ADM Chapter M7: Managed migration and Transitional protection

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M7001 [see ADM Memo 1/25] This Chapter gives guidance on the next phase of the transition from existing benefits to UC, known as managed migration or “Move to UC”. Managed migration started in Harrogate as a pilot on 24.7.19 and was suspended in March 2020. The process started again on 9.5.22 in Bolton and Medway.

M7002 Guidance is included on

1. the migration process **and**

2. termination of existing awards **and**

3. transitional protection.

M7003 - M7009

Natural migration

M7010 Since 29.4.13, the introduction of UC has gradually been expanded in phases to enable people to claim UC. Initially claimants were required to satisfy the gateway conditions in what was known as the Live Service area.

M7011 From 26.11.14, further phases introduced UC without the need to satisfy the gateway conditions in the digital service area, known as the Full Service. Starting from 27.1.16, a phased conversion of postcode districts or part-districts (“the designated postcodes”) in the Live Service area began, converting them to digital service areas. Since 12.12.18, all GB postcode districts and part-districts have been converted to digital service areas. From 25.7.22, all restrictions on claims for UC have been removed. But see Appendix 2 to Chapter M5 (Claims for UC) for guidance on when claims for a TC may be made by claimants who are not notified persons (see M7052).

M7012 Where a UC claimant was entitled to an existing benefit on the date the UC claim was made or treated as made, the move from the existing benefit to UC is known as natural migration. These are claimants who

1. have a change of circumstances which would otherwise have required a claim for another existing benefit to be made **or**

2. form a couple with an existing UC claimant.

Effects of transition to UC

M7013 The effects of transition from an existing benefit to UC through natural migration are set out in Chapter M6 (Effects of transition to UC). Many of the effects set out in Chapter M6 apply to awards of UC made under the managed migration process, for example the transfer of sanctions, and whether the claimant has LCW or LCWRA. Where the effects of transition to UC differ from those set out in Chapter M6, this will be set out in the guidance.

M7014 - M7019

Managed migration

M7020 In managed migration cases, claimants entitled to an existing benefit are sent a migration notice requiring them to claim UC by a specified date known as the deadline day (see M7503). The deadline day must be at least three months after the date the notice is issued, and can be extended or the notice cancelled in certain circumstances. See M7063 and M7075 - M7080 for detailed guidance.

M7021 Where a migration notice is issued, and no UC claim is made on or before the deadline day, all awards of existing benefits will terminate.

M7022 Where a migration notice is issued, and a UC claim is made on or before the deadline day, the guidance in M7120 and Chapter M6 (Effects of transition to UC) about when the existing award ends applies.

M7023 - M7024

Transitional protection

M7025 Where a claim under the managed migration process is a qualifying claim, the claimant may be eligible for transitional protection. Transitional protection is

1. a transitional capital disregard for TC claimants only **and**

2. a transitional element.

Note: See M7310 for the meaning of a qualifying claim.

M7026 The transitional capital disregard applies to TC claimants who have more than £16,000 capital at the point of migration. See M7330 et seq for further details.

M7027 The transitional element applies to a qualifying claim where the total entitlement to UC is less

than the total entitlement to the existing benefit at the point of migration. See M7400 et seq for further details.

M7028 - M7039

The migration process M7040 - M7099

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Introduction M7040 - M7059

Definitions M7050 - M7059

M7040 The migration process is where claimants who are entitled to awards of an existing benefit are issued a migration notice. This tells the person that awards of existing benefits will terminate, and that they must claim UC on or before the deadline day. See M7060 for further details about the migration notice.

M7041 - M7049

Definitions

Meaning of existing benefit

M7050 Existing benefit means[1]

1. JSA(IB)[2]

2. ESA(IR)[3]

3. IS[4]

4. HB[5]

5. CTC[6]

6. WTC[6].

1 UC (TP) Regs, reg 2(1); 2 JS Act 95; 3 WR Act 07, Part 1; 4 SS CB Act 92, s 124; 5 s 130; 6 TC Act 02

Meaning of migration notice

M7051 The migration notice is a notice issued to a person who is entitled to an award of an existing benefit[1].

Note: See M7060 et seq for more detailed guidance about the migration notice.

1 UC (TP) Regs, reg 44(1)

Meaning of notified person

M7052 A notified person is a person who is entitled to an award of an existing benefit to whom a

migration notice is issued[1].

1 UC (TP) Regs, reg 44(6)

Meaning of deadline day

M7053 (See ADM memo 05-24) The deadline day is the day by which a claim for UC must be made by a person to whom a migration notice is issued[1].

Note: See M7070 for more detailed guidance about the deadline day.

1 UC (TP) Regs, reg 44(1)(b)

Meaning of final deadline

M7054 The final deadline is the day that would be the last day of the first assessment period for an award of UC which begins on the deadline day[1].

1 UC (TP) Regs, reg 46(4)

M7055 - M7059

The migration notice M7060 - M7069

Issuing the migration notice M7060 - M7062

Cancelling the migration notice M7063 - M7069

Issuing the migration notice

M7060 The formal managed migration process begins when the Secretary of State issues a migration notice to a person (the notified person) who is entitled to an award of an existing benefit. The notice[1]

1. informs the person that all awards of existing benefit to which they are entitled will terminate **and**

2. informs the person that they must make a claim for UC **and**

3. specifies the day by which the UC claim must be made (the deadline day) **and**

4. may contain such other information as the Secretary of State considers appropriate.

1 UC (TP) Regs, reg 44(1) & (2)

M7061 The notice may be issued at any time[1].

1 UC (TP) Regs, reg 44(1)

M7062 Where the person entitled to the existing benefit is, for the purposes of that benefit, a member of a

1. couple **or**

2. polygamous marriage

a migration notice must be issued to the other member or members with the same deadline day[1]. It is important to note that in some legacy benefits, such as IS or ESA(IR), only one member of a couple is the claimant. In polygamous marriages, amounts for partners are included in the claimant's award. However, for UC both members of a couple must claim UC. In polygamous marriages, only the earliest parties to the marriage claim as joint claimants, while later partners claim as single claimants.

Note: See also M7180 - M7183 for further guidance about couples claiming UC as single claimants.

1 UC (TP) Regs, reg 44(4)

Example

Bakare is in a polygamous marriage with Maryam (his first wife) and Ermina (his second wife). Bakare's award of ESA(IR) includes a prescribed amount for a couple for himself and Maryam, and a further amount for a single claimant for Ermina. All three members of the marriage are issued with migration notices. Bakare and Maryam must both claim UC as joint claimants, while Ermina must claim as a single claimant.

Cancelling the migration notice

M7063 (See ADM memo 05-24) (see DMG memo 04-24) Where a migration notice has been issued, it may be cancelled[1]

1. where it has been issued in error **or**

2. in any other circumstances where the Secretary of State considers it necessary to do so

2.1 in the interests of the person or class of person **or**

2.2 to safeguard the efficient administration of UC.

