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## STATUTORY INSTRUMENTS

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# 2022 No. 752

## The Universal Credit (Transitional Provisions) Amendment Regulations 2022

### Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Universal Credit (Transitional Provisions) Amendment Regulations 2022 and come into force on 25th July 2022.

(2) These Regulations extend to England and Wales and Scotland.

(3) In these Regulations “Transitional Provisions Regulations” means the Universal Credit (Transitional Provisions) Regulations 2014<sup>(1)</sup>.

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#### Commencement Information

**I1** Reg. 1 in force at 25.7.2022, see [reg. 1\(1\)](#)

### Abolition of the Secretary of State discretion to determine that claims for universal credit may not be made

2. Regulation 4 of the Transitional Provisions Regulations (Secretary of State discretion to determine that claims for universal credit may not be made) is revoked.

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#### Commencement Information

**I2** Reg. 2 in force at 25.7.2022, see [reg. 1\(1\)](#)

### Exclusion of claims for certain existing benefits

3. Regulation 6 of the Transitional Provisions Regulations (exclusion of claims for certain existing benefits) is revoked.

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#### Commencement Information

**I3** Reg. 3 in force at 25.7.2022, see [reg. 1\(1\)](#)

### Restriction on claims for housing benefit, income support or a tax credit

4. Before regulation 7 of the Transitional Provisions Regulations (termination of awards of certain existing benefits: new claimant partners) insert—

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(1) [S.I. 2014/1230](#). The relevant amending instruments are [S.I. 2014/1626](#), [2014/2887](#), [2015/1780](#), [2017/781](#), [2018/65](#), [2019/1152](#) and [2020/655](#).

**“Restriction on claims for housing benefit, income support or a tax credit**

**6A.**—(1) Except as provided by paragraphs (2) to (7) a person may not make a claim for housing benefit, income support, or a tax credit.

(2) Paragraph (1) does not apply to a claim for housing benefit in respect of specified accommodation or temporary accommodation.

(3) Paragraph (1) does not apply to a claim for housing benefit that is made during the last assessment period of an award of universal credit, where the claimant reaches the qualifying age for state pension credit and paragraph 26 of Schedule 1 to the Decisions and Appeals Regulations<sup>(2)</sup> applies, in respect of entitlement arising from the date the claimant reaches that age.

(4) Paragraph (1) does not apply to a claim for housing benefit by a single person who has reached the qualifying age for state pension credit, or a member of a State Pension Credit Act couple where both members have reached that age or a member of a polygamous marriage where all members have reached that age.

(5) Paragraph (1) does not apply to a claim for housing benefit where—

(a) the claim is made by a member of a State Pension Credit Act couple who has reached the qualifying age for state pension credit and the other member has not reached that age; and

(b) one of the savings in the sub-paragraphs of article 4(1) of the Welfare Reform Act 2012 (Commencement No. 31 and Savings and Transitional Provisions and Commencement No. 21 and 23 and Transitional and Transitory Provisions (Amendment)) Order 2019<sup>(3)</sup> applies and the saving has not ceased to have effect under article 4(2) of that Order.

(6) Paragraph (1) does not apply to a claim for a tax credit where a person makes or persons make a claim for child tax credit or working tax credit and on the date on which he or she (or they) makes or make the claim he or she (or they) has or have an award of working tax credit or child tax credit respectively.

(7) Paragraph (1) does not apply to a claim for a tax credit where a person has or had, or persons have or had, an award of child tax credit or working tax credit in respect of a tax year and that person or those persons makes or make (or is or are treated as making) a claim for that tax credit for the next tax year.

(8) For the purposes of this regulation—

(a) “polygamous marriage” has the same meaning as in regulation 3(5) of the Universal Credit Regulations;

(b) “State Pension Credit Act couple” means a couple as defined in section 17(1) of the State Pension Credit Act 2002<sup>(4)</sup>,

and a reference to the date on which a claim for a tax credit is made is a reference to the date on which such claim is made or treated as made as provided for in the Tax Credits (Claims and Notifications) Regulations 2002<sup>(5)</sup>.”.

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**Commencement Information**

**I4** Reg. 4 in force at 25.7.2022, see [reg. 1\(1\)](#)

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(2) [S.I. 2013/381](#). Schedule 1 paragraph 26 was substituted by [S.I. 2020/655](#).

(3) [S.I. 2019/37 \(C. 1\)](#).

(4) [2002 c. 16](#). The definition of “couple” in section 17 was substituted by [S.I. 2014/560](#) and amended by [S.I. 2019/1458](#).

(5) [S.I. 2002/2014](#).

### **Termination of existing benefits – removal of requirement for Secretary of State to determine that the basic conditions are met**

5.—(1) The Transitional Provisions Regulations are amended as follows.

(2) In paragraph (1) of regulation 7 (termination of awards of certain existing benefits: new claimant partners)—

- (a) at the end of sub-paragraph (b) insert “and”; and
- (b) omit sub-paragraph (d) and the “and” preceding it.

