regulations”);
- (d) regulation 7, 8, 11(3) or 12(6) of the Tax Credits (Claims and Notifications) Regulations 2002(4) (“the 2002 Regulations”).

(1) [S.I. 1987/1968](#). Para (1A) of reg 6 was inserted by [S.I. 1997/793](#) and sub-para (b) was amended by [S.I. 2009/1490](#); para (1F) was substituted by [S.I.2009/1490](#); para (3) was inserted by [S.I. 1988/522](#) and amended by [S.I. 1988/1725](#), [1991/2284](#), [1997/793](#) and [1999/2572](#); para (4ZC) was inserted by [S.I. 2000/1982](#) and sub-para (b) was amended by [S.I. 2009/1490](#); para (16) was substituted by [S.I. 2000/1596](#); para (19) was substituted by [S.I. 2000/1596](#) and amended by [S.I. 2002/428](#), [2006/2377](#) and [2007/2470](#); para (28) was amended by [S.I. 2003/455](#); para (30) was inserted by [S.I. 2002/428](#) and amended by [S.I. 2007/2470](#).

(2) [S.I. 2006/213](#). Reg 83(5) has been amended by [S.I. 2007/ 2911](#), [2008/2299](#) and [2008/1082](#).

(3) [S.I. 2006/214](#). Reg 64(6) has been amended by [S.I. 2007/2911](#) and [2008/2299](#).

(4) [S.I. 2002/2014](#). Reg 7 has been amended by [S.I. 2003/723](#), [2009/2887](#) and [2012/848](#); reg 8 was substituted by [S.I. 2009/697](#) and has been amended by [S.I. 2009/2887](#) and [2012/848](#); reg 11(3) was substituted by [S.I. 2008/604](#) and has been amended by [S.I. 2009/697](#) and [2010/751](#).

- (5) For the purposes of paragraph (3)—
- (a) the date on which a claim for income support is made or treated as made is to be determined in accordance with the 1987 Regulations;
 - (b) the date on which a claim for housing benefit is made or treated as made is to be determined in accordance with the 2006 Regulations or, as the case may be, the 2006 (SPC) Regulations;
 - (c) the date on which a claim for a tax credit is made or treated as made is to be the date on which the claim is received by a relevant authority at an appropriate office, within the meaning of the 2002 Regulations, or such other date on which it is treated as made under those Regulations.

Termination of awards of existing benefits

16.—(1) This regulation applies where—

- (a) a person (“A”) to whom an award of universal credit was made as a single claimant ceases to be entitled as such by becoming a member of a couple;
- (b) the other member of the couple (“B”) was not entitled to universal credit as a single claimant immediately before formation of the couple; and
- (c) an award of universal credit is made to the members of the couple jointly⁽⁵⁾.

(2) In these Regulations, B is referred to as “the new claimant partner”.

(3) Where this regulation applies, all awards of an existing benefit to which the new claimant partner is entitled which did not terminate on formation of the couple are to terminate, by virtue of this regulation, on the day before the first date on which the joint claimants are entitled to universal credit.

(4) Where the new claimant partner was, immediately before forming a couple with A, treated by regulation 8 as being entitled to a tax credit, the new claimant partner is to be treated, for the purposes of the Tax Credits Act 2002, as having made a claim for the tax credit in question for the current tax year.

(5) Any award of a tax credit which is made in respect of a claim which is treated as having been made by virtue of paragraph (4) is to terminate, by virtue of this regulation, on the day before the first date on which the joint claimants are entitled to universal credit.

Finalisation of tax credits and modification of tax credits legislation

17.—(1) This regulation applies where an award of universal credit is made to a person who was previously entitled to a tax credit and the award of that tax credit terminated at any time during the tax year in which the award of universal credit is made.

(2) Where this regulation applies—

- (a) the Tax Credits Act 2002 (“the 2002 Act”) is to apply in relation to the person with the modifications made by paragraphs 9, 10, 13 and 14 of the Schedule to these Regulations; and
- (b) subject to paragraph (3), the amount of the tax credit to which the person is entitled is to be calculated in accordance with the 2002 Act and regulations made under that Act, as modified by the other provisions of that Schedule (“the legislation as further modified”).

(3) Where, in the opinion of the Commissioners of Her Majesty’s Revenue and Customs, it is not reasonably practicable to apply the legislation as further modified in relation to any case or category

(5) See reg 9(8) of the Claims and Payments Regulations and reg 3(4) of these Regulations.

of cases, the 2002 Act is to apply without further modification, and regulations made under that Act are to apply without modification, in that case or category of cases.

Ongoing appeals etc

18.—(1) This regulation applies where—

- (a) a new claimant partner to whom an award of universal credit has been made appealed against a decision relating to entitlement to an existing benefit; and
- (b) the appeal to the First-tier Tribunal, or any subsequent appeal to the Upper Tribunal or a court, was ongoing at the date on which the award of universal credit was made, or a further appeal (by any party) was made after that date.

(2) This regulation also applies where—

- (a) a new claimant partner to whom an award of universal credit has been made applied—
 - (i) to the Secretary of State to consider whether to revise, under section 9 of the Social Security Act 1998, or to supersede, under section 10 of that Act, a decision relating to the new claimant partner’s entitlement to jobseeker’s allowance, employment and support allowance or income support; or
 - (ii) to the relevant authority (within the meaning of the Child Support, Pensions and Social Security Act 2000) to consider whether to revise or supersede, under Schedule 7 to that Act, a decision relating to the new claimant partner’s entitlement to housing benefit,

and that application is pending at the date on which the award of universal credit was made; or

- (b) the Secretary of State or, as the case may be, a relevant authority mentioned in subparagraph (a)(ii), is considering whether to revise or supersede such a decision on their own initiative.

(3) Where this regulation applies, and the new claimant partner is still entitled to universal credit when the appeal is finally determined or a decision is revised or superseded—

- (a) any entitlement to an existing benefit arising from the appeal, or from the decision as revised or superseded, is to terminate, by virtue of this regulation, on the day before the first date of entitlement to universal credit;
- (b) the new claimant partner is not entitled to any payment in respect of an existing benefit for any period after the day before the first date of entitlement to universal credit; and
- (c) the Secretary of State is to consider whether it is appropriate to revise under section 9 of the 1998 Act the decision in relation to entitlement to universal credit or, if that decision has been superseded under section 10 of that Act, the decision as so superseded (in either case, “the UC decision”).

(4) Where it appears to the Secretary of State to be appropriate to revise the UC decision, it is to be revised in such manner as appears to the Secretary of State to be necessary to take account of—

- (a) the decision of the First-tier Tribunal, Upper Tribunal, or court or, as the case may be, the decision relating to entitlement to an existing benefit, as revised or superseded by the Secretary of State or relevant authority; and
- (b) any finding of fact by the Tribunal, Upper Tribunal, or court.