Note: The DM should always consider whether it would be appropriate to extend the deadline day before cancelling a migration notice – see M7075 – M7080.

Note: Where a migration notice was issued in error as a Tax Credit Closure Notice should have been issued instead, the migration notice can be treated as a Tax Credit Closure Notice.[2]

1 UC (TP) Regs, reg 44(5); 2 reg 44(5A)

Example 1

Lloyd is entitled to JSA(IB) and on 12.8.19 is sent a migration notice requiring him to claim UC by 12.11.19. On 18.9.19 the Secretary of State is notified that on 16.9.19 Lloyd was detained in custody and is serving a custodial sentence of three years. The migration notice is cancelled, as Lloyd would not be entitled to UC if he made a claim.

Example 2

Marika is entitled to JSA(IB) and HB. She is sent a migration notice which requires her to claim UC by 13.12.19. She notifies that she started F/T work on 4.11.19. Her earned income exceeds her entitlement to both JSA(IB) and HB, and the awards are terminated. The earned income also means she would not be entitled to UC. The Secretary of State cancels the migration notice, as Marika no longer has an existing award.

M7064 - M7069

The deadline day M7070 - M7089

Extension of the deadline day M7075 - M7099

M7070 [See ADM memo 05-24] [See DMG memo 04-24] [See ADM Memo 1/25] The deadline day is the day by which a claim for UC must be made by the notified person[1]. It must be more than three months from the day on which the migration notice is issued[2] (unless M7071 or M7072 apply).

1 UC (TP) Regs, reg 44(1)(b); 2 reg 44(3)

M7071 Where a migration notice is issued after a cancellation of a previous migration notice, or after the cancellation of a Tax Credit Closure Notice, the deadline day may be shorter than three months.[1]

1 UC (TP) Regs, reg 44(3A)

M7072 Where a migration notice is issued to a person entitled to Tax Credits and the date of issue is after 27.01.25 and before 06.04.25, the deadline date can be 06.04.25.[1]

1 UC (TP) Regs, reg 44(3B)

M7073 - M7074

Extension of the deadline day

M7075 The deadline day can be changed to a later day

1. on the Secretary of State's initiative **or**

2. if the notified person asks for a change before the deadline day

where there is a good reason to change the day[1].

1 UC (TP) Regs, reg 45(1)

M7076 There is no limit to the number of times the claimant can ask for the deadline day to be extended, provided that

1. the request is made before the deadline day (including where that day has been changed) **and**

2. there is good reason to change the deadline day.

Example 1

Graham is entitled to ESA(IR) and HB, and lives alone. He has severe learning difficulties, and has a

support worker who helps with official correspondence. Graham is notified on 31.10.19 that his awards of ESA(IR) and HB will end, and that he needs to make a claim for UC by 31.1.20. Graham has no family to help him, and he usually sees his support worker once a fortnight. Graham doesn't tell his support worker about the migration notice until 24.1.20. The support worker contacts the DWP on the same day to ask for an extension to the deadline day, because Graham will need help from Citizens Advice to make an on-line claim, and the earliest available appointment is on 14.2.20. The deadline day is changed to 24.2.20.

On 13.2.20 the support worker contacts the DWP to ask for a further extension. Graham's boiler broke down over the weekend causing extensive damage to the property, and there is no heating or water. Graham has had to be temporarily re-housed while repairs are carried out. He is too upset to attend the Citizens Advice appointment, which has been re-scheduled for 27.3.20. The deadline day is extended again to 24.5.20.

Example 2

Stuart is entitled to ESA(IR) and HB. He has moderate learning difficulties and anxiety, and is also visually impaired. His support worker has to help him with his post. A migration notice is sent to Stuart which tells him that he must claim UC by 22.11.19. Stuart's support worker phones on 29.10.19 to say that he is due to move into supported housing within the next few days and he won't be able to deal with changing benefit until he's settled in. The deadline day is extended for a month to 22.12.19.

M7077 If there is good reason to change the deadline, the DM should also consider whether it would be more appropriate to cancel the migration notice instead – see M7063.

M7078 Where the deadline is changed as in M7075, the notified person must be informed of the new deadline day[1].

1 UC (TP) Regs, reg 45(2)

M7079 There is no right to a mandatory reconsideration or an appeal about

1. being issued with a migration notice **or**

2. the deadline day (as long as it is at least 3 months after the date of issue) **or**

3. the refusal to

- **3.1** extend a deadline **or**
- **3.2** cancel the migration notice.

M7080 This is because none of the actions in M7079 is a decision about a claim for or an award of benefit[1]. However, DMs should note that a decision terminating existing awards carries the right of mandatory reconsideration and appeal in the normal way.

1 SS Act 98, s 12(1)

Good reason

M7081 Examples of where there might be good reason for extending the deadline day are where the notified person has difficulty completing the UC claim because they

1. have a physical or mental health condition

2. have learning difficulties

3. are in or about to go in to hospital as an in-patient

4. have significant caring responsibilities

5. are homeless

6. have a domestic emergency.

M7082 The list is not exhaustive and each case should be considered on its merits. For more examples of good reason, see Chapter K2 (Good reason).

M7083 - M7089

Short Notice Migration Notice M7090-M7099

Short Notice Migration Notice

M7090 As dates for the full abolition of the remaining legacy benefits may be fewer than three months away from the deadline date of a normal migration notice, there is the power to issue a migration notice which expires in a shorter time period than the usual three months - a Short Term Migration Notice.

M7091 Where a managed migration deadline day would be after the appointed day for the final abolition of that respective benefit, that deadline day may instead be the appointed day for the full abolition of that benefit. If there is more than one full abolition day for a particular claimant (as they are entitled to more than one of the remaining legacy benefits), the earliest abolition day will be used as the deadline day[1].

1 UC TP Regs 2014, Reg 44(3C), (3D), (3E)

Note: For information on the abolition dates of the legacy benefits see M5300-M5429.

M7092-M7099

Awards M7100 - M7299

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Termination of existing awards M7100 - M7199

Claim for UC is made on or before the deadline day M7120 - M7124

No claim for UC is made on or before the deadline day M7125 - M7199

M7100 Where a person is notified that they must claim UC, all awards of existing benefits to which the notified person is entitled will terminate. The date from which they terminate depends on whether the person makes a claim for UC before the deadline day.

M7101 - M7019

Claim for UC is made on or before the deadline day

M7120 Where the notified person makes a claim for UC, see M6100 – M6127 for detailed guidance about the date on which awards of existing benefit terminate. For a TC, this is normally the day before the first date of UC entitlement, or the date the claimant would be entitled if they satisfied the UC basic and financial conditions of entitlement[1]. For HB, IS, JSA(IB) and ESA(IR), the award ends on the last day of the period of two weeks beginning on the first day of UC entitlement, unless it is an HB award in respect of specified or temporary accommodation[2]. These awards do not terminate solely because of the managed migration process[3].

