

**KEELING VERSION: THE UNIVERSAL CREDIT (TRANSITIONAL PROVISIONS)
AMENDMENT REGULATIONS 2022**

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2014 No. 1230

SOCIAL SECURITY

UNIVERSAL CREDIT (TRANSITIONAL PROVISIONS) REGULATIONS 2014

PART 2

TRANSITION TO UNIVERSAL CREDIT

CHAPTER 1

ENTITLEMENT TO CLAIM UNIVERSAL CREDIT

~~Secretary of State discretion to determine that claims for universal credit may not be made~~

- ~~4. (1) Where the Secretary of State considers it necessary, in order to—~~
- ~~(a) safeguard the efficient administration of universal credit; or~~
 - ~~(b) ensure the effective testing of systems for the administration of universal credit;~~

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~~to cease to accept claims in any area, or in any category of case (either in all areas or in a specified area), the Secretary of State may determine that claims for universal credit may not be made in that area, or in that category of case.~~

~~(2) A determination under paragraph (1) has effect until it ceases to have effect in accordance with a further determination made by the Secretary of State.~~

~~(3) More than one determination under paragraph (1) may have effect at the same time.~~

PART 4

MANAGED MIGRATION TO UNIVERSAL CREDIT

The Migration Process

Migration notice

44.—(1) The Secretary of State may, at any time, issue a notice (“a migration notice”) to a person who is entitled to an award of an existing benefit—

(a) informing the person that all awards of any existing benefits to which they are entitled are to terminate and that they will need to make a claim for universal credit; and

(b) specifying a day (“the deadline day”) by which a claim for universal credit must be made.

(2) The migration notice may contain such other information as the Secretary of State considers appropriate.

(3) The deadline day must not be within the period of three months beginning with the day on which the migration notice is issued.

(4) If the person who is entitled to an award of an existing benefit is, for the purposes of that award, a member of a couple or a member of a polygamous marriage, the Secretary of State must also issue the migration notice to the other member (or members).

(5) The Secretary of State may cancel a migration notice issued to any person—

(a) if it has been issued in error;

~~(b) if the Secretary of State has made a determination in accordance with regulation 4 (discretion to determine that claims for universal credit may not be made) that would affect a claim by that person; or~~

(c) in any other circumstances where the Secretary State considers it necessary to do so in the interests of the person, or any class of person, or to safeguard the efficient administration of universal credit.

(6) A “notified person” is a person to whom a migration notice has been issued.

Consequential amendments for regulation 2

2013 No. 983 (C. 41)

SOCIAL SECURITY

THE WELFARE REFORM ACT 2012 (COMMENCEMENT NO. 9 AND TRANSITIONAL AND TRANSITORY PROVISIONS AND COMMENCEMENT NO. 8 AND SAVING AND TRANSITIONAL PROVISIONS (AMENDMENT)) ORDER 2013

Incorrect information regarding residence in a relevant district or meeting the gateway conditions

(1) This article applies where a claim for universal credit is made and it is subsequently discovered that the single claimant or either or both of two joint claimants gave incorrect information regarding his or her (or their) residing in one of the relevant districts or meeting the gateway conditions and the conditions referred to in paragraph (2) are met and the condition referred to in paragraph (2) is met.

(2) The conditions referred to are that, on the date on which the claim was made, the claimant—

- (a) did not reside in one of the relevant districts (unless paragraph (3) applies); or
- (b) did reside in one of the relevant districts but did not meet the gateway conditions.

(2) The condition referred to is that, on the date on which the claim was made, the claimant did not reside in one of the relevant districts (unless paragraph (3) applies).

(3) This paragraph applies where the claimant resided in an area apart from the relevant districts with respect to which the provisions of the Act referred to in Schedule 2 were in force in relation to a claim for universal credit and the conditions (if any) that applied to such a claim, for those provisions to come into force, were met (~~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~~).

(4) Where the discovery is made before the claim for universal credit has been decided—

- (a) the claimant is to be informed that the claimant is not entitled to claim universal credit;

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(b) if the claimant (or, in the case of joint claimants, either of them) makes a claim for old style ESA, old style JSA or income support (“the specified benefit”) and the date on which that claim is made (as determined in accordance with the Claims and Payments Regulations 1987) is after the date on which the claim for universal credit was made, but no later than one month after the date on which the information required by sub-paragraph (a) was given—

(i) the claim for the specified benefit is to be treated as made on the date on which the claim for universal credit was made or the first date on which the claimant would have been entitled to the specified benefit if a claim had been made for it on that date, if later; and

(ii) any provision of the Claims and Payments Regulations 1987 under which the claim for the specified benefit is treated as made on a later date does not apply;

(c) if the claimant (or, in the case of joint claimants, either of them) makes a claim for housing benefit and the date of that claim (as determined in accordance with the Housing Benefit Regulations 2006 or, as the case may be, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (together referred to as “the Housing Benefit Regulations”)) is after the date on which the claim for universal credit was made, but no later than one month after the date on which the information required by sub-paragraph (a) was given—

(i) the claim for housing benefit is to be treated as made on the date on which the claim for universal credit was made or the first date on which the claimant would have been entitled to housing benefit if a claim had been made for it on that date, if later; and

(ii) any provision of the Housing Benefit Regulations under which the claim for housing benefit is treated as made on a later date does not apply;

(d) if the claimant (or, in the case of joint claimants, either of them) makes a claim for a tax credit and that claim is received by a relevant authority at an appropriate office (within the meaning of the Tax Credits (Claims and Notifications) Regulations 2002 (“the 2002 Regulations”)) during the period of one month beginning with the date on which the information required by sub-paragraph (a) was given—

(i) the claim for a tax credit is to be treated as having been received by a relevant authority at an appropriate office on the date on which the claim for universal credit was made or the first date on which the claimant would have been entitled to a tax credit if a claim had been so received on that date, if later; and

(ii) any provision of the 2002 Regulations under which the claim is treated as having been made on a later date does not apply.

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(5) Where the discovery is made after a decision has been made that the claimant is entitled to universal credit, but before any payment has been made—

- (a) that decision is to cease to have effect immediately, by virtue of this article;
- (b) the claimant is to be informed that they are not entitled to claim universal credit; and
- (c) sub-paragraphs (b) to (d) of paragraph (4) apply.

(6) Where the discovery is made after a decision has been made that the claimant is entitled to universal credit and one or more payments have been made in respect of the claimant, the decision is to be treated as a decision under [section 8](#) of the Social Security Act 1998.

(7) For the purposes of paragraph (4), a person makes a claim for old style ESA or old style JSA where he or she makes a claim for an employment and support allowance or a jobseeker's allowance and the claim is subject to Part 1 of the 2007 Act or the 1995 Act respectively as those provisions have effect apart from the amendments made by the amending provisions.

