
DRAFT STATUTORY INSTRUMENTS

2013 No.

The Universal Credit (Transitional Provisions) Regulations 2013

PART 2

FIRST STAGE OF TRANSITION TO UNIVERSAL CREDIT

CHAPTER 2

THE PATHFINDER GROUP

Existing benefits

- 7.—(1) The person must not be entitled to—
- (a) any existing benefit;
 - (b) contribution-based jobseeker's allowance;
 - (c) contributory employment and support allowance;
 - (d) incapacity benefit or severe disablement allowance, as defined in Schedule 4 to the 2007 Act;
 - (e) disability living allowance under section 71 of the Social Security Contributions and Benefits Act 1992⁽¹⁾; or
 - (f) personal independence payment⁽²⁾.
- (2) The person must not be treated by regulation 8 as being entitled to a tax credit.
- (3) The person must not be awaiting—
- (a) a decision on a claim for any benefit mentioned in paragraph (1)(a) to (c); or
 - (b) the outcome of an application—
 - (i) to the Secretary of State to consider whether to revise, under section 9 of the Social Security Act 1998⁽³⁾, a decision that the person is not entitled 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⁽⁴⁾) to consider whether to revise, under Schedule 7 to that Act, a decision that the person is not entitled to housing benefit.
- (4) If the person has appealed against a decision that they are not entitled to a benefit mentioned in paragraph (1)(a) to (c), the Secretary of State must be satisfied—
- (a) that the appeal to the First-tier Tribunal, and any subsequent appeal to the Upper Tribunal or to a court, is not ongoing; and

(1) 1992 c.4.

(2) See the Act, s.77.

(3) 1998 c.14. See, in relation to consideration of revision under s.9, s.12(2)(b) and (3A), inserted by the Act.

(4) 2000 c.19.

- (b) where an appeal has been finally determined, that there is no possibility of a further appeal by any party.
- (5) If the person was previously entitled to jobseeker's allowance, the award of that benefit must not have terminated during the period of two weeks ending with the date on which the claim for universal credit is made.
- (6) If the person was previously entitled to employment and support allowance, the award of that benefit must not have terminated during the period of two weeks ending with the date on which the claim for universal credit is made, unless the award terminated as a result of a decision which incorporated a determination that the person no longer had limited capability for work within the meaning of the 2007 Act.