1 WR Act 12 Commencement Orders: UC (TP) Regs, reg 8(2) & (4); 2 reg 8(2A); reg 8(3)

M7121 - M7124

No claim for UC is made on or before the deadline day

M7125 If the notified person has not made a claim for UC on or before the deadline day, all awards of any existing benefits to which they are entitled terminate on

1. for HB, IS, JSA(IB) and ESA(IR), the last day of the period of two weeks beginning with the deadline day **or**

2. for a TC, the day before the deadline day[1].

Note: But see M7126 where HB is paid for specified or temporary accommodation.

1 UC (TP) Regs, reg 46(1)

M7126 Where HB is paid for specified or temporary accommodation, the award of HB does not terminate solely because of the managed migration process[1].

M7127 - M7140

M7141 See M7180 et seq for guidance on termination of awards of existing benefits where UC claims are made by notified persons who for the purposes of the existing benefits were

1. a couple and claim UC as a single claimant or as members of a different couple **or**

2. members of a polygamous marriage and claim UC as a couple or single persons.

M7142 - M7199

When does the UC award begin M7200 - M7279

Claim for UC made after the deadline day M7200 - M7229

Qualifying claims M7230 - M7279

Claim for UC made after the deadline day

M7200 Where

1. any awards of existing benefits are terminated as in M7125 **and**

2. the notified person makes a claim for UC after the deadline day, but on or before the final deadline (see M7054)

if the notified person is entitled to UC, the award begins on the deadline day[1]. This applies whether or not the time for claiming UC is extended[2].

1 UC (TP) Regs, reg 46(3); 2 reg 15 & UC (C&P) Regs, reg 26

Example

Geena is entitled to JSA(IB) and HB. She is sent a migration notice requiring her to claim UC by 21.11.19. Despite reminders, Geena does not make a claim for UC by 21.11.19. Geena is notified on 26.11.19 that her award of JSA(IB) terminated on 20.11.19, and on 6.12.19 that her award of HB terminated on 4.12.19.

On 20.12.19 Geena claims UC. This is on the final deadline, as it is the last day of the first assessment period for an award beginning on 21.11.19. Geena's award of UC begins on 21.11.19, even though she did not provide any reason for not claiming before.

M7201 - M7229

Qualifying claims

M7230 Where a qualifying claim results in a decision to award UC, the award normally begins on the date of claim unless

1. it is a qualifying claim made after the deadline day but before the final deadline[1] (see M7200 and M7210) **or**

2. the time for claiming is extended[2] (see Chapter A2 (Claims) for detailed guidance) **or**

3. the exception in M7231 applies.

Note: See M7310 for the meaning of qualifying claim.

1 UC (TP) Regs, reg 46(3) & 47(4); 2 UC, PIP, JSA & ESA (C&P) Regs, reg 26; UC (TP) Regs, reg 15

M7231 Where an award on a qualifying claim does not begin on a date before the date of claim as in M7230 **1.** or **2.**, the Secretary of State may determine that the UC award begins on a date that is no more than one month after the date of claim[1].

1 UC (TP) Regs, reg 58

M7232 - M7279

Students M7280 - M7289

M7280 [See ADM Memo 1/25] Where the claimant has made a qualifying claim and is in a course of F/T education[1] on migration day , the condition of entitlement that a UC claimant is not receiving education[2] does not apply as long as they continue to undertake that course[3]. But see M7281 for when this does not apply.

Note: See Chapter H6 (Students and student income) for guidance on education including the meaning of a F/T course.

1 UC Regs, reg 12(2) & 13; 2 WR Act 12, s 4(1)(d); 3 UC (TP) Regs, reg 60(1)

Example

Jess is entitled to ESA(IR), as well as the enhanced rate mobility component of PIP. She is studying F/T for a degree, and began her four year course on 17.9.18. For the purposes of ESA(IR), she is treated as having LCW, and the ESA education condition does not apply. On 3.9.19 Jess is sent a migration notice. She claims UC before the deadline day, and although she remains on the degree course, the UC education condition does not apply. Jess completes the course in June 2022. The education condition now applies in the normal way should she wish to undertake any further courses while entitled to UC.

Exception

M7281 The guidance at M7280 applies in the same way as the transitional element or transitional capital disregard[1]. This means that

1. in any assessment period where, if the claimant had been entitled to it, the transitional element or transitional capital disregard would have ceased to apply[2], the transitional protection for students also ceases to apply and

2. if the UC award ends and a further claim is made while the claimant remains in F/T education, the transitional protection for students only applies if the transitional element or transitional capital disregard could be applied[3].

Note: See M7530 - M7541 for guidance on when transitional protection ends, and M7560 - M7562 on when transitional protection can apply to a subsequent award.

1 UC (TP) Regs, reg 60(2); 2 reg 56; 3 reg 57

Waiver of upper age limits for claimants migrated from Tax Credits M7290-M7295

M7290 A condition of entitlement to UC is that the claimant is below the qualifying age for SPC[1]. Certain Working Tax Credit entitled persons who have reached the qualifying age for SPC can become entitled to UC. This applies to single or joint claimants where

1. a person entitled to Working Tax Credit makes a claim to UC following receipt of a migration notice,

2. the claimant (or both members of a joint claim) have reached the qualifying age for SPC, and

3. they are not already entitled to SPC.[2]

Note: The above also applies to someone who is entitled to both Working Tax Credit and Child Tax Credit[3].

1 WRA 2012, s4(1)(b); 2 UC TP Regs, reg 60A(1); 3 reg 60A(2)

M7291 The waiver in M7290 expires (thereby ending the UC award) where

1. the claimant claims SPC, or

2. Transitional Protection within the UC award ceases (unless the reason it has ceased is because erosion has reduced the Transitional Element to zero).[1]

1 UC TP Regs, reg 60A(3)

M7292-M7295

Deferral of retirement pension income M7296-M7297

M7296 Where, at the time a migration notice is issued, the notified person

1. has reached the qualifying age for state pension credit;

2. is entitled to an award of a tax credit; and

3. has not made an application for retirement pension income to which they might expect to be entitled,

any notional unearned income is not factored into the UC calculation (nor the UC indicative amount calculation) until the assessment period following the first 12 assessment periods of the award in respect of that qualifying claim[1].

1 UC (TP) Regs, Reg 60B(1)

M7297 M7296 ceases to apply in an assessment period in which a transitional element or transitional capital disregard would cease to apply due to the transitional protection ceasing, or where the transitional protection was applied to a subsequent award[1].

1 UC (TP) Regs, reg 60B(2)

Benefit cap exemption for people who have reached the qualifying age for state pension credit M7298-M7299

M7298 Where a qualifying claim is made by

1. a single claimant who has reached the qualifying age for state pension credit, or

2. joint claimants both of whom have reached the qualifying age for state pension credit,

the benefit cap is not to not to apply for the purpose of calculating the amount of an award of universal credit (or for the purpose of calculating the indicative UC amount).[1]

1 UC (TP) Regs, reg 60C

M7299

Transitional protection M7300 - M7999

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Introduction M7300 - M7309

M7300 Transitional protection may apply to a qualifying claim[1] (see M7310) and comprises

1. a transitional capital disregard[2] (see M7330 et seq for detailed guidance) **and**

2. a transitional element[3] (see M7400 et seq for detailed guidance).