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

5A.— (1) Where a person makes a claim for an employment and support allowance or a jobseeker's allowance at a time when they would not be able to make a claim for universal credit by virtue of ~~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~~ article 4(11) of the Welfare Reform Act 2012 (Commencement No. 32 and Savings and Transitional Provisions) Order 2019 (no claims for universal credit by frontier workers) and where the amending provisions would otherwise have come into force in relation to the claim by virtue of article 4(2)(a) or any corresponding provision in any order made under section 150(3) of the Act other than this Order, then—

- (a) in relation to a claim for an employment and support allowance, Part 1 of the 2007 Act and the Welfare Reform Act 2009 are to apply as though the amending provisions and the provisions referred to in article 7(1)(c), (d) and (f) had not come into force in relation to the claim;
- (b) in relation to a claim for a jobseeker's allowance, the 1995 Act, the Social Security Administration Act 1992 and the Social Security Act 1998 are to apply as though the amending provisions and the provisions referred to in article 7(1)(a), (b) and (e) had not come into force in relation to the claim.

(2) Paragraph (1) does not apply in relation to the claim for an employment and support allowance or a jobseeker's allowance that falls within article 4(2)(g) (claims for an

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employment and support allowance or a jobseeker's allowance during specified periods with respect to a claim for universal credit, or an award of universal credit without a claim), or an analogous provision in any other order that brings into force the amending provisions.

(3) For the purposes of this article, paragraphs (5) to (7) of article 5 apply for the purpose of deciding—

- (a) whether a claim for an employment and support allowance or a jobseeker's allowance is made; and
- (b) the date on which the claim is made or is to be treated as made.

(3) For the purposes of this article, paragraphs (5) to (7) of article 5 apply for the purpose of determining—

- (a) whether a claim for ESA or JSA is made; and
- (b) the date on which the claim is made or treated as made. Transitional provision: where the abolition of income-related employment and support allowance and income-based jobseeker's allowance is treated as not applying

6.— (1) Paragraph (2) applies where—

- (a) a person has or had a new style ESA award or a new style JSA award (“the award”) by virtue of the coming into force of the amending provisions under any secondary legislation;
- (b) in respect of all or part of the period to which the award relates, the person—
 - (i) makes a claim, or is treated as making a claim, for universal credit; or
 - (ii) makes an application to the Secretary of State for supersession of the decision to make the award, on the basis of a relevant change of circumstances that would relate to the grounds for entitlement to an income-related employment and support allowance or an income-based jobseeker's allowance if the amending provisions had not come into force;
- (c) if the amending provisions had not come into force and, in the case of a claim for universal credit, an application for supersession of the decision to make the award had been made, the person would be entitled to an income-related employment and support allowance or an income-based jobseeker's allowance, as the case may be, with respect to the period for which the claim for universal credit or application for supersession is made; or an income-based jobseeker's allowance, as the case may be, with respect to the period for which the claim for universal credit or application for supersession is made;
- (d) where the person makes an application for supersession of the decision to make the award, the period in respect of which the application is made does not include any period in respect of which the person has been awarded universal credit and;

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(e)

(i) on the date on which the claim for universal credit is made, or the application for supersession is received, as the case may be, the claim does not, or, in the case of an application for supersession, a claim for universal credit by the person would not, fall within any case (including a case with respect to which an award of universal credit may be made without a claim) in relation to which the provisions of the Act referred to in Schedule 2 are in force (“the UC commencement case”); or

(ii) on that date, the claim for universal credit does, or, in the case of an application for supersession, a claim for universal credit by the person would, fall within the UC commencement case, but the claim does or would fall within a case ~~(including a case that relates in whole or in part to residence in an area)~~ that is the subject of a determination made by the Secretary of State under ~~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 person entitled to a severe disability premium) or~~ article 4(11) of the Welfare Reform Act 2012 (Commencement No. 32 and Savings and Transitional Provisions) Order 2019 (no claims for universal credit by frontier workers) applies.

(e) where the person makes a claim, or is treated as making a claim, for universal credit, the claim does not fall within a case referred to in article 4(2)(b), (c) or (d); and
(f) on the day on which the claim for universal credit is made or treated as made, or the application for supersession is received, as the case may be, the person—

- (i) does not reside in one of the relevant districts; or
- (ii) does not fall within the Pathfinder Group.

(2) Where this paragraph applies, then, in relation to the award and with effect from the first day of the period in respect of which the claim is made or treated as made, or the application for supersession is made, the 1995 Act or Part 1 of the 2007 Act, as the case may be, is to apply as though the amending provisions had not come into force 2.

(3) For the purposes of paragraph (1)—

(a) the Claims and Payments Regulations 2013 apply for the purpose of deciding—

- (i) whether a claim for universal credit is made or is to be treated as made; and
- (ii) the day on which the claim is made or is to be treated as made;

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(4) For the purposes of paragraph (2), the reference to the period in respect of which the application for supersession is made is a reference to the period beginning with the day from which the superseding decision takes effect in accordance with section 10(5) of the Social Security Act 1998 and regulation 35 of, and Schedule 1 to, the Decisions and Appeals Regulations 2013 (effectives dates: Secretary of State decisions).

(5) For the purposes of paragraph (2), the reference to the first day of the period in respect of which the claim for universal credit is made or treated as made, in a case where the time for making a claim for universal credit is extended under regulation 26(2) of the Claims and Payments Regulations 2013, is a reference to the first day of the period in respect of which the claim is, by reason of the operation of that provision, timeously made or treated as made.

(6) For the purposes of this article, “secondary legislation” means an instrument made under an Act.

2015 No. 33 (C. 4)

SOCIAL SECURITY

**THE WELFARE REFORM ACT 2012 (COMMENCEMENT NO. 21
AND TRANSITIONAL AND TRANSITORY PROVISIONS) ORDER
2015**

6.— (1) Except as provided by paragraphs (2) to (5) and (11), a person may not make a claim for housing benefit, income support or a tax credit (in the latter case, whether or not as part of a Tax Credits Act couple) on any date where, if that person made a claim for universal credit on that date (in the capacity, whether as a single person or as part of a couple, in which he or she is permitted to claim universal credit under the Universal Credit Regulations 2013), the provisions of the Act listed in Schedule 2 to the No. 9 Order would come into force under article 3(1) and (2)(a) of this Order in relation to that claim for universal 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 where—

(a) in the case of a claim for housing benefit, the claim is made by a member of a State Pension Credit Act couple who has reached the qualifying age for state pension credit, where the other member has not reached that age, and entitlement begins, or in the case of claims made in advance of entitlement is to begin—

(i) before 15th May 2019; or

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(ii) on or after 15th May 2019 where 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 applies to that person and the saving has not ceased to have effect under article 4(2) of that Order, and entitlement to housing benefit is to be construed in accordance with article 2 of that Order;

(4) Paragraph (1) does not apply to a claim for a tax credit where a person or persons makes or 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.

(5) 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.

(6) In paragraph (4), the reference to a person having an award of tax credit includes where the person is “treated as being entitled to a tax credit” in the circumstances referred to in regulation 11(1) and (2)(a) to (ca) of the Universal Credit (Transitional Provisions) Regulations 2014(c) but as if, in regulation 11(1), for “For the purposes of regulations 7(7) and 8(4)” there were substituted “For the purposes of article 6(4) of the Welfare Reform Act 2012 (Commencement No. 21 and Transitional and Transitory Provisions) Order 2015”.

