
STATUTORY INSTRUMENTS

2021 No. 4

**The Universal Credit (Transitional Provisions)
(Claimants previously entitled to a severe
disability premium) Amendment Regulations 2021**

Amendment of the Universal Credit (Transitional Provisions) Regulations 2014

2. For Schedule 2 to the Universal Credit (Transitional Provisions) Regulations 2014 (claimants previously entitled to a severe disability premium: transitional payments)(**1**) substitute—

“SCHEDULE 2

Regulation 63

Claimants previously entitled to a severe disability premium

1. This Schedule applies to an award of universal credit where the following conditions are met in respect of the claimant, or each of joint claimants.

2. The first condition is that the award was not made as a consequence of the claimant becoming a member of a couple where the other member was already entitled to an award of universal credit.

3. The second condition is that the claimant—

- (a) was entitled (or was a member of a couple the other member of which was entitled) to an award of income support, income-based jobseeker’s allowance or income-related employment and support allowance that included a severe disability premium within the month immediately preceding the first day of the award of universal credit; and
- (b) continued to satisfy the conditions for eligibility for a severe disability premium up to and including the first day of that award.

4. Where this Schedule applies (subject to paragraphs 6 and 7), a transitional SDP element is to be included in the calculation of the award and the amount of that element is to be treated, for the purposes of section 8 of the Act, as if it were an additional amount to be included in the maximum amount under section 8(2) before the deduction of income under section 8(3).

5. The amount of the transitional SDP element in the first assessment period is—

- (a) in the case of a single claimant—
 - (i) £120, if the LCWRA element is included in the award, or
 - (ii) £285, if the LCWRA element is not included in the award;
- (b) in the case of joint claimants—
 - (i) £405, if the higher SDP rate was payable,
 - (ii) £120, if paragraph (i) does not apply and the LCWRA element is included in the award in respect of either of them, or

(1) [S.I. 2014/1230](#). Schedule 2 was inserted by [S.I. 2019/1152](#).

(iii) £285, if paragraph (i) does not apply and the LCWRA element is not included in the award in respect of either of them.

6. In respect of the second and each subsequent assessment period, regulation 55(2) (adjustment where other elements increase), regulation 56 (circumstances in which transitional protection ceases) and regulation 57 (application of transitional protection to a subsequent award) are to apply in relation to the transitional SDP element as if it were a transitional element in respect of which the amount calculated in accordance with paragraph 5 was the initial amount.

7. The award is not to include a transitional SDP element where the claim was a qualifying claim and the award is to include a transitional element.

8. In this Schedule—

“LCWRA element” has the meaning in the Universal Credit Regulations;

“the higher SDP rate” is the rate specified in sub-paragraph (ii) of paragraph 11(2)(b) of Schedule 4 to the Employment and Support Allowance Regulations 2008⁽²⁾ or, as the case may be, the corresponding rate of a severe disability premium in relation to income support or income-based jobseeker’s allowance.”

(2) [S.I. 2008/794](#). The rate in paragraph 11(2)(b) of Schedule 4 was amended by [S.I. 2020/234](#).