1 UC (TP) Regs, reg 48; 2 reg 51; 3 reg 52

M7301 The transitional capital disregard enables TC claimants with capital over £16,000 to be entitled to UC for up to 12 assessment periods, by disregarding capital over £16,000.

M7302 The transitional element compares entitlement of existing benefits with that of UC based on the circumstances on the day before any UC award begins, and provides for an amount to be included in the UC award where otherwise this would be less than the existing benefit awards.

M7303 - M7309

Definitions M7310 - M7319

Meaning of qualifying claim M7310

Meaning of migration day M7311 - M7319

Meaning of qualifying claim

M7310 A qualifying claim is a claim for UC by

1. a single claimant who is a notified person **or**

2. joint claimants, both of whom are notified persons

where the claim for UC is made on or before the final deadline[1].

Note: See M7054 for guidance on the final deadline.

1 UC (TP) Regs, reg 48 & 46(4)

Meaning of migration day

M7311 Migration day means the day before the first day of UC entitlement for an award made in respect of a qualifying claim[1].

1 UC (TP) Regs, reg 49

M7312 - M7319

Deciding a qualifying claim M7320 - M7329

M7320 Before making a decision on a qualifying claim, the DM must first determine whether either or both of a

1. transitional capital disregard is to apply **or**

2. transitional element is to be included

in the calculation of the UC award[1].

Note: See M7322 for when M7320 **2.** does not apply.

1 UC (TP) Regs, reg 50(1); 2 reg 50(2) & 47

M7321 It is important to establish whether any transitional protection applies before deciding the qualifying claim, because

1. the UC conditions of entitlement might otherwise not be satisfied **or**

2. the amount of UC to which the claimant might be entitled might be less than any income taken into account.

M7322 The DM should not determine whether the transitional element should be included in the award of notified persons who were

1. a couple for the purposes of an award of an existing benefit when the migration notice was issued, but are single claimants or members of a different couple when they claim UC[1] **or**

2. a single claimant for the purposes of an award of an existing benefit when the migration notice was issued, but are joint claimants when they claim UC[2] **or**

3. members of a polygamous marriage for the purposes of an award of an existing benefit when the migration notice was issued, but are single or joint claimants when they claim UC[3].

1 UC (TP) Regs, reg 50(2)(a); 2 reg 50(2)(b); 3 reg 50(2)(c)

M7323 A person who is part of a couple can make claim for UC as a single person where their partner does not meet the basic conditions of entitlement for UC, as the partner is:

1. under 18 years of age

2. not in Great Britain

3. a prisoner

4. a member of a religious order, or

5. a person subject to immigration control (PSIC)[1]

Note: For more detailed information on the above see E2017, E2020-E2022.

1 UC Regs, reg 3(3)

M7324 Where the circumstances in M7323 apply, the single person who makes the claim for UC is a single person for the purposes of paragraph M7322. **1** and a member of a couple for the purposes of M7322. **2**[1].

1 UC (TP) Regs, reg 50(3)

M7325-M7329

The transitional capital disregard M7330 - M7399

Introduction M7330

When does the transitional capital disregard apply M7331 - M7349

When does the transitional capital disregard end M7350 - M7399

Introduction

M7330 A financial condition of entitlement to UC is that the claimant or joint claimants do not have capital in excess of £16,000[1]. However, no capital limit applies for the purposes of entitlement to a TC. The transitional capital disregard allows capital over £16,000 to be disregarded for a limited period where the conditions in M7331 are satisfied[2].

Note: See Chapter H1 (Capital) and Chapter H2 (Capital disregards) for detailed guidance on how capital affects UC entitlement.

1 WR Act 12, s 3(1)(b) & (2)(b) and 5(1)(a) & 5(2)(a), UC Regs, Reg 18(1); UC Regs, reg 45 – 50 & 72; 2 UC (TP) Regs, reg 51

When does the transitional capital disregard apply

M7331 The transitional capital disregard applies to a UC claimant who on migration day is

1. entitled to an award of a TC **and**

2. has capital which exceeds £16,000.

Note: See M7311 for the meaning of migration day.

1 UC (TP) Regs, reg 51(1)

M7332 Where a transitional capital disregard applies, any capital exceeding £16,000 is disregarded for the purposes of

1. determining whether the excess capital condition in M7330 is met (see M7333) **and**

2. calculating the amount of an award of UC (see M7334)[1].

Note: The disregard also applies when calculating the indicative UC amount for the purposes of whether a transitional element is to be included (see M7400 et seq for detailed guidance on the transitional element).

1 WR Act 12, s 5(1)(a) & (2)(a); UC (TP) Regs, reg 51(2)

M7333 Where M7332 **1.** applies, single or joint UC claimants who have more than £16,000 capital will still satisfy the capital limit of £16,000. But see M7350 - M7352 for when the transitional capital disregard ends.

Note: Where notified persons who are a couple for the purposes of entitlement to a TC claim UC as single claimants, the transitional capital disregard can be applied to each UC single claimant.

M7334 Where M7332 **2.** applies, the normal rules about assumed yield from capital[1] do not apply to the disregarded capital.

1 UC Regs, reg 72(1)

Example

Jared is a lone parent entitled to CTC for his 3 year old daughter. He is not in employment, and has no housing costs. He is not entitled to IS, JSA(IB) or ESA(IR) as he has £20,000 capital. Jared claims UC after being issued with a migration notice. The DM determines that the transitional capital disregard applies so that £4,000 capital is disregarded, and Jared satisfies the capital condition of entitlement. The DM also determines that Jared has monthly income of £174 from the assumed yield of his capital over £6,000 up to and including £16,000.

M7335 - M7349

When does the transitional capital disregard end

M7350 Where

1. a transitional capital disregard has been applied in the calculation of a UC award **and**

2. the single claimant's or joint claimants' capital in any assessment period reduces to £16,000 or less

the transitional capital disregard does not apply to any subsequent assessment periods[1]. This remains the case even if the capital increased to more than £16,000 before the end of the period in M7351.

1 UC (TP) Regs, reg 51(3)

M7351 A transitional capital disregard applies for no more than 12 assessment periods[1].

1 UC (TP) Reg 51(4)

M7352 The assessment periods do not need to be consecutive. See M7560 et seq for guidance on when transitional protection applies after a break in UC entitlement.

M7353 After the end of the 12 assessment periods, the normal capital rules apply, so that if capital

continues to exceed £16,000, UC entitlement ends.

Note: See Chapter H1 (Capital) for detailed guidance on the calculation of capital including notional capital.