(7) Subject to paragraph (8), for the purposes of this article—

(a) a claim for housing benefit, income support or a tax credit is made by a person on the date on which he or she takes any action which results in a decision on a claim being required under the relevant Regulations; and

(b) it is irrelevant that the effect of any provision of the relevant Regulations is that, for the purpose of those Regulations, the claim is made or treated as made on a date that is earlier than the date on which that action is taken.

(8) Where under the provisions referred to in paragraph (9), a claim for housing benefit or income support is treated as made at a date that is earlier than the date on which the action referred to in paragraph (7)(a) is taken, the claim is treated as made on that earlier date.

(9) The provisions referred to are—

(a) in the case of a claim for housing benefit, regulation 83(4E), (4F), (5)(d) or (8) of the Housing Benefit Regulations 2006 (“the 2006 Regulations”) or, as the case may be, regulation 64(5F), (5G), (6)(d) or (9) of the Housing Benefit (Persons who have

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attained the qualifying age for state pension credit) Regulations 2006 (“the 2006 (SPC) Regulations”); or

(b) in the case of a claim for income support, 1regulation 6(1A)(b) and 6A of the Social Security (Claims and Payments) Regulations 1987.

(10) For the purposes of this article–

(a) “couple” (apart from in the expressions “State Pension Credit Act couple” and “Tax Credit Act couple”), has the meaning given in section 39 of the Act;

(b) “housing benefit” means housing benefit under section 130 of the Social Security Contributions and Benefits Act 1992;

(c) “income support” means income support under section 124 of the Social Security Contributions and Benefits Act 1992;

(d) “qualifying age for state pension credit” means the qualifying age referred to in section 1(6) of the State Pension Credit Act 2002;

(e) the “relevant Regulations” means–

(i) in the case of a claim for housing benefit, the 2006 Regulations or, as the case may be, the 2006 (SPC) Regulations;

(ii) in the case of a claim for income support, the Social Security (Claims and Payments) Regulations 1987;

(iii) in the case of a claim for a tax credit, the Tax Credits (Claims and Notifications) Regulations 2002;

(f) “specified accommodation” means accommodation to which one or more of subparagraphs (2) to (5) of paragraph 3A of Schedule 1 to the Universal Credit Regulations 2013 applies;

(g) “state pension credit” means state pension credit under the State Pension Credit Act 2002;

(h) “State Pension Credit Act couple” means a couple as defined in section 17 of the State Pension Credit Act 2002;

(i) “tax credit” (including “child tax credit” and “working tax credit”) and “tax year” have the same meanings as in the Tax Credits Act 2002(c);

(j) “Tax Credits Act couple” means a couple as defined in section 3(5A) of the Tax Credits Act 2002.

(k) “temporary accommodation” means accommodation which falls within Case 1 or Case 2 under paragraph 3B of Schedule 1 to the Universal Credit Regulations (11) Paragraph (1) does not apply to a claim for housing benefit, income support or a tax credit where, by virtue of a determination made under regulation 4 or by virtue of regulation 4Aof the Universal Credit (Transitional Provisions) Regulations 2014, or by virtue of article 4(11) of the Welfare Reform Act 2012 (Commencement No. 32

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and Savings and Transitional Provisions) Order 2019 the person in question would be prevented from making a claim for universal credit as referred to in that paragraph.

(11) Paragraph (1) does not apply to a claim for housing benefit, income support or a tax credit where, ~~by virtue of a determination made under regulation 4, or by virtue of regulation 4A of the Universal Credit (Transitional Provisions) Regulations 2014, or~~ by virtue of article 4(11) of the Welfare Reform Act 2012 (Commencement No. 32 and Savings and Transitional Provisions) Order 2019 the person in question would be prevented from making a claim for universal credit as referred to in that paragraph.

2015 No. 634 (C. 32)

SOCIAL SECURITY

THE WELFARE REFORM ACT 2012 (COMMENCEMENT NO. 23 AND TRANSITIONAL AND TRANSITORY PROVISIONS) ORDER 2015

Transitional provision: claims for housing benefit, income support or a tax credit

7.—(1) Except as provided by paragraphs (2) to (6), a person may not make a claim for housing benefit, income support or a tax credit (in the latter case, whether or not as part of a Tax Credits Act couple) on any date where, if that person made a claim for universal credit on that date (in the capacity, whether as a single person or as part of a couple, in which he or she is permitted to claim universal credit under the Universal Credit Regulations 2013), the provisions of the Act listed in Schedule 2 to the No. 9 Order would come into force under article 3(1) and (2)(a) to (c) of this Order in relation to that claim for universal credit.

(2) Paragraph (1) does not apply to a claim for housing benefit, income support or a tax credit where, ~~by virtue of a determination made under regulation 4 or by virtue of regulation 4A of the Universal Credit (Transitional Provisions) Regulations 2014, or~~ by virtue of article 4(11) of the Welfare Reform Act 2012 (Commencement No 32 and Savings and Transitional Provisions) Order 2019]the person in question would be prevented from making a claim for universal credit as referred to in that paragraph.

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

(4) Paragraph (1) does not apply to a claim for housing benefit or a tax credit where—

- (a) in the case of a claim for housing benefit, the claim is made by a person who has reached the qualifying age for state pension credit, or by a person who is a member of a State Pension Credit Act couple the other member of which has reached that age;
- (b) in the case of a claim for a tax credit, the claim is made by—

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- (i) a person who has reached the qualifying age for state pension credit;
- (ii) a Tax Credits Act couple both members of which have reached, or either member of which has reached, that age; or
- (iii) in a case not covered by paragraph (i), a person who is a member of a State Pension Credit Act couple where the other member of the couple has reached that age.

(5) Paragraph (1) does not apply to a claim for a tax credit where a person or persons makes or 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) is or are entitled to working tax credit or child tax credit respectively.

(6) Paragraph (1) does not apply to a claim for a tax credit where a person is or was, or persons are or were, entitled to 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.

(7) In paragraph (5), the reference to a person being entitled to a tax credit includes where a person is treated as being entitled to a tax credit in the circumstances referred to in regulation 11 of the Universal Credit (Transitional Provisions) Regulations 2014 but as if regulation 11 were amended as follows–

- (a) in paragraph (1), for “For the purposes of regulations 7(7) and 8(4)” substitute “For the purposes of article 6(5) of the Welfare Reform Act 2012 (Commencement No. 23 and Transitional and Transitory Provisions) Order 2015”; and
- (b) for paragraph (2)(d)(iii), substitute– “(iii) the person’s claim for child tax credit or working tax credit is made during the period of 30 days starting with the date on the notice referred to in paragraph (ii).”.

(8) Subject to paragraph (9), for the purposes of this article–

- (a) a claim for housing benefit, income support or a tax credit is made by a person on the date on which he or she takes any action which results in a decision on a claim being required under the relevant Regulations; and
- (b) it is irrelevant that the effect of any provision of the relevant Regulations is that, for the purpose of those Regulations, the claim is made or treated as made on a date that is earlier than the date on which that action is taken.