(3) In regulation 8 (termination of awards of certain existing benefits: other claimants)—

- (a) in paragraph (1)(a), after “is made” insert “, whether or not subsequently withdrawn”;
- (b) in paragraph (1), omit sub-paragraph (b) and the “and” preceding it; and
- (c) after paragraph (2A) insert—

“(2B) This regulation does not apply in the case of a single claimant who has reached the qualifying age for state pension credit or in the case of joint claimants who have both reached the qualifying age for state pension credit.”.

(4) In paragraph (1) of regulation 12 (modification of tax credits legislation: overpayments and penalties)—

- (a) at the end of sub-paragraph (a) insert “and”; and
- (b) omit sub-paragraph (c) and the “and” preceding it.

(5) In paragraph (1) of regulation 12A (modification of tax credits legislation: finalisation of tax credits)—

- (a) at the end of sub-paragraph (a) insert “and”; and
- (b) omit sub-paragraph (c) and the “and” preceding it.

#### **Commencement Information**

**I5** Reg. 5 in force at 25.7.2022, see [reg. 1\(1\)](#)

### **Managed migration - persons who claim as a different benefit unit**

6.—(1) Regulation 47 of the Transitional Provisions Regulations (notified persons who claim as a different benefit unit) is revoked.

(2) In regulation 50(2) of the Transitional Provisions Regulations (Secretary of State to determine whether transitional protection applies) for “where regulation 47 (notified persons who claim as a different benefit unit) applies” substitute—

“where—

- (a) notified persons who were a couple for the purposes of an award of an existing benefit when the migration notice was issued are single persons or members of a different couple for the purposes of a claim for universal credit; or
- (b) notified persons who were single for the purposes of an award of an existing benefit when the migration notice was issued are a couple for the purposes of a claim for universal credit; or
- (c) notified persons who were members of a polygamous marriage for the purposes of an award of an existing benefit when the migration notice was issued are a couple or single persons for the purposes of a claim for universal credit.”.

**Commencement Information**

**16** Reg. 6 in force at 25.7.2022, see [reg. 1\(1\)](#)

**Managed migration – adjustment to transitional element where other elements increase**

7.—(1) Regulation 55 (the transitional element – initial amount and adjustment where other elements increase) of the Transitional Provisions Regulations is amended as follows.

(2) In paragraph (4), after ““relevant increase” is” insert “, subject to paragraph (5),”.

(3) At the end insert the following paragraphs—

“(5) In cases where the LCW element is replaced by the LCWRA element, the “relevant increase” is to be treated as the difference between the amounts of those elements.

(6) In this regulation, “LCW element”(6) and “LCWRA element” have the same meaning as in regulation 2 of the Universal Credit Regulations.”.

**Commencement Information**

**17** Reg. 7 in force at 25.7.2022, see [reg. 1\(1\)](#)

**Managed migration – protection for full-time students**

8. In regulation 60 of the Transitional Provisions Regulations (protection for full-time students until course completed) the existing text becomes paragraph (1) and after paragraph (1) insert—

“(2) Paragraph (1) does not apply to any assessment period in respect of which a transitional element or transitional capital disregard would (if the claimant had been entitled to that element or that disregard) have ceased to apply by virtue of regulation 56 (circumstances in which transitional protection ceases) or regulation 57 (application of transitional protection to a subsequent award).”.

**Commencement Information**

**18** Reg. 8 in force at 25.7.2022, see [reg. 1\(1\)](#)

**Abolition of discretionary hardship payments**

9. Regulation 64 of the Transitional Provisions Regulations (discretionary hardship payments) is revoked.

**Commencement Information**

**19** Reg. 9 in force at 25.7.2022, see [reg. 1\(1\)](#)

(6) The LCW element was abolished from 3rd April 2017 by [S.I. 2017/204](#) but is saved for certain claimants by transitional provisions as set out in Schedule 2 to [S.I. 2017/204](#).

### **Managed migration - abolition of the limit on number of cases migrated**

10. Regulation 2 of the Universal Credit (Managed Migration Pilot and Miscellaneous Amendments) Regulations 2019 (Managed migration pilot: limit on the number of cases migrated)(7) is revoked.

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**Commencement Information**

**I10** Reg. 10 in force at 25.7.2022, see [reg. 1\(1\)](#)

### **Consequential amendments**

11. The Schedule contains consequential amendments.

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**Commencement Information**

**I11** Reg. 11 in force at 25.7.2022, see [reg. 1\(1\)](#)

Signed by authority of the Secretary of State for Work and Pensions

At 10.30 a.m. on 4th July 2022

*David Rutley*  
Parliamentary Under Secretary of State  
Department for Work and Pensions

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(7) [S.I. 2019/1152](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Universal Credit (Transitional Provisions) Amendment Regulations 2022.