M7354 The transitional capital disregard also ceases to apply where[1]

1. earned income is reduced below a specified level[2] for more than three consecutive assessment periods **or**

2. joint claimants separate or form a new couple **or**

3. a single claimant becomes a member of a couple.

Note: See M7530 et seq for detailed guidance.

1 UC (TP) Regs, reg 56; 2 UC Regs, reg 99(6)(a)

M7355 - M7399

The transitional element M7400 - M7529

Introduction M7400 - M7409

Total legacy amount M7410 - M7469

Indicative UC amount M7470 - M7499

Amount of transitional element M7500 - M7519

Decision making and appeals M7520 - M7529

Introduction

M7400 The transitional element is calculated by comparing the total amount of all existing benefits to which the claimant or joint claimants are entitled (the total legacy amount) with the total amount of UC to which they would be entitled (the indicative UC amount) based on the same circumstances as the existing award on migration day. Where the total legacy amount is greater than the UC indicative amount, the difference is included in the calculation of the UC award as a transitional element[1]. Where the indicative UC amount exceeds the total legacy amount, no transitional element is included.

Note: See M7410 et seq for detailed guidance on the total legacy amount, and M7470 et seq for detailed guidance on the UC indicative amount.

1 UC (TP) Regs, reg 52(1)

M7401 Where a transitional element is included in the calculation of the UC award, the amount is treated as an additional amount to be included in the maximum amount of UC before the deduction of income[1]. See E2170 for other amounts included in the maximum amount of UC.

1 WR Act 12, s 8(1)(a) & (2); UC (TP) Regs, reg 52(2)

M7402 [See ADM Memo 1/25] The transitional element is no longer included in the UC award when[1]

1. earned income is reduced below a specified level[2] for more than three consecutive assessment periods **or**

2. joint claimants separate or form a new couple **or**

3. a single claimant becomes a member of a couple.

Note: See M7530 et seq for detailed guidance.

1 UC (TP) Regs, reg 56; 2 UC Regs, reg 99(6)(a)

M7403 When calculating amounts as part of the managed migration process, including the total legacy amount and the UC indicative amount, the UC rounding rules in M7404 - M7405 apply[1].

Note: This does not apply to the calculation of sanction reductions[2]. See Chapter K9 (Amount of reduction) for guidance on sanction reductions.

1 UC (TP) Regs, reg 61; UC Regs, reg 6; reg 6(2)

M7404 Where the calculation of an amount results in a fraction of a penny, the fraction is

1. disregarded if it is less than half a penny **or**

2. treated as a penny if otherwise[1].

1 UC Regs, reg 6(1)

M7405 Where the calculation of an amount results in a fraction of a pound, the fraction is rounded down to the nearest pound for the following purposes[1]:

1. the benefit cap earnings exception[2] - see Chapter E5 (Benefit cap)

2. the earnings threshold for claimants in the no work-related requirements group[3] – see Chapter J2 (Work related groups)

3. earnings where the work search requirement must not be imposed[4] – see Chapter J3 (Work-related requirements).

1 UC Regs, reg 6(1A); 2 reg 82(1)(a); 3 reg 90; 4 reg 99(6)

Claimant previously entitled to SDP

M7406 Where a notified person was previously entitled to an award of IS, JSA(IB) or ESA(IR) which included the SDP, they may satisfy the conditions for an award of the transitional SDP element[1]. However, where an award of UC made on a qualifying claim includes a transitional element, a transitional SDP element cannot be included[2].

Note: See Chapter M6 (Effects of transition to UC) for detailed guidance on the transitional SDP element.

1 UC (TP) Regs, Sch 2 para 1 – 4; 2 para 7

M7407 - M7409

Total legacy amount

M7410 The total legacy amount is calculated by adding together the representative monthly rates of all awards of existing benefits the claimant is entitled to on the migration day[1]. Guidance on how to calculate the representative monthly rate for

1. TCs is at M7415 - M7416 **and**

2. IS, JSA(IB) and ESA(IR) is at M7430 - M7432 **and**

3. HB is at M7450 - M7452.

Note: See M7311 for the meaning of migration day.

Note 2: Where an existing benefit is suspended on migration day that benefit amount is included within the total legacy amount. If a later decision finds there was not entitlement to the benefit on migration day the transitional element must be recalculated accordingly.

1 UC (TP) Regs, reg 53(1)

M7411 - M7414

Tax credits

M7415 The representative monthly rate of an award of WTC or CTC is the daily rate (see M7416) of the award on migration day converted to a monthly rate by multiplying by 365 and diving by 12[1].

1 UC (TP) Regs, reg 53(2)

M7416 The daily rate amount is provided by HMRC, and is calculated under specified legislation on the basis of the information about the claimant's circumstances as held by HMRC on migration day[1].

1 UC (TP) Regs, reg 53(2) & (3); TC Act 02, s 13(1);
TC (Income Thresholds and Determination of Rates) Regs 02

M7417 - M7429

IS, JSA(IB) and ESA(IR)

M7430 The representative monthly rate of an award of IS, JSA(IB) or ESA(IR) is the weekly rate on migration day, calculated on the basis of the information about the claimant's circumstances as held by DWP on that day, and converted to a monthly figure by multiplying by 52 and dividing by 12[1].

1 UC (TP) Regs, reg 53(4); SS C&B Act 92, Part VII; IS (Gen) Regs; JS Act 95, Part 1;
JSA Regs 96; WR Act 07, Part 1; ESA Regs 08; ESA (TP, HB & CTB)(EA)(No. 2) Regs

M7431 The amounts of JSA(IB) or ESA(IR) are calculated before any reduction for a sanction[1].

1 UC (TP) Regs, reg 53(5)

M7432 Where a claimant is entitled to both JSA(IB) and JSA(Cont), or ESA(IR) and ESA(Cont), then the weekly rate is calculated on the basis of the JSA(IB) or ESA(IR) rules as appropriate[1].

1 UC (TP) Regs, reg 53(6)

M7433 - M7449

HB

M7450 The representative monthly rate of an award of HB is the weekly rate on migration day, calculated on the basis of the information about the claimant's circumstances as held by DWP on that day, and converted to a monthly figure by multiplying by 52 and dividing by 12[1]. But see M7451 - M7452 where the claimant has rent free periods.

Note: Where HB is in payment for specified or temporary accommodation, and does not terminate as part of the migration process, HB is not included in the total legacy amount[2].

1 UC (TP) Regs, reg 5(7)(a); SS C&B Act 92, Part VII; HB Regs; 2 UC (TP) Regs, reg 53(10)

M7451 Where the claimant has rent free periods[1], the representative monthly rate is the weekly rate as in M7450 multiplied by the number of weeks in the year for which the claimant is liable to pay rent divided by 12[2].

1 HB Regs, reg 81; 2 UC (TP) Regs, reg 53(7)(b)

M7452 Where M7451 applies, if migration day falls in a rent free period, the weekly rate is calculated by reference to the amount of rent for the last complete week which was not a rent free period[1].