(9) Where under the provisions referred to in paragraph (10), a claim for housing benefit or income support is treated as made at a date that is earlier than the date on which the action referred to in paragraph (8)(a) is taken, the claim is treated as made on that earlier date.

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(10) The provisions referred to are—

- (a) in the case of a claim for housing benefit, regulation 83(4E), (4F), (5)(d) or (8) of the 2006 Regulations or, as the case may be, regulation 64(5F), (5G), (6)(d) or (9) of the 2006 (SPC) Regulations; or
- (b) in the case of a claim for income support, regulation 6(1A)(b) or 6A of the Claims and Payments Regulations 1987.

(11) For the purposes of this article—

- (a) “couple” (apart from in the expressions “State Pension Credit Act couple” and “Tax Credit Act couple”), has the meaning given in section 39 of the Act;
- (b) “housing benefit” means housing benefit under section 130 of the Social Security Contributions and Benefits Act 1992;
- (c) “income support” means income support under section 124 of the Social Security Contributions and Benefits Act 1992;
- (d) “qualifying age for state pension credit” means the qualifying age referred to in section 1(6) of the State Pension Credit Act 2002;
- (e) “the 2006 Regulations” means the Housing Benefit Regulations 2006;
- (f) “the 2006 (SPC) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;
- (g) “the relevant Regulations” means—
 - (i) in the case of a claim for housing benefit, the 2006 Regulations or, as the case may be, the 2006 (SPC) Regulations;
 - (ii) in the case of a claim for income support, the Claims and Payments Regulations 1987;
 - (iii) in the case of a claim for a tax credit, the Tax Credits (Claims and Notifications) Regulations 2002;
- (h) “specified accommodation” means accommodation to which one or more of subparagraphs (2) to (5) of paragraph 3A of Schedule 1 to the Universal Credit Regulations 2013 applies;
- (i) “State Pension Credit Act couple” means a couple as defined in section 17 of the State Pension Credit Act 2002;
- (j) “tax credit” (including “child tax credit” and “working tax credit”) and “tax year” have the same meanings as in the Tax Credits Act 2002;
- (k) “Tax Credits Act couple” means a couple as defined in section 3(5A) of the Tax Credits Act 2002.

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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

~~8.—(1) Paragraphs (2) and (3) apply in relation to a case where a claim for universal credit is made on or after 18th March 2015.~~

~~(2) Where this paragraph applies, in article 3A(3) of the No. 9 Order, at the end insert “(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) Where this paragraph applies, any reference in the No. 11 Order, the No. 13 Order, the No. 14 Order, the No. 16 Order, the No. 17 Order, the No. 19 Order, the No. 21 Order or the No. 22 Order to article 3A of the No. 9 Order is a reference to that article as amended by paragraph (2).~~

(4) Paragraph (5) applies in relation to a case where a claim for an employment and support allowance or a jobseeker’s allowance is made on or after 18th March 2015.

(5) Where this paragraph applies, for paragraph (3) of article 5A of the No. 9 Order substitute—

“(3) For the purposes of this article, paragraphs (5) to (7) of article 5 apply for the purpose of determining—

- (a) whether a claim for ESA or JSA is made; and
- (b) the date on which the claim is made or treated as made.”.

2019 NO. 37 (C. 1)

SOCIAL SECURITY

**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**

Transitional provision: where restrictions on claims for universal credit are in place

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8.—(1) This article applies to a member of a mixed-age couple who, further to articles 3 to 7, is excluded from entitlement to state pension credit or housing benefit, and is also prevented from claiming universal credit by virtue of—

- ~~(a) regulation 4 of the Universal Credit (Transitional Provisions) Regulations 2014 (claims for universal credit may not be made in an area or category of case);~~
- ~~(b) regulation 4A of those Regulations (restriction on claims for universal credit by persons entitled to a severe disability premium); or~~
- (c) article 4(11) of the Welfare Reform Act 2012 (Commencement No. 32 and Savings and Transitional Provisions) Order 2019 (no claims for universal credit by frontier workers).

(2) Where this article applies, the member of the mixed-age couple who has attained the qualifying age for state pension credit is, for the purposes of an award of benefit referred to in the following sub-paragraphs to that member, to be treated as—

- (a) meeting the basic condition of entitlement (upper age limit) for—
 - (i) income support, in section 124(1)(aa) of the 1992 Act;
 - (ii) a jobseeker’s allowance, in section 1(2)(h) of the 1995 Act; or
 - (iii) an employment and support allowance, in section 1(3)(c) of the 2007 Act; and
- (b) not having attained that age for housing benefit, for the purposes of regulation 5 of the Housing Benefit Regulations 2006 and regulation 5 of the Housing Benefit SPC Regulations, so that the Housing Benefit Regulations 2006 apply to the assessment of the award.

(3) This article continues to apply until the award of benefit referred to in paragraph (2)(a) or (b) terminates, regardless of whether paragraph (1)(a), (b) or (c) continues to apply throughout the award.

(4) Where a member of a mixed-age couple who has attained the qualifying age for state pension credit is entitled to income support by virtue of paragraph (2)(a)(i), references to a claimant’s partner in paragraphs 9 and 9A (conditions for pensioner premium) and in paragraph 10 (condition for higher pensioner premium) of Schedule 2 to the Income Support (General) Regulations 1987 have effect as though they were references to the claimant.

(5) In this article—

“the 1995 Act” means the Jobseekers Act 1995;

“the 2007 Act” means the Welfare Reform Act 2007;

“employment and support allowance” means an employment and support allowance under Part 1 of the 2007 Act as it has effect apart from the amendments made by Schedule 3, and

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Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related employment and support allowance;
“income support” has the same meaning as in Part VII of the 1992 Act;
“jobseeker’s allowance” means a jobseeker’s allowance under the 1995 Act as it has effect apart from the amendments made by Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based jobseeker’s allowance.”.

Amendments for regulation 3

2014 No. 1230

SOCIAL SECURITY

UNIVERSAL CREDIT (TRANSITIONAL PROVISIONS) REGULATIONS 2014

CHAPTER 2

ENTITLEMENT TO OTHER BENEFITS

~~Exclusion of claims for certain existing benefits~~

~~6. (1) Except as provided in paragraphs (5) to (9) a universal credit claimant may not make a claim for income support, housing benefit or a tax credit.~~

~~(2) For the purposes of this regulation, a person is a universal credit claimant if—~~

