

**2022 No. 752**

**SOCIAL SECURITY**

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

*Made* - - - - at 10.30 a.m. on 4th July 2022

*Laid before Parliament* at 3.00 p.m. on 4th July 2022

*Coming into force* - - 25th July 2022

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 42(1), (2) and (3) of, and paragraphs 1(1), 3(1)(a) to (c), 4(1), (2)(c) and (d) and (3)(a) and 6 of Schedule 6 to, the Welfare Reform Act 2012(a).

In accordance with section 172(1) of the Social Security Administration Act 1992(b) the Secretary of State has referred proposals in respect of these Regulations to the Social Security Advisory Committee.

**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(c).

**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.

**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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(a) 2012 c. 5.

(b) 1992 c. 5.

(c) 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**

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

### **“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>(a)</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>(b)</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>(c)</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>(d)</sup>.”

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(a) S.I. 2013/381. Schedule 1 paragraph 26 was substituted by S.I. 2020/655.

(b) S.I. 2019/37 (C. 1).

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

(d) 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.

## **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.”.

## **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”(a) and “LCWRA element” have the same meaning as in regulation 2 of the Universal Credit Regulations.”.

### **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).”.

### **Abolition of discretionary hardship payments**

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

### **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)(b) is revoked.

### **Consequential amendments**

**11.** The Schedule contains consequential amendments.

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

*David Rutley*

Parliamentary Under Secretary of State  
Department for Work and Pensions

At 10.30 a.m. on 4th July 2022

## **SCHEDULE**

Regulation 11

### **Consequential Amendments**

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

(2) In regulation 2 (interpretation) in paragraph (4) omit the reference to “and regulation 47 (notified persons who claim as a different benefit unit)”.

(3) In regulation 5 (exclusion of entitlement to certain benefits) in paragraph (2)(ab) for “, 46(1) or 47(2)” substitute “or 46(1)” .

(4) In regulation 8A(a) (transitional housing payment) in the preliminary text for “, 46 or 47” substitute “or 46” and in paragraphs (a) and (b) for “, 46(1) or 47(2)” substitute “or 46(1)”.

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(a) 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.

(b) S.I. 2019/1152.

(5) In regulation 8B**(b)** (effect on universal credit award of two week run-on etc.) for “, 46(1) or 47(2)” substitute “or 46(1)”.

(6) In regulation 13 (appeals etc relating to certain existing benefits) in paragraph (3) for “, 46 or 47” substitute “or 46”.

(7) In regulation 44**(c)** (migration notice) in paragraph (5)—

(a) at the end of sub-paragraph (a) insert “or”; and

(b) omit sub-paragraph (b).

(8) In regulation 46**(d)** (termination of existing benefits if no claim before the deadline) omit paragraph (5).

(9) In regulation 58**(e)** (qualifying claim – Secretary of State may set later commencement day) omit “or 47(4)”.

**2.**—(1) The Welfare Reform Act 2012 (Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions (Amendment)) Order 2013**(f)** is amended as follows.

(2) Article 5A (transitional provision where Secretary of State determines that claims for universal credit may not be made: effect on claims for employment and support allowance and jobseeker’s allowance) is revoked.

(3) In article 6 (transitional provision: where the abolition of income-related employment and support allowance and income-based jobseeker’s allowance is treated as not applying) omit paragraph (1)(e)(ii) and the “or” preceding it.

**3.** Article 6 of the Welfare Reform Act 2012 (Commencement No. 21 and Transitional and Transitory Provisions) Order 2015**(g)** is revoked.

**4.**—(1) 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**(h)** is amended as follows.

(2) In paragraph (3) of article 2 (interpretation) omit “and article 8(2)(b)”.

(3) In paragraph (4) of article 6 (transitional provision: termination of awards of housing benefit) for “respectively in sub-paragraphs (h) and (l) of article 7(11) of the No.23 Order” substitute “in regulation 2 of the Universal Credit (Transitional Provisions) Regulations 2014”.

(4) In paragraph (1)(a)(i) of article 7 (transitional provision: application to housing benefit of the rules in universal credit for treatment of couples and polygamous marriages) for “article 6 of the No. 21 Order or article 7 of the No.23 Order” substitute “regulation 6A of the Universal Credit (Transitional Provisions) Regulations 2014”.

(5) Article 8 (transitional provision: where restrictions on claims for universal credit are in place) is revoked.

**5.** Article 6 of the Welfare Reform Act 2012 (Commencement No. 20 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2014**(i)** (transitory provision: claims for housing benefit, income support or a tax credit) is revoked.

