
STATUTORY INSTRUMENTS

2022 No.

SOCIAL SECURITY

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

Made - - - - - ***
Laid before Parliament ***
Coming into force - - - ***

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

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(b) (“the 1992 Act”), the Secretary of State has referred proposals in respect of these Regulations to the Social Security Advisory Committee.

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Universal Credit (Transitional Provisions) Amendment Regulations 2022 and come into force on XX.
- (2) Any amendment made by these Regulations has the same extent as the provision amended.
- (3) In these Regulations the “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.—(1) Regulation 4 of the Transitional Provisions Regulations (Secretary of State discretion to determine claims for universal credit may not be made) is omitted.
- (2) The Schedule contains consequential provisions.

Abolition of the exclusion of claims for certain existing benefits

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

(a) 2012 c.5.
(b) 1992 c. 5.
(c) S.I. 2014/1230 amended by S.I. 2019/1152 [insert relevant amending instruments]

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

4.—(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), omit sub-paragraph (d) and the “and” preceding it.

(3) In paragraph (1)(a) of regulation 8 (termination of awards of certain existing benefits; other claimants), after “is made” insert “, whether or not subsequently withdrawn”.

(4) In paragraph (1) of regulation 8 (termination of awards of certain existing benefits; other claimants), omit sub-paragraph (b) and the “and” preceding it.

(5) In paragraph (1) of regulation 12 of the Transitional Provisions Regulations (modification of tax credits legislation: overpayments and penalties) omit sub-paragraph (c) and the “and” preceding it.

(6) In paragraph (1) of regulation 12A of the Transitional Provisions Regulations (modification of tax credits legislation: finalisation of tax credits) omit sub-paragraph (c) and the “and” preceding it.

Managed migration - persons who claim as a different benefit unit

5.—(1) Regulation 47 of the Transitional Provisions Regulations (Notified persons who claim as a different benefit unit) is omitted.

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

- “(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 existing benefit when the migration notice was issued are a couple or single persons for the purposes of universal credit.”

(3) The Schedule contains consequential provisions.

Managed migration – adjustment to transitional element where other elements increase

6.—(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 paragraph:—

“(5) 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) “LCW element”(a) and “LCWRA element” have the same meaning as in the Universal Credit Regulations”

Managed migration - protection for full-time students

7. In regulation 60 of the Transitional Provisions Regulations (protection for full-time students until course completed) insert “—(1)” at the beginning and add the following paragraph—

(a) [Include footnote to explain LCW element is abolished but continued for certain claimants by transitional provisions]

“(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

8. Regulation 64 of the Transitional Provisions Regulations (discretionary hardship payments) is omitted.

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

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

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

Name
Minister of State
Department for Work and Pensions

Date

SCHEDULE

Regulations 2 and 5

Consequential Amendments

Amendments consequential on regulation 2

1. In paragraph (5) of regulation 44 of the Transitional Provisions Regulations (migration notice), omit sub-paragraph (b) (but not the “or” following it).

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(b) is amended as follows.

(2) In article 3A (incorrect information regarding residence in a relevant district or meeting the gateway conditions), in paragraph (3), omit “(and a determination had not been made under regulation 4 of the Universal Credit (Transitional Provisions) Regulations 2014, preventing a claim for universal credit being made with respect to the area in question or the category of case in question)”.

(3) In article 5A (transitional provision where the 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), in paragraph (1), omit “a determination under regulation 4(1) of the 2014 Transitional Regulations (claims for universal credit may not be made in an area or category of case), or by virtue of regulation 4A of those Regulations (restriction on claims for universal credit by persons entitled to a severe disability premium) or”.

(4) 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), in paragraph (1)(e)(ii), omit—

(a) “(including a case that relates in whole or in part to residence in an area)”; and

(a) S.I. 2019/1152.

(b) S.I. 2013/983, amended by S.I. 2014/1452, S.I. 2014/2321, S.I. 2015/634, S.I. 2017/483, S.I. 2019/10, S.I. 2019/27, S.I. 2019/167.

- (b) “regulation 4(1) of the 2014 Transitional Regulations (determination that claims for universal credit may not be made) or the claim is or would be one to which regulation 4A of those Regulations (restriction on claims for universal credit by persons entitled to a severe disability premium) or”.

3.—(1) The Welfare Reform Act 2012 (Commencement No.21 and Transitional and Transitory Provisions) Order 2015(a) is amended as follows.

(2) In article 6 (transitional provision: claims for housing benefit, income support or a tax credit), in paragraph (11), omit “by virtue of a determination made under regulation 4, or by virtue of regulation 4A of the Universal Credit (Transitional Provisions) Regulations 2014, or”.

4.—(1) The Welfare Reform Act 2012 (Commencement No.23 and Transitional and Transitory Provisions) Order 2015(b) is amended as follows.

(2) In article 7 (transitional provision: claims for housing benefit, income support or a tax credit), in paragraph (2), omit “by virtue of a determination made under regulation 4, or by virtue of regulation 4A of the Universal Credit (Transitional Provisions) Regulations 2014 or”.

(3) In article 8 (amendment of 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), omit paragraphs (1) to (3).

5.—(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(c), is amended as follows.

(2) In article 8 (transitional provision: where restrictions on claims for universal credit are in place), in paragraph (1) omit sub-paragraphs (a) and (b).

Amendments consequential on regulation 5.

6.—(1) The Transitional Provisions Regulations are amended as follows to remove the references to regulation 47.

(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 other benefits), in paragraph (2)(ab), for “46(1) or 47(2)” substitute “or 46(1)” .

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

(5) In regulation 8B (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 46 (Termination of existing benefits if no claim before the deadline) omit paragraph (5).

(8) In regulation 58 (Qualifying claim – Secretary of State may set later commencement day) omit “or 47(4) (claim made by the final deadline)”.

(a) S.I. 2015/33, as amended by S.I. 2015/634, 2017/483, 2019/10, S.I. 2019/27, S.I. 2019/167.

(b) S.I. 2015/634, as amended by S.I. 2017/376, S.I. 2019/10, S.I. 2019/27, S.I. 2019/167.

(c) S.I. 2019/37, as amended by S.I. 2019/935.

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.

Regulation 1 provides for citation, commencement and extent.

Regulation 2 omits 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 temporarily exclude universal credit claims in any area or in any category of case if considered necessary to safeguard the efficient administration of universal credit.

Regulation 3 omits 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 has been superseded by orders made under section 150(3) of the Welfare Reform Act 2012.

Regulation 4 amends regulation 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 5 aligns 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 confirms that if a notified person claims universal credit as a different benefit unit they will not qualify for transitional protection.

Regulation 6 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 7 states that the protection for full time students provided in Regulation 60 of the Transitional Provisions Regulations will 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.

Regulation 8 abolishes discretionary hardship payments.

Regulation 9 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.

The Schedule contains amendments consequential on regulations 2 and 5.

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.