~~(a) the person is entitled to universal credit;~~

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- ~~(b) the person has made a claim for universal credit, a decision has not yet been made on that claim and the person has not been informed (in accordance with an order made under section 150(3) of the Act) that he or she is not entitled to claim universal credit;~~
- ~~(ba) (i) the conditions in regulation 6(1)(a), (b) and (c) or 6(2)(a), (b) and (c) of the Claims and Payments Regulations (claims not required for entitlement to universal credit in certain cases) are met in relation to the person;~~
- ~~(ii) he or she may be entitled to an award of universal credit without making a claim if the conditions in regulation 6(1)(d) and (e) or, as the case may be, 6(2)(d) and (e) of those Regulations are also met; and~~
- ~~(iii) either the Secretary of State has no information in relation to the person which may indicate a change of circumstances as referred to in regulation 6(1)(e) or, as the case may be, 6(2)(e) of those Regulations, or the Secretary of State has such information but no decision has been made that the person is entitled to universal credit;~~
- ~~(c) the person was previously entitled to a joint award of universal credit which terminated because the person ceased to be a member of a couple, he or she is not exempt (by virtue of regulation 9(6) of the Claims and Payments Regulations) from the condition of entitlement to universal credit that he or she makes a claim for it and the period of one month, starting with the date on which the person notified the Secretary of State that he or she had ceased to be a member of a couple, has not expired;~~
- ~~(ca) the person may be entitled to an award of universal credit in circumstances where, by virtue of regulation 9(6), (7) or (10) of the Claims and Payments Regulations (claims for universal credit by members of a couple), it is not a condition of entitlement that he or she makes a claim for it, but no decision has yet been made as to the person's entitlement;~~
- ~~(d) the person is treated, under the Claims and Payments Regulations, as having made a claim for universal credit, but no decision has yet been made as to the person's entitlement;~~
- ~~(e) a decision has been made that the person is not entitled to universal credit and—~~
- ~~(i) the Secretary of State is considering whether to revise that decision under section 9 of the Social Security Act 1998, whether on an application made for that purpose, or on the Secretary of State's own initiative; or~~
- ~~(ii) the person has appealed against that decision to the First tier Tribunal and that appeal or any subsequent appeal to the Upper Tribunal or to a court has not been finally determined.~~

~~(3) For the purposes of paragraph (1)—~~

- ~~(a) a universal credit claimant makes a claim for benefit mentioned in that paragraph if the claimant takes any action which results in a decision on a claim being required under the relevant Regulations; and~~
- ~~(b) except as provided in [paragraphs (5) to (7B)], it is irrelevant that the effect of any provision of the relevant Regulations is that, for the purposes of those Regulations,~~

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~~the claim is made or treated as made at a time when the claimant was not a universal credit claimant.~~

~~(4) The relevant Regulations are—~~

- ~~(a) in relation to a claim for income support, the Social Security (Claims and Payments) Regulations 1987 ("the 1987 Regulations");~~
- ~~(b) in relation to a claim for housing benefit, the Housing Benefit Regulations 2006 ("the 2006 Regulations") or, as the case may be, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 ("the 2006 (SPC) Regulations");~~
- ~~(c) in relation to a claim for a tax credit, the Tax Credits (Claims and Notifications) Regulations 2002.~~

~~(5) A universal credit claimant is not precluded from making a claim for income support if—~~

- ~~(a) first notification of the claimant's intention to make that claim was made, or deemed to be made, for the purposes of regulation 6(1A)(c) [or 6A] of the 1987 Regulations, before the date on which the claim for universal credit was made or treated as made; and~~
- ~~(b) in accordance with the 1987 Regulations, the claimant's entitlement to income support in connection with the claim will (if the claimant is entitled to income support) pre-date—~~
 - ~~(i) the date, or anticipated date, of the claimant's entitlement to universal credit in connection with the current award or claim; or~~
 - ~~(ii) where the claimant is a new claimant partner and regulation 7(4) would apply to the award, the date on which it would terminate in accordance with that provision.~~

~~(6) A universal credit claimant is not precluded from making a claim for housing benefit if—~~

- ~~(a) first notification of the claimant's intention to make that claim was given (within the meaning of regulation 83(5)(d) of the 2006 Regulations or, as the case may be, regulation 64(6)(d) of the 2006 (SPC) Regulations) before the date on which the claim for universal credit was made or treated as made; and~~
- ~~(b) in accordance with the 2006 Regulations or, as the case may be, the 2006 (SPC) Regulations, the claimant's entitlement to housing benefit in connection with the claim will (if the claimant is entitled to housing benefit) pre-date—~~
 - ~~(i) the date, or anticipated date, of the claimant's entitlement to universal credit in connection with the current award or claim; or~~
 - ~~(ii) where the claimant is a new claimant partner and regulation 7(5)(b) would apply to the award, the date on which it would terminate in accordance with the 2006 Regulations or, as the case may be, the 2006 (SPC) Regulations.~~

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~~(7) A universal credit claimant is not precluded from correcting or completing a claim for housing benefit which was defective within the meaning of the 2006 Regulations or the 2006 (SPC) Regulations if—~~

~~(a) the defective claim was made before the date on which the claim for universal credit was made or treated as made; and~~

~~(b) in accordance with the 2006 Regulations or, as the case may be, the 2006 (SPC) Regulations, the claimant's entitlement to housing benefit in connection with the claim will (if the claimant is entitled to housing benefit) pre-date—~~

~~(i) the date, or anticipated date, of the claimant's entitlement to universal credit in connection with the current award or claim; or~~

~~(ii) where the claimant is a new claimant partner and regulation 7(5)(b) would apply to the award, the date on which it would terminate in accordance with the 2006 Regulations or, as the case may be, the 2006 (SPC) Regulations.~~

~~(7A) A claimant who is a universal credit claimant by virtue of sub-paragraph (ba) of paragraph (2) (and no other sub-paragraph) is not precluded from—~~

~~(a) making a claim for income support for a period starting on or after the relevant date if first notification of the claimant's intention to make that claim was made, or deemed to be made, for the purposes of regulation 6(1A)(c) or 6A of the 1987 Regulations, during the period starting with the relevant date and ending with 15th November 2015;~~

~~(b) making a claim for housing benefit for a period starting on or after the relevant date if first notification of the claimant's intention to make that claim was given (within the meaning of regulation 83(5)(d) of the 2006 Regulations or, as the case may be, regulation 64(6)(d) of the 2006 (SPC) Regulations), during the period starting with the relevant date and ending with 15th November 2015;~~

~~(c) correcting or completing a claim for housing benefit for a period starting on or after the relevant date, where that claim was defective within the meaning of the 2006 Regulations or the 2006 (SPC) Regulations and was made during the period starting with the relevant date and ending with 15th November 2015.~~

~~(7B) For the purposes of paragraph (7A), the "relevant date" is—~~

~~(a) where the conditions in regulation 6(1)(a), (b) and (c) of the Claims and Payments Regulations are met in relation to the claimant, the day after the claimant's last day of entitlement to universal credit;~~

~~(b) where the conditions in regulation 6(2)(a), (b) and (c) of the Claims and Payments Regulations are met in relation to the claimant, the first date on which the claimant would have been entitled to universal credit if the claimant had been so entitled.~~

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~~(8) A universal credit claimant is not precluded from making a claim for housing benefit in respect of specified accommodation or temporary accommodation.~~

~~(9) A universal credit claimant is not precluded from making a claim for a tax credit which the claimant is treated as having made by virtue of regulation 7(7) or 8(4)(a).~~