1 UC (TP) Regs, reg 53(8)

M7453 – M7459

Benefit cap

M7460 Where[1]

1. the notified person is

1.1 not entitled to HB **or**

1.2 entitled to an award of HB reduced to the minimum amount due to the benefit cap[2] **and**

2. the benefit cap applies[3] when calculating the indicative UC amount **and**

3. the claimant's total entitlement to welfare benefits[4] on migration day is greater than the relevant amount[5]

the total legacy amount is reduced by the excess over the relevant amount, minus the amount of childcare costs included in the calculation of the indicative UC amount at M7470 where appropriate[6].

Note: See Chapter E5 (Benefit cap) for detailed guidance, including the meaning of welfare benefits and the relevant amount.

1 UC (TP) Regs, reg 53(11); HB Regs, Part 8A; 3 UC Regs, Part 7; 4 WR Act 12, s 96(10); 5 UC Regs, reg 80A; 6 UC (TP) Regs, reg 54(2)(b)

M7461 For the purposes of M7460 **3.,** the amount of each welfare benefit is the monthly equivalent calculated under the rules which apply to unearned income[1]. See Chapter H5 (Unearned income) for guidance on calculating unearned income as a monthly amount.

1 UC (TP) Regs, reg 53(12)(a); UC Regs, reg 73

M7462 - M7469

Indicative UC amount

M7470 **[See ADM Memo 04/20]** The indicative UC amount is the amount the claimant would be entitled to if an award of UC had been made

1. on the basis of the claimant's circumstances on migration day **and**

2. applying the assumptions in M7471 - M7474[1].

Note: See also M7475 - M7483 for other factors to consider when calculating the indicative UC amount.

1 UC (TP) Regs, reg 54(1) & (2); WR Act 12, s 8

Assumptions

M7471 If the claimant is entitled to CTC, they are responsible for any child or qualifying young person for whom the individual element of CT is payable[1].

1 UC (TP) Regs, reg 54(2)(a)

M7472 If the claimant is entitled to WTC including the childcare element, the indicative UC amount includes the childcare costs element[1].

1 UC (TP) Regs, reg 54(2)(b)

M7473 For the purposes of calculating the amount of the childcare costs element in M7472, it is assumed that the amount of childcare costs is equal to the relevant weekly childcare charges included in the daily rate of TC in M7415, converted to a monthly amount by multiplying by 52 and dividing by 12[1].

1 UC (TP) Regs, reg 54(2)(b)

M7474 The amount of the claimant's earned income is[1]

1. if they are entitled to a TC, the annual amount of any employment or trading income[2] used to calculate the representative monthly rate of the TC in M7415, converted to a monthly amount by dividing by 12 and deducting amounts for income tax and NI contributions as considered appropriate **or**

2. if **1.** does not apply and they are entitled to IS, JSA(IB) or ESA(IR), the amount of any earnings used to calculate the representative monthly rate of those benefits in M7430 - M7432, converted to a monthly amount by multiplying by 52 and dividing by 12 **or**

3. if **1.** or **2.** do not apply and they are entitled to HB, the amount of any earnings used to calculate the representative monthly rate of HB in M7450 - M7452, converted to a monthly amount by multiplying by 52 and dividing by 12.

1 UC (TP) Regs, reg 54(2)(c); 2 TC (Definition and Calculation of Income) Regs 02

Note: Where M7474. **2. or 3.** applies, the amount of earnings used is the amount of earnings before any sums are disregarded.

Financial conditions

M7475 If the claimant or joint claimants would not satisfy the income financial condition of entitlement[1] (see Chapter E1 (Introduction and entitlement)), they are treated for the purposes of calculating the indicative UC amount as if they were entitled to an award of a nil amount of UC[2].

1 WR Act 12, s 5(1)(b) & (2)(b); 2 UC (TP) Regs, reg 54(3)

M7476 Where the transitional capital disregard applies[1] (see M7331) the claimant is treated as satisfying the capital financial condition of entitlement[2] (see Chapter E1 (Introduction and entitlement)).

1 UC (TP) Regs, reg 51; 2 reg 54(4); WR Act 12, s 5(1)(a) & (2)(a)

M7477 - M7479

Other factors

M7480 The indicative UC amount is calculated after any reduction due to the benefit cap[1]. But see M7481 for exceptions.

Note: See Chapter E5 (Benefit cap) for detailed guidance.

1 UC (TP) Regs, reg 54(5); UC Regs, Part 7

M7481 The benefit cap is ignored for the purpose of the indicative UC amount where

1. the claimant's earned income on the migration day as calculated in M7474 is equal to or more than the benefit cap earnings exception[1].

2. a single claimant or both members of a joint claim are of state pension age.[2]

1 UC (TP) Regs, reg 54(2)(c) & (6); UC Regs, reg 82(1)(a); 2 UC (TP) Regs, reg 60C

M7482 The indicative UC amount is calculated before any reduction for a sanction[1]. But see Chapter M6 (Effect of transition to UC) for guidance on reduction of UC where the existing benefit is subject to a reduction for a sanction[2].

1 UC (TP) Regs, reg 54(5); 2 reg 30 & 32

M7483 The calculation of the indicative UC amount is based on the information held on the migration day used to calculate the total legacy amount. However, further information and evidence can be requested where necessary[1].

Note 1: See Chapter A2 (Claims) for guidance on gathering evidence and information in connection with a claim.

Note 2: See also M7520 et seq for guidance on revision or supersession of UC awards where the information held on migration day is found to be incorrect.

Note 3: The housing costs element is only included within the indicative UC amount if the claimant is in receipt of Housing Benefit on migration day.

Note 4: The carer's element is included within the indicative UC amount if someone declares that they are a carer on their UC claim regardless of whether or not they were entitled to Carer's Allowance on migration day.

Note 5: Where an existing benefit is suspended on migration day the claimant is considered entitled to that benefit when considering the indicative UC amount. If a later decision finds there was not entitlement to the existing benefit on migration day the transitional element must be recalculated accordingly.

1 UC (TP) Regs, reg 54(7)

M7484 - M7499

Amount of transitional element

[See ADM Memo 04/20]

M7500 The amount of the transitional element included in the first assessment period of the UC award is the initial amount as in M7502[1]. In subsequent assessment periods, the transitional element is reduced by relevant increases[2]. See M7502 et seq for further details.

Note: DMs are reminded that the rules on reducing the transitional element also apply to the transitional SDP amount and the transitional SDP element. See M6762 and paragraph 21 of Appendix 1 to Chapter M6 (Effects of transition to UC) for further details.

1 UC (TP) Regs, reg 55(2) (a); 2 reg 55(2)(b) & (c)

Meaning of relevant increases

M7501 **[See ADM Memo 11/26]** [See ADM Memo 1/25] A relevant increase is an increase in any of the amounts included in the UC maximum amount[1], including where an amount is included for the first time, apart from the childcare costs element[2]. But see M7502 & M7502A for exceptions.

