
STATUTORY INSTRUMENTS

2017 No. 725

The Loans for Mortgage Interest Regulations 2017

Transition from legacy benefit to universal credit

21.—(1) Paragraph (3) applies where—

- (a) an award of universal credit is made to a claimant who—
 - (i) was entitled to^[F1], or was treated as entitled to,] a legacy benefit (a “relevant award”) at any time during the period of one month ending with the day on which the claim for universal credit was made or treated as made (or would have been so entitled were it not for termination of that award by virtue of an order made under section 150(3) of the Welfare Reform Act 2012⁽¹⁾ or the effect of the Transitional Provisions Regulations ⁽²⁾); or
 - (ii) was at any time during the period of one month ending with the day on which the claim for universal credit was made or treated as made, the partner of a person (“P”) who was at that time entitled to^[F2], or treated as entitled to,] a relevant award, where the award of universal credit is not a joint award to the claimant and P;
- (b) on the relevant date—
 - (i) the relevant award included an amount in respect of housing costs under—
 - (aa) paragraphs 14 to 16 of Schedule 2 to the JSA Regulations⁽³⁾;
 - (bb) paragraphs 16 to 18 of Schedule 6 to the ESA Regulations; or
 - (cc) paragraphs 15 to 17 of Schedule 3 to the IS Regulations⁽⁴⁾; or
 - (ii) the claimant was entitled to loan payments under these Regulations; and
- (c) the amendments made by Schedule 5 apply in relation to the award of universal credit.

(2) In this regulation, the “relevant date” means—

- (a) where paragraph (1)(a)(i) applies and the claimant was not entitled to^[F3], or treated as entitled to,] the relevant award on the date on which the claim for universal credit was made or treated as made, the date on which the relevant award terminated;
- (b) where paragraph (1)(a)(i) applies, the claimant is not a new claimant partner and he or she was entitled to^[F4], or treated as entitled to,] the relevant award on the date on which the claim for universal credit was made, that date;
- (c) where paragraph (1)(a)(i) applies, the claimant is a new claimant partner and he or she was entitled to^[F5], or treated as entitled to,] the relevant award on the date on which the claim for universal credit was treated as made, that date;
- (d) where paragraph (1)(a)(ii) applies, the date on which the claimant ceased to be the partner of P or, if earlier, the date on which the relevant award terminated.

(1) 2012 c. 5.

(2) S.I. 2014/1230.

(3) Paragraph 15 was amended by S.I. 2008/2767. Paragraph 16 was amended by S.I. 2006/217 and 2378. The Regulations have been modified in their application to certain claimants by S.I. 2008/3195, as amended by S.I. 2009/3257 and 2011/2425.

(4) Paragraph 16 was amended by S.I. 2008/2767. Paragraph 17 was amended by S.I. 2006/217 and 2378.

- (3) Where this paragraph applies, regulation 8(1)(b) does not apply.
- (4) Paragraph (5) applies where paragraph (1)(a) applies and the amendments made by Schedule 5 apply in relation to the award of universal credit, but—
- (a) the relevant award did not include an amount in respect of housing costs because the claimant’s entitlement (or, as the case may be, P’s entitlement) was nil by virtue of—
 - (i) paragraph 7(1)(b) of Schedule 2 to the JSA Regulations(5);
 - (ii) paragraph 9(1)(b) of Schedule 6 to the ESA Regulations(6); or
 - (iii) paragraph 8(1)(b) of Schedule 3 to the IS Regulations(7); or
 - (b) the amendments made by Schedule 5 applied in relation to the relevant award but the claimant was not entitled to loan payments by virtue of regulation 8(1)(b).
- (5) Where this paragraph applies—
- (a) the definition of “qualifying period” in regulation 2(1) does not apply; and
 - (b) “qualifying period” means the period of 273 days starting with the first day on which the claimant (or, as the case may be, P) was entitled to the relevant award, taking into account any period which was treated as a period of continuing entitlement under—
 - (i) paragraph 13 of Schedule 2 to the JSA Regulations(8);
 - (ii) paragraph 15 of Schedule 6 to the ESA Regulations(9); or
 - (iii) paragraph 14 of Schedule 3 to the IS Regulations(10),
 provided that, throughout that part of the qualifying period after the award of universal credit is made, receipt of universal credit is continuous and the claimant otherwise qualifies for loan payments under these Regulations.
- (6) Paragraph (7) applies where—
- (a) a claimant has an award of universal credit which becomes subject to the amendments made by Schedule 5; and
 - (b) regulation 29 of the Transitional Provisions Regulations(11) applied in relation to the award.
- (7) Where this paragraph applies—
- (a) where paragraph (3) of regulation 29 of the Transitional Provisions Regulations applied in relation to the award, regulation 8(1)(b) does not apply; and
 - (b) where paragraph (5) of regulation 29 of the Transitional Provisions Regulations applied in relation to the award, paragraph (5) of this regulation applies in relation to the award.

F1	Words in reg. 21(1)(a)(i) inserted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307) , regs. 1(2), 2(13)(a)(i)
F2	Words in reg. 21(1)(a)(ii) inserted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307) , regs. 1(2), 2(13)(a)(ii)

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- (5) Paragraph 7(1)(b) was amended by [S.I. 2015/1647](#).
- (6) Paragraph 9(1) was amended by [S.I. 2015/1647](#).
- (7) Paragraph 8(1)(b) was amended by [S.I. 1995/2927](#) and [2015/1647](#).
- (8) Paragraph 13 was amended by [S.I. 1996/1516](#), [1517](#) and [2538](#), [1997/827](#) and [2863](#), [1998/2231](#), [1999/714](#), [1921](#) and [2860](#), [2000/724](#) and [1978](#), [2001/488](#) and [1029](#), [2002/841](#) and [3019](#), [2005/2465](#), [2006/2378](#), [2008/698](#), [1554](#), [1826](#) and [2767](#), [2009/480](#) and [2011/674](#) and [2425](#).
- (9) Paragraph 15 was amended by [S.I. 2008/2428](#), [2011/674](#), [2425](#) and [2428](#) and [2013/388](#) and [591](#).
- (10) Paragraph 14 was amended by [S.I. 1995/2927](#), [1996/206](#) and [1944](#), [1997/2863](#), [1998/2231](#), [1999/714](#), [1921](#) and [3178](#), [2000/724](#) and [1981](#), [2001/488](#) and [1029](#), [2002/841](#) and [3019](#), [2005/2465](#), [2006/2378](#), [2008/698](#), [1554](#), [2428](#) and [2767](#) and [2011/674](#).
- (11) Regulation 29 was amended by [S.I. 2015/1647](#)

- F3** Words in reg. 21(2)(a) inserted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(13)(b)(i)**
- F4** Words in reg. 21(2)(b) inserted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(13)(b)(ii)**
- F5** Words in reg. 21(2)(c) inserted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(13)(b)(iii)**

Changes to legislation:

There are currently no known outstanding effects for the The Loans for Mortgage Interest Regulations 2017, Section 21.