Amendments for regulation 4

2014 No. 1230

SOCIAL SECURITY

UNIVERSAL CREDIT (TRANSITIONAL PROVISIONS) REGULATIONS 2014

CHAPTER 2

ENTITLEMENT TO OTHER BENEFITS

Termination of awards of certain existing benefits: new claimant partners

7.—(1) This regulation applies where—

(a) a person (“A”) who was previously entitled to universal credit ceases to be so entitled on becoming a member of a couple;

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(b) the other member of the couple (“the new claimant partner”) was not entitled to universal credit immediately before formation of the couple;

(c) the couple is treated, in accordance with regulation 9(8) of the Claims and Payments Regulations, as having made a claim for universal credit; ~~and~~

~~(d) the Secretary of State is satisfied that the claimants meet the basic conditions specified in section 4(1)(a) to (d) of the Act (other than any of those conditions which they are not required to meet by virtue of regulations under section 4(2) of the Act).~~

(2) Subject to paragraphs (4) and (5), where this regulation applies, all awards of income support or housing benefit to which the new claimant partner would (were it not for the effect of these Regulations) have been entitled during the relevant period are to terminate, by virtue of this regulation—

(a) on the day before the first date on which the joint claimants are entitled to universal credit in connection with the claim; or

(b) if the joint claimants are not entitled to universal credit, on the day before the first date on which they would have been so entitled, if all of the basic and financial conditions applicable to them had been met; or

(c) if the new claimant partner became entitled to an award after the date on which it would otherwise terminate under sub-paragraph (a) or (b), at the beginning of the first day of entitlement to that award.

(3) For the purposes of this regulation, “the relevant period” is the period starting with the first day of the assessment period (in relation to A’s award of universal credit) during which A and the new claimant partner formed a couple and ending with the date of formation of the couple.

(4) Where the new claimant partner was entitled during the relevant period to income support, he or she was at that time a member of a couple and the award included an amount in respect of the new claimant partner and their partner at that time (“P”), the award of income support terminates, by virtue of this regulation, on the date on which the new claimant partner and P ceased to be a couple for the purposes of the Income Support (General) Regulations 1987, unless it terminates on that date in accordance with other legislative provision, or terminated on an earlier date.

(5) An award of housing benefit to which the new claimant partner is entitled does not terminate by virtue of this regulation where—

(a) the award is in respect of specified accommodation or temporary accommodation; or

(b) the new claimant partner leaves the accommodation in respect of which housing benefit was paid, in order to live with A

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(6) Where an award terminates by virtue of this regulation, any legislative provision under which the award terminates on a later date does not apply.

(7) Where the new claimant partner was, immediately before forming a couple with A, treated by regulation 11 as being entitled to a tax credit, the new claimant partner is to be treated, for the purposes of the 2002 Act, as having made a claim for the tax credit in question for the current tax year.

Termination of awards of certain existing benefits: other claimants

8.-(1) This regulation applies where-

(a) a claim for universal credit (other than a claim which is treated, in accordance with regulation 9(8) of the Claims and Payments Regulations, as having been made) is made *whether or not subsequently withdrawn*; ~~and~~

~~(b) the Secretary of State is satisfied that the claimant meets the basic conditions specified in section 4(1)(a) to (d) of the Act (other than any of those conditions which the claimant is not required to meet by virtue of regulations under section 4(2) of the Act).~~

(2) Where this regulation applies, all awards of income support or a tax credit to which the claimant (or, in the case of joint claimants, either of them) is entitled on the date on which the claim is made are to terminate, by virtue of this regulation—

(a) on the day before the first date on which the claimant is entitled to universal credit in connection with the claim; or

(b) if the claimant is not entitled to universal credit, on the day before the first date on which he or she would have been so entitled, if all of the basic and financial conditions applicable to the claimant had been met.

“(2A) Subject to paragraph (3), an award of housing benefit that a claimant has on the day specified in paragraph (2) (the termination day for an award of a tax credit) terminates on the last day of the period of two weeks beginning with the day after that day.

(3) An award of housing benefit to which a claimant is entitled in respect of specified accommodation or temporary accommodation does not terminate by virtue of this regulation.

(4) Where this regulation applies and the claimant (or, in the case of joint claimants, either of them) is treated by regulation 11 as being entitled to a tax credit—

(a) the claimant (or, as the case may be, the relevant claimant) is to be treated, for the purposes of the 2002 Act and this regulation, as having made a claim for the tax credit in question for the current tax year; and

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(b) if the claimant (or the relevant claimant) is entitled on the date on which the claim for universal credit was made to an award of a tax credit which is made in respect of a claim which is treated as having been made by virtue of sub-paragraph (a), that award is to terminate, by virtue of this regulation—

(i) on the day before the first date on which the claimant is entitled to universal credit; or

(ii) if the claimant is not entitled to universal credit, on the day before the first date on which he or she would have been so entitled, if all of the basic and financial conditions applicable to the claimant had been met.

(5) Where an award terminates by virtue of this regulation, any legislative provision under which the award terminates on a later date does not apply.

Modification of tax credits legislation: overpayments and penalties

12.-(1) This regulation applies where—

(a) a claim for universal credit is made, or is treated as having been made;

(b) the claimant is, or was at any time during the tax year in which the claim is made or treated as made, entitled to a tax credit; ~~and~~

~~(c) the Secretary of State is satisfied that the claimant meets the basic conditions specified in section 4(1)(a) to~~

~~(d) of the Act (other than any of those conditions which the claimant is not required to meet by virtue of regulations under section 4(2) of the Act).~~

(2) Where this regulation applies, the 2002 Act applies in relation to the claimant with the following modifications.

(3) In section 28—

(a) in subsection (1)—

(i) after "tax year" in both places where it occurs, insert "or part tax year";

(ii) at the end insert "or treated as an overpayment of universal credit";

(b) in subsections (3) and (4), after "repaid" insert "to the Board or, as the case may be, to the Secretary of State";

(c) omit subsection (5);

(d) in subsection (6) omit "(apart from subsection (5))".

(4) For section 29(4) substitute- "(4) Where a notice states that this subsection applies in relation to an amount (or part of an amount), it may be recovered—

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- (a) subject to provision made by regulations, by deduction from payments of any tax credit under an award made for any period to the person, or either or both of the persons, to whom the notice was given; or
- (b) subject to regulations made by the Secretary of State under the Social Security Administration Act 1992—

- (i) by deductions under section 71ZC of that Act (Deduction from benefit-- including universal credit);
- (ii) by deductions under section 71ZD of that Act (Deduction from earnings);
- or
- (iv) as set out in section 71ZE of that Act (Court action etc).".

(5) In section 48 after the definition of "overpayment" insert-

"part tax year" means a period of less than a year beginning with 6th April and ending with the date on which the award of a tax credit terminated,".

(6) In Schedule 2, in paragraph 6(1)(a) and (c) and (2)(a), after "for the tax year" insert "or part tax year".