1 WR Act 12, s 9 – 12; 2 UC (TP) Regs, reg 55(4)

M7502 Where

1. the claimant's UC award includes the LCW element **and**

2. the LCW element is replaced by the LCWRA element

the relevant increase is the difference between the amounts of the LCW and LCWRA elements[1].

Note: The LCW element is not included in awards of UC which begin on or after 3.4.17 unless savings apply. See the Appendix to Chapter F5 (The LCWRA element) for further details.

1 UC (TP) Regs, reg 55(5)

M7502A This paragraph applies from 01.06.25 onwards. Where

1. the UC claimant is in receipt of HB due to being resident in specified/temporary accommodation[1], and

2. they then move to accommodation for which they are awarded the housing costs element of UC, and

3. less than one month has elapsed between the end of the the HB award and the first day of the first AP which includes the housing costs element,

the housing costs element will not be treated as a relevant increase, so no erosion of the transitional element will occur[2].

1 UC TP Regs, reg 2(1); 2 reg 55(5A)

Example 1

Stacey is 19 and migrated from IS and CTC to UC which she receives for herself and her child. As part of her UC award Stacey receives a transitional element of £65 a month. Her UC award is therefore:

£251.77 standard allowance

£277.08 child element (1st child born before 6.4.17)

£65 transitional element

Total: £593.85 a month

With the help of her work coach, Stacey finds work and therefore applies for help with childcare costs. Based on her application she is awarded £500 a month. Although she is awarded this new amount for her childcare costs this does not erode the £65 transitional element. Her total UC award is therefore:

£251.77 standard allowance

£277.08 child element (1st child born before 6.4.17)

£500 childcare costs amount

£65 transitional element

Total: £1,093.85 a month.

Example 2

Following migration from ESA(IR) and CTC, Aaron is entitled to UC including a transitional element for himself and his son. His UC award is therefore:

£317.82 standard allowance

£277.08 child element (1st child born before 6.4.17))

£260.00 transitional element

Total: £854.90

Later, Aaron is awarded custody of his daughter and so is awarded the child element for the 2nd child. The transitional element is reduced by the increase in the amount of the child element:

£317.82 Standard Allowance

£508.75 child element (1st child born before 6.4.17 and 2nd child)

£28.33 transitional protection

Total: £854.90

Initial amount

M7503 The initial amount of the transitional element is[1]

1. if the indicative amount of UC is more than nil, the amount by which the total legacy amount exceeds the indicative UC amount **or**

2. if the indicative amount of UC is nil, the total legacy amount and any amount by which income exceeds the UC maximum amount[2].

Note: In paragraph **2.**, the excess income is calculated after applying the earnings taper and work allowance rules: see Chapter E2 (Awards and maximum amount of UC) for detailed guidance.

1 UC (TP) Regs, reg 55(1); 2 WR Act 12, s 8(3)

M7504 As the transitional element is based on the claimant's circumstances on migration day, the day before the UC award begins (see M7311), the initial amount is not changed during the first assessment period even if the claimant's circumstances change during that period[1].

1 UC (TP) Regs, reg 55(2)(a)

Example

Pete is entitled to PIP with the enhanced rate daily living component, ESA(IR) of £194.30 a week (£73.10 + SDP £65. 85 + EDP £16.80 + support component £38.55) and HB of £225 a week. His total legacy amount is £841.97 (£194.30 x 52 ÷ 12) + £975 (£225 x 52 ÷ 12) = £1816.97. His indicative UC amount is £1629.02 (£317.82 + £975 HCE + £336.20 LCWRA element). The benefit cap does not apply as he is exempt. The DM determines that Pete is entitled to a transitional element of £187.95 (£1816.97 - £1629.02), and that amount is included in the first assessment period of his UC award.

During that period, Pete's housing costs increase when he moves house to be nearer family. Pete's UC award increases from the beginning of the first assessment period to include a higher rate of HCE, but he remains entitled to the initial amount of the transitional element for that period.

M7505 - M7509

Subsequent amounts

M7510 In the second assessment period, the initial amount is reduced by the total of any relevant increases in that period[1].

Note: This does not include any relevant increases in the initial assessment period.

1 UC (TP) Regs, reg 55(2)(b)

M7511 For the third and subsequent assessment periods, the amount of the transitional element is the amount included in the previous assessment reduced by the total of any relevant increases[1].

1 UC (TP) Regs, reg 55(2)(c)

M7512 If the amount of the transitional element is reduced to nil in any assessment period, the transitional element does not apply in the calculation of the UC award for any subsequent period[1].

1 UC (TP) Regs, reg 55(3)

M7513 - M7519

Decision making and appeals

M7520 The calculation of the total legacy amount and UC indicative amount for the purposes of whether a transitional element is included in the UC award is based on the information held on migration day – see M7410 et seq and M7470 et seq[1].

M7521 However, a decision made on a claim for or award of UC may be revised or superseded where[1]

1. in the opinion of the Secretary of State the information held on migration day was inaccurate or incomplete because of

1.1 misrepresentation by the claimant **or**

1.2 a failure by the claimant to report information they were required to report, where the failure to report the information was to the claimant's advantage **or**

1.3 an official error (see M7522) **or**

2. a decision has been made on or after migration day on

2.1 an application made before migration day for revision or supersession of a decision on an award of an existing benefit **or**

2.2 an appeal in relation to such an application.

1 UC (TP) Regs, reg 62(1)

M7522 In M7521 **1.3**, official error means[1] an error that was

1. made by

1.1 an officer of **or**

1.2 an employee of a body acting on behalf of

the DWP, HMRC or a local authority which administers HB **or**

2. not caused by or materially contributed to by any person outside the DWP, HMRC or a local authority, or any body acting on their behalf

but excludes any error of law shown to be such by a subsequent decision of the UT or a court[2].

Note: See Chapter A3 (Revision) and A4 (Supersession) for detailed guidance on official error and error of law.

1 UC (TP) Regs, reg 62(2); 2 SS Act 98, s 27(7)

M7523 - M7529

When does transitional protection end M7530 - M7559

Earnings below AET levels M7531 - M7536

Earnings rules for State Age Pension Age persons who transferred from Tax Credits M7537-M7538

Formation or separation of a couple M7540 - M7559

M7530 Any transitional protection, either the transitional capital disregard or the transitional element or both, does not apply in any assessment period where the circumstances relating to earnings or separation or formation of couples in M7531 et seq apply, or in any further assessment periods during that award[1].

1 UC (TP) Regs, reg 56(1)

Earnings below AET levels

M7531 (See ADM memo 05-24) (see DMG memo 04-24) The administrative thresholds as defined in M7532 – M7533 below are known as the AET levels. For detailed guidance on the AET levels see Chapter J3 (Work-related requirements).

Meaning of single administrative threshold

M7532 For a single claimant, the single administrative threshold is monthly earnings from employment that are equal to, or more than, 18 hours per week at the NMW[1] multiplied by 52 and divided by 12.

