
STATUTORY INSTRUMENTS

2014 No. 1230

The Universal Credit (Transitional Provisions) Regulations 2014

PART 2

TRANSITION TO UNIVERSAL CREDIT

CHAPTER 3

EFFECT OF TRANSITION TO UNIVERSAL CREDIT

Transition from other incapacity benefits^[F1]: assessment under the 2010 Regulations]

23.—(1) This regulation applies where—

- (a) an award of universal credit is made to a claimant who is entitled to incapacity benefit or severe disablement allowance ^{M1}[^{F2}(“the relevant award”)]; and
- ^[F3](b) on or before the date on which the claim for universal credit is made or treated as made, a notice has been issued to the claimant under regulation 4 of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No.2) Regulations 2010 (“the 2010 Regulations”)^{M2} (notice commencing the conversion phase).]

^[F4](1A) Where this regulation applies, regulations 27(3) (award to include LCW and LCWRA elements) and 38 (determination of limited capability for work and work-related activity) of the Universal Credit Regulations do not apply and the question whether a claimant has limited capability for work, or for work and work-related activity, is to be determined, for the purposes of the Act and the Universal Credit Regulations, in accordance with this regulation.]

(2) ^[F5]Where it is determined in accordance with the 2010 Regulations that the relevant award qualifies for conversion into an award in accordance with regulation 7 of those Regulations (qualifying for conversion) and that award includes the work-related activity component]—

- ^{F6}(a)
- (b) the claimant is to be treated as having had limited capability for work for the purposes of regulation 27(1)(a) of the Universal Credit Regulations from the beginning of the first assessment period;
- (c) regulation 28(1) of those Regulations (period for which LCW or LCWRA element is not to be included) does not apply;
- (d) the LCW element is (subject to the provisions of Part 4 of the Universal Credit Regulations) to be included in the award of universal credit with effect from the beginning of the first assessment period; and
- (e) the claimant is to be treated as having limited capability for work for the purposes of section 21(1)(a) of the Act.

Status: Point in time view as at 11/04/2018.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit (Transitional Provisions) Regulations 2014, Section 23. (See end of Document for details)

(3) [^{F7}Where it is determined in accordance with the 2010 Regulations that the relevant award qualifies for conversion into an award in accordance with regulation 7 of those Regulations and that award includes the support component]—

- ^{F8}(a)
- (b) the claimant is to be treated as having had limited capability for work and work-related activity for the purposes of regulation 27(1)(b) of the Universal Credit Regulations from the beginning of the first assessment period;
- (c) regulation 28(1) of those Regulations does not apply;
- (d) the LCWRA element is (subject to the provisions of Part 4 of the Universal Credit Regulations) to be included in the award of universal credit with effect from the beginning of the first assessment period; and
- (e) the claimant is to be treated as having limited capability for work and work-related activity for the purposes of section 19(2)(a) of the Act.

Textual Amendments

- F1** Words in reg. 23 heading inserted (13.10.2014) by [The Universal Credit \(Transitional Provisions\) \(Amendment\) Regulations 2014 \(S.I. 2014/1626\)](#), **reg. 1(2)**, 5(2)(a)
- F2** Words in reg. 23(1)(a) inserted (13.10.2014) by [The Universal Credit \(Transitional Provisions\) \(Amendment\) Regulations 2014 \(S.I. 2014/1626\)](#), **reg. 1(2)**, 5(2)(b)(i)
- F3** Reg. 23(1)(b) substituted (13.10.2014) by [The Universal Credit \(Transitional Provisions\) \(Amendment\) Regulations 2014 \(S.I. 2014/1626\)](#), **reg. 1(2)**, 5(2)(b)(ii)
- F4** Reg. 23(1A) inserted (13.10.2014) by [The Universal Credit \(Transitional Provisions\) \(Amendment\) Regulations 2014 \(S.I. 2014/1626\)](#), **reg. 1(2)**, 5(2)(c)
- F5** Words in reg. 23(2) substituted (13.10.2014) by [The Universal Credit \(Transitional Provisions\) \(Amendment\) Regulations 2014 \(S.I. 2014/1626\)](#), **reg. 1(2)**, 5(2)(d)(i)
- F6** Reg. 23(2)(a) omitted (13.10.2014) by [The Universal Credit \(Transitional Provisions\) \(Amendment\) Regulations 2014 \(S.I. 2014/1626\)](#), **reg. 1(2)**, 5(2)(d)(ii)
- F7** Words in reg. 23(3) substituted (13.10.2014) by [The Universal Credit \(Transitional Provisions\) \(Amendment\) Regulations 2014 \(S.I. 2014/1626\)](#), **reg. 1(2)**, 5(2)(e)(i)
- F8** Reg. 23(3)(a) omitted (13.10.2014) by [The Universal Credit \(Transitional Provisions\) \(Amendment\) Regulations 2014 \(S.I. 2014/1626\)](#), **reg. 1(2)**, 5(2)(e)(ii)

Marginal Citations

- M1** See regulation 19(8).
- M2** [S.I. 2010/1907](#). Regulation 7 was amended by [S.I. 2010/2430](#) and 2012/913.

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Changes to legislation:

There are currently no known outstanding effects for the The Universal Credit (Transitional Provisions) Regulations 2014, Section 23.