Modification of tax credits legislation: finalisation of tax credits

12A.-(1) This regulation applies where—

- (a) a claim for universal credit is made, or is treated as having been made;
- (b) the claimant is, or was at any time during the tax year in which the claim is made or treated as made, entitled to a tax credit; ~~and~~
- ~~(c) the Secretary of State is satisfied that the claimant meets the basic conditions specified in section 4(1)(a) to~~
- ~~(d) of the Act (other than any of those conditions which the claimant is not required to meet by virtue of regulations under section 4(2) of the Act).~~

(2) Subject to paragraph (3), where this regulation applies, the amount of the tax credit to which the person is entitled is to be calculated in accordance with the 2002 Act and regulations made under that Act, as modified by the Schedule to these Regulations ("the modified legislation").

(3) Where, in the opinion of the Commissioners for Her Majesty's Revenue and Customs, it is not reasonably practicable to apply the modified legislation in relation to any case or category of cases, the 2002 Act and regulations made under that Act are to apply without modification in that case or category of cases.

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Amendments for regulation 5

2014 No. 1230

SOCIAL SECURITY

UNIVERSAL CREDIT (TRANSITIONAL PROVISIONS) REGULATIONS 2014

PART 4

MANAGED MIGRATION TO UNIVERSAL CREDIT

~~Notified persons who claim as a different benefit unit~~

~~47.—(1) This regulation applies where—~~

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- ~~(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 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.~~

~~(2) If any of those notified persons makes a claim for universal credit on or before the deadline day then, notwithstanding anything in regulation 8 (termination of awards of certain existing benefits: other claimants), all awards of any existing benefits to which any of those persons is entitled terminate—~~

- ~~(a) in the case of housing benefit, on the last day of the period of two weeks beginning with the earliest day on which any of those persons is entitled to universal credit in connection with a claim (or, in a case where the person is not entitled to universal credit, on the day they would have been entitled if all the basic and financial conditions had been met); or~~
- ~~(b) in the case of any other existing benefit, on the day before the “earliest day” referred to in sub paragraph (a).~~

~~(3) If, where paragraph (2) applies—~~

~~(a) a notified person makes a claim for universal credit—~~

~~(b)–~~

- ~~—————(i) on or before the deadline day, or~~
- ~~—————(ii) after the deadline day, but on or before the “final deadline” referred to in regulation 46(4); and~~
- ~~(b) there would otherwise be a gap between the termination of existing benefits and the commencement of the award, the award is to commence on the “earliest day” referred to in paragraph (2)(a).~~

~~(4) If none of those notified persons makes a claim for universal credit on or before the deadline day, all awards of any existing benefits to which any of them is entitled terminate in accordance with regulation 46(1), and regulation 46(3) applies in relation to any subsequent claim by any of those persons.~~

~~(5) An award of housing benefit to which a claimant is entitled in respect of specified accommodation or temporary accommodation does not terminate by virtue of this regulation.~~

Transitional Protection

Secretary of State to determine whether transitional protection applies

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50.—(1) Before making a decision on a qualifying claim the Secretary of State must first determine whether—

- (a) a transitional capital disregard is to apply; or
- (b) a transitional element is to be included,
(or both) in the calculation of the award.

(2) But the Secretary of State is not to determine whether a transitional element is to be included in a case where ~~regulation 47 (notified persons who claim as a different benefit unit)~~ applies.

- (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*

Consequential amendments for regulation 5

2 Interpretation

(4) In regulation 46 (termination of existing benefits if no claim before the deadline) ~~and regulation 47 (notified persons who claim as a different benefit unit)~~ “terminate” in relation to an award of income-based jobseeker’s allowance or income-related employment and support allowance means treating that award as if the following provisions had come into force (including where a saving provision has ceased to apply) in relation to that award—

- (a) section 33(1)(a) and (b) and (2) of the Act (abolition of benefits);
- (b) paragraphs 22 to 26 of Schedule 3 to the Act (abolition of benefits: consequential amendments) and section 33(3) of the Act in so far as it relates to those paragraphs; and
- (c) the repeals in Part 1 of Schedule 14 to the Act (abolition of benefits superseded by universal credit) that come into force if a claim is made for universal credit.

CHAPTER 2

ENTITLEMENT TO OTHER BENEFITS

Exclusion of entitlement to certain benefits

5.-(1) Except as provided in paragraph (2), a claimant is not entitled to—

- (a) income support;
- (b) housing benefit;
- (c) a tax credit; or
- (d) state pension credit under the State Pension Credit Act 2002,

in respect of any period when the claimant is entitled to universal credit.

(2) Entitlement to universal credit does not preclude the claimant from entitlement—

- (a) to housing benefit in respect of specified accommodation or temporary accommodation;
- (ab) to housing benefit or income support where regulations 8(2A), ~~46(1) or 47(2)~~ or *46(1)* apply; or
- (c) during the first assessment period for universal credit, where the claimant is a new claimant partner, to—
 - (i) income support, where an award to which the new claimant partner is entitled terminates, in accordance with regulation 7(4), after the first date of entitlement to universal credit;
 - (ii) housing benefit, where regulation 7(5)(b) applies and an award of housing benefit to which the new claimant partner is entitled terminates after the first date of entitlement to universal credit; or
 - (iii) a tax credit, where an award to which the new claimant partner is entitled terminates, in accordance with the 2002 Act, after the first date of entitlement to universal credit.

Transitional housing payment

8A. Where an award of housing benefit terminates under regulation 8, ~~46(1) or 47(2)~~ or *46(1)*

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- (a) the claimant is to be treated for the purposes of the Housing Benefit Regulations 2006(a) as entitled to universal credit during the period of two weeks mentioned in regulation 8(2A), ~~46(1) or 47(2)~~ or *46(1)* even if no decision has been made on the claim; and
 - (b) if a claim for universal credit is made because the claimant moves to new accommodation occupied as the claimant's home, then, notwithstanding anything in the Housing Benefit Regulations 2006, housing benefit is to be paid directly to the claimant during the period of two weeks mentioned in regulation 8(2A), ~~46(1) or 47(2)~~ or *46(1)* and

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(c) if a claim for universal credit is made by a notified person then, notwithstanding anything in the Housing Benefit Regulations 2006, the weekly amount of housing benefit to which the person is entitled for that period of two weeks is the same as the weekly amount they were entitled to on the first day of that period.

Effect on universal credit award of two-week run-on of income support, income-based jobseeker's allowance and income-related employment and support allowance

8B. In a case where an award of income support, income-based jobseeker's allowance or income-related employment and support allowance is to continue for two weeks after the commencement of an award of universal credit by virtue of regulation 8(2A), ~~46(1) or 47(2) or 46(1)~~ or by virtue of regulation 5 (two-week run-on of income-based JSA and income-related ESA: day appointed for abolition) of the Universal Credit (Managed Migration Pilot and Miscellaneous Amendments) Regulations 2019—

- (a) regulation 79 of the Universal Credit Regulations applies as if the benefit in question was not included in the list of welfare benefits in section 96(10) of the Act (benefit cap); and
- (b) in a case where the claimant has become entitled to an award of new style JSA or new style ESA on the termination of an award of income-based jobseeker's allowance or income-related employment and support allowance, the claimant is to be treated, for the purposes of regulation 73 of the Universal Credit Regulations (unearned income calculated monthly), as if they had been entitled to that award of new style JSA or new style ESA from the first day of the award of universal credit.