1 UC (TP) Regs, reg 56(2)(a); UC Regs, reg 99(6)(a)

Meaning of couple administrative threshold

M7533 For joint claimants, the couple administrative threshold is monthly earnings from employment that are equal to, or more than, 29 hours per week at the NMW[1] multiplied by 52 and divided by 12.

1 UC (TP) Regs, reg 56(2)(b); UC Regs, reg 99(6)(b)

When transitional protection ends

M7534 Except for cases where M7537 applies, transitional protection ends where[1]

1. in the first assessment period of the award

1.1 the claimant's earned income was the same as or more than the single administrative threshold **or**

1.2 the joint claimants' combined earned income was the same as or more than the couple administrative threshold **and**

2. it is the assessment period after the third consecutive assessment period in which

2.1 the claimant's earned income is less than the single administrative threshold **or**

2.2 the joint claimants' combined earned income is less than the couple administrative threshold.

Note: See M7535 for the calculation of self-employed earnings. See M7536 for guidance on changes to the amount of the AET.

1 UC (TP) Regs, reg 56(2)

M7535 For the purposes of whether a claimant's earned income or combined earned income is less than the single or couple administrative threshold, the claimant is treated as having earned income that is equal to or more than the appropriate threshold in any assessment period in which the minimum income floor applies, or would apply if the claimant were not in the start-up period[1].

Note: See Chapter H4 (Earned income – self-employed earnings) for detailed guidance on the minimum income floor and the start-up period.

1 UC (TP) Regs, reg 56(3); UC Regs, reg 62

M7536 References to the single and couple administrative thresholds (the AET) are to the amounts of AET which applied on the first day of the UC award[1]. This means that claimants will not lose transitional protection as a result of any changes to the AET level.

1 UC (TP) Regs, reg 56(2) & (3)(i)

Example
Greg is entitled to ESA(IR) including the SDP. He works for 13 hours a week at the NMW, which equates to £535 monthly. On 3.10.22 he claims UC as part of the managed migration process. His award includes a transitional element as his award of UC would otherwise have been lower than his previous entitlement to ESA(IR). The AET level is £494 per calendar month. From 30.1.23 the AET level increases to £617 monthly, which for the purposes of work search and work availability requirements affects Greg from the assessment period beginning on 3.2.23. Although Greg's earnings are now less than the current AET, the AET rate on the first AP continues to apply, and the transitional element is not affected.

Earnings rules for State Age Pension Age persons who transferred from Tax Credits

M7537 Where

1. a single claimant is of state pension age, or joint claimant are both of state pension age,

2. who have transferred to UC from Tax Credits through Managed Migration

transitional protection ends after three consecutive APs where the income (or combined income) drops below the level that a person would be paid at the hourly rate of NMW for 16 hours a week converted to a monthly amount by multiplying by 52 and dividing by 12.

M7538 M7537 does not apply for the first 12 AP's (i.e. the earliest transitional protection can end is in AP 13, if the earnings were below the rate specified above in AP10, AP11, and AP12)1.

1 UC (TP) Regs, reg 56(3A)

[M7539 Spare]

Formation or separation of a couple

M7540 Transitional protection ends in any assessment period in which[1]

1. joint claimants separate and become single claimants, or form a different couple as joint claimants **or**

2. a single claimant becomes a member of a couple (but see M7541 for an exception).

1 UC (TP) Regs, reg 56(4)

Example

Fran is a lone parent with one child. She works P/T, and is entitled to WTC and CTC for herself and her son Dom. She has capital of £28,000. Fran is sent a migration notice and claims UC. The capital disregard applies so that her UC award is calculated on the basis that she has £16,000 capital.

After seven assessment periods, Fran moves in with Tony, who is a UC single claimant. The transitional capital disregard ceases to apply from the first day of the assessment period in which Fran and Tony formed a couple, and they are no longer entitled to UC as their joint capital exceeds the £16,000 limit.

Three months later, Fran and Tony separate. They both claim UC as single claimants. Fran's capital is still above £16,000, and as the transitional capital disregard no longer applies, she cannot be entitled to UC.

M7541 Transitional protection does not end where a single claimant becomes a member of a couple, but may claim as a single claimant because their partner[1]

1. is aged under 18 and does not satisfy any of the conditions for claiming under that age[2] **or**

2. does not meet the basic condition of being in GB[3] **or**

3. is a prisoner **or**

4. is a member of and is fully maintained by a religious order[4] **or**

5. is serving a sentence of imprisonment and detained in hospital[4] **or**

6. is a person subject to immigration control[5].

Note: See Chapter E2 (Benefit unit, awards and maximum amount) for guidance on where a claim as a single claimant may be made by a member of a couple.

1 UC (TP) Regs, reg 56(4); UC Regs, reg 3(3); 2 WR Act 12, s 4(1)(a); UC Regs, reg 8;
3 WR Act 12, s 4(1)(c); 4 UC Regs, reg 19; 5 I & A Act 99, s 115

M7542 - M7559

Can transitional protection apply to a further award of UC M7560 - M7999

M7560 Where

1. a transitional capital disregard applies to, or a transitional element is included in, an award of UC, and that award ends **or**

2. it is determined that a transitional capital disregard is to apply, or a transitional element is to be included in the calculation of the award of UC (see M7320), but the qualifying claim is disallowed

transitional protection cannot apply to any subsequent award of UC unless the exception in M7561 applies[1].

1 UC (TP) Regs, reg 57(1)

M7561 The exception to M7560 is where[1]

1. the UC award ended or the qualifying claim was disallowed because the claimant or joint claimants did not meet the income financial condition **and**

2. the claimant is awarded UC again within the period of three months beginning with

> **2.1** where an award of UC ended, the last day of the month that would have been the final assessment period if the award had not ended **or**
>
> **2.2** where the qualifying claim was disallowed, the day that would have been the last day of the first assessment period had the claimant been entitled to an award of UC.

1 UC (TP) Regs, reg 57(2)

Example

Leon is awarded UC including a transitional element on migration from WTC, and his assessment period ends on the 4th of every month. On 29.11.19 he receives earnings which end entitlement to UC. The award ends on 4.11.19. If Leon's earnings reduce and he claims and is awarded UC again within four assessment periods of 4.11.19, Leon remains entitled to the transitional element (subject to the normal erosion and termination rules in M7510 – M7512 and M7530 et seq).

M7562 Where an award of UC is made as in M7561 **2.1**, the new UC award is treated as a continuation of the previous award for the purposes of[1]

1. whether the transitional capital disregard applies, including the period for which it can apply[2] (see M7351) **and**

2. whether the transitional element is included[3] (see M7400 et seq) **and**

3. when transitional protection ends[4] (see M7530 – M7541).

1 UC (TP) Regs, reg 57(3); 2 reg 51; 3 reg 55; 4 reg 56

M7563 - M7999

The content of the examples in this document (including use of imagery) is for illustrative purposes only