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(a) Regulation 8A was inserted by S.I. 2018/65 and amended by S.I. 2019/1152.

(b) Regulation 8B was inserted by S.I. 2019/1152.

(c) Regulation 44 was inserted by S.I. 2019/1152.

(d) Regulation 46 was inserted by S.I. 2019/1152.

(e) Regulation 58 was inserted by S.I. 2019/1152.

(f) S.I. 2013/983 (C. 41), as amended by S.I. 2014/1452 (C. 56), 2014/2321 (C. 99), 2015/634 (C. 32), 2017/483 (C. 44), 2019/10, 2019/27, 2019/167 (C. 6) and 2022/302 (C. 12).

(g) S.I. 2015/33 (C. 4) as amended by S.I. 2015/634 (C. 32), 2015/740 (C. 39), 2017/483 (C. 44), 2018/138 (C. 13), 2019/10, 2019/27, 2019/37 (C. 1), 2019/167 (C. 6) and 2022/302 (C. 12).

(h) S.I. 2019/37 (C. 1) as amended by S.I. 2019/935 (C. 25), 2020/655 and 2022/302 (C. 12).

(i) S.I. 2014/3094 (C. 133).

6. Article 7 of the Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015(a) (transitional provision: claims for housing benefit, income support or a tax credit) is revoked.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Universal Credit (Transitional Provisions) Regulations 2014 (S.I. 2014/1230) (“the Transitional Provisions Regulations”) and the Universal Credit (Managed Migration Pilot and Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1152).

Regulation 1 provides for citation, commencement, extent and interpretation.

Regulation 2 revokes regulation 4 of the Transitional Provisions Regulations (Secretary of State discretion to determine claims for universal credit may not be made). This removes the discretion of the Secretary of State to exclude temporarily universal credit claims in any area or in any category of case if considered necessary to safeguard the efficient administration of universal credit. This provision is no longer needed owing to progress with the rollout of universal credit.

Regulation 3 revokes regulation 6 of the Transitional Provisions Regulations (exclusion of claims for certain existing benefits), which excludes universal credit claimants from claiming income support, housing benefit or tax credits. Regulation 6 is no longer needed and was largely superseded by orders made under section 150(3) of the Welfare Reform Act 2012 (c. 5).

Regulation 4 inserts regulation 6A into the Transitional Provisions Regulations. The new regulation replaces both regulation 6 and the provisions in the orders under section 150 of the Welfare Reform Act 2012 referred to above. Accordingly, there is now one provision that specifies cases where a person may still make a claim for housing benefit, income support or a tax credit.

Regulation 5 amends regulations 7, 8, 12 and 12A of the Transitional Provisions Regulations. The effect of these omissions is that there is no longer a requirement for the Secretary of State to be satisfied that the claimant or claimants meet the basic conditions specified in section 4(1)(a) to (d) of the Welfare Reform Act 2012 (other than any of those conditions which the claimant is not required to meet by virtue of regulations under section 4(2) of the Welfare Reform Act 2012) when a universal credit claim is made.

Regulation 6 revokes regulation 47 of the Transitional Provisions Regulations. This has the effect of aligning the termination of any existing benefits for notified persons who claim as a different benefit unit with the termination of existing benefits upon natural migration following a change in couple status. Paragraph (2) provides that if a notified person claims universal credit as a different benefit unit they will not qualify for a transitional element.

Regulation 7 provides that when calculating the adjustment of a transitional element under regulation 55 of the Transitional Provisions Regulations, if the LCWRA element replaces the LCW element, the “relevant increase” is the difference between the two amounts.

Regulation 8 provides for the protection for full time students in regulation 60 of the Transitional Provisions Regulations to cease to apply in the same way as any of the other forms of transitional protection. In addition, that protection for full-time students will only apply to a subsequent award in the same circumstances as other forms of transitional protection can apply to a subsequent award.

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(a) S.I. 2015/634 (C. 32), as amended by S.I. 2015/740, 2017/376, 2018/138, 2019/10, 2019/27, 2019/37 (C. 1), 2019/167 (C. 6) and 2022/302 (C. 12).

Regulation 9 abolishes discretionary hardship payments.

Regulation 10 removes the limit on the number of awards of universal credit made to persons to whom a migration notice has been issued. This was previously limited to 10,000 awards and is now unlimited.

Regulation 11 and the Schedule contains amendments consequential on these Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sectors is foreseen.

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