Appeals etc relating to certain existing benefits

13.-(1) This regulation applies where, after an award of universal credit has been made to a claimant-

- (a) an appeal against a decision relating to the entitlement of the claimant to income support, housing benefit or a tax credit (a "relevant benefit") is finally determined;
- (b) a decision relating to the claimant's entitlement to income support is revised under section 9 of the Social Security Act 1998 ("the 1998 Act") or superseded under section 10 of that Act;
- (c) a decision relating to the claimant's entitlement to housing benefit is revised or superseded under Schedule 7 to the Child Support, Pensions and Social Security Act 2000; or
- (d) a decision relating to the claimant's entitlement to a tax credit is revised under section 19 or 20 of the 2002 Act, or regulations made under section 21 of that Act, or is varied or cancelled under section 21A of that Act.

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(2) Where the claimant is a new claimant partner and, as a result of determination of the appeal or, as the case may be, revision or supersession of the decision the claimant would (were it not for the effect of these Regulations) be entitled to income support or housing benefit during the relevant period mentioned in regulation 7(3), awards of those benefits are to terminate in accordance with regulation 7.

(3) Where the claimant is not a new claimant partner and, as a result of determination of the appeal or, as the case may be, revision, supersession, variation or cancellation of the decision, the claimant would (were it not for the effect of these Regulations) be entitled to a relevant benefit on the date on which the claim for universal credit was made, awards of relevant benefits are to terminate in accordance with regulation 8, ~~46 or 47~~ or 46.

(4) The Secretary of State is to consider whether it is appropriate to revise under section 9 of the 1998 Act the decision in relation to entitlement to universal credit or, if that decision has been superseded under section 10 of that Act, the decision as so superseded (in either case, "the UC decision").

(5) Where it appears to the Secretary of State to be appropriate to revise the UC decision, it is to be revised in such manner as appears to the Secretary of State to be necessary to take account of—

- (a) the decision of the First-tier Tribunal, Upper Tribunal or court, or, as the case may be, the decision relating to entitlement to a relevant benefit, as revised, superseded, varied or cancelled; and
- (b) any finding of fact by the First-tier Tribunal, Upper Tribunal or court.

PART 4

MANAGED MIGRATION TO UNIVERSAL CREDIT

The Migration Process

Termination of existing benefits if no claim before the deadline

46.—(1) Where a notified person has not made a claim for universal credit on or before the deadline day, all awards of any existing benefits to which the person is entitled terminate—

- (a) in the case of housing benefit, on the last day of the period of two weeks beginning with the deadline day; and
- (b) in the case of any other existing benefit, on the day before the deadline day.

(2) An award of housing benefit to which a claimant is entitled in respect of specified accommodation or temporary accommodation does not terminate by virtue of this regulation.

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(3) Where paragraph (1) applies and the notified person makes a claim for universal credit—

- (a) after the deadline day; and
- (b) on or before the final deadline specified in paragraph (4),

then, notwithstanding anything in regulation 26 of the Claims and Payments Regulations (time within which a claim for universal credit is to be made)⁽¹⁾ as modified by regulation 15 of these Regulations, the award is to commence on the deadline day.

(4) The final deadline is the day that would be the last day of the first assessment period in relation to an award commencing on the deadline day.

~~(5) This regulation is subject to regulation 47.~~

Miscellaneous

Qualifying claim – Secretary of State may set later commencement day

58. Where the Secretary of State decides a qualifying claim, and it is not a case where the award is to commence before the date of claim by virtue of regulation 46(3) ~~or 47(4) (claim made by the final deadline)~~ or regulation 26 of the Claims and Payments Regulations (time within which a claim for universal credit is to be made) as modified by regulation 15 of these Regulations, the Secretary of State may determine a day on which the award of universal credit is to commence that is after, but no more than one month after, the date of claim.

Amendments for regulation 6

2014 No. 1230

SOCIAL SECURITY

UNIVERSAL CREDIT (TRANSITIONAL PROVISIONS) REGULATIONS 2014

PART 4

MANAGED MIGRATION TO UNIVERSAL CREDIT

The Migration Process

The transitional element – initial amount and adjustment where other elements increase

55.—(1) The initial amount of the transitional element is—

(1) regulation 26 was amended by S.I. 2014/2887.

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- (a) if the indicative UC amount is greater than nil, the amount by which the total legacy amount exceeds the indicative UC amount; or
- (b) if the indicative UC amount is nil, the total legacy amount plus any amount by which the income which fell to be deducted in accordance with section 8(3) of the Act (that is the prescribed percentage of earned income above the work allowance and unearned income) exceeded the maximum amount.

(2) The amount of the transitional element to be included in the calculation of an award is—

- (a) for the first assessment period, the initial amount;
- (b) for the second assessment period, the initial amount reduced by the sum of any relevant increases in that assessment period;
- (c) for the third and each subsequent assessment period, the amount that was included for the previous assessment period reduced by the sum of any relevant increases (as in sub-paragraph (b)).

(3) If the amount of the transitional element is reduced to nil in any assessment period, a transitional element is not to apply in the calculation of the award for any subsequent assessment period.

(4) A “relevant increase” is, *subject to paragraph (5)*, an increase in any of the amounts that are included in the maximum amount under sections 9 to 12 of the Act including any of those amounts that is included for the first time⁽²⁾, apart from the childcare costs element.

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

(2) Section 10 was amended by section 14 of the Welfare Reform Act 2016 (c.7).

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Amendments for regulation 7

2014 No. 1230

SOCIAL SECURITY

UNIVERSAL CREDIT (TRANSITIONAL PROVISIONS) REGULATIONS 2014

Miscellaneous

Protection for full-time students until course completed

DRAFT

60. (1) Where a notified person does not meet the basic condition in section 4(1)(d) of the Act (not receiving education) on the day on which all awards of any existing benefit are to terminate as a consequence of a claim for universal credit because the person is undertaking a full-time course (see regulation 12(2) and 13 of the Universal Credit Regulations), that condition is not to apply in relation to the notified person while they are continuing to undertake that course.

(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).

Amendments for regulation 8

2014 No. 1230

SOCIAL SECURITY

UNIVERSAL CREDIT (TRANSITIONAL PROVISIONS) REGULATIONS 2014

DRAFT

Miscellaneous

~~Discretionary hardship payments~~

~~64. The Secretary of State may, in such circumstances and subject to such conditions as the Secretary of State considers appropriate, make payments to notified persons who appear to be in hardship as a result of the termination of an existing benefit in accordance with these Regulations or otherwise as a result of the provisions of this Part.~~

Amendments for regulation 9

2019 No. 1152

SOCIAL SECURITY

THE UNIVERSAL CREDIT (MANAGED MIGRATION PILOT AND

DRAFT

MISCELLANEOUS AMENDMENTS) REGULATIONS 2019

~~Managed migration pilot: limit on number of cases migrated~~

~~2. When the number of awards of universal credit made to persons to whom a notice has been issued under regulation 44 (migration notice) of the Universal Credit (Transitional Provisions) Regulations 2014 reaches 10,000, the Secretary of State must not issue further notices under that regulation.~~