STATUTORY INSTRUMENTS

2015 No. 1780

SOCIAL SECURITY

The Universal Credit (Transitional Provisions) (Amendment) Regulations 2015

Made - - - -	*12th October 2015*
Laid before Parliament	*19th October 2015*
Coming into force - -	*16th November 2015*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by section 42(2) of and paragraph 1(1) of Schedule 6 to the Welfare Reform Act 2012(**1**).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(**2**) ("the 1992 Act"), the Secretary of State has obtained the agreement of the Social Security Advisory Committee that the proposals in respect of these Regulations should not be referred to it.

In accordance with section 176(1) of the 1992 Act(**3**), the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned in respect of proposals for these Regulations, in so far as they relate to housing benefit.

Citation and commencement

1. These Regulations may be cited as the Universal Credit (Transitional Provisions) (Amendment) Regulations 2015 and come into force on 16th November 2015.

Amendment of the Universal Credit (Transitional Provisions) Regulations 2014

2.—(1) In the Universal Credit (Transitional Provisions) Regulations 2014(**4**), regulation 6 (exclusion of claims for certain existing benefits) is amended as follows.

(2) In paragraph (2)—

(a) after sub-paragraph (b) insert—

(**1**) 2012 c.5.
(**2**) 1992 c.5.
(**3**) There are amendments to section 176(1) which are not relevant to these Regulations.
(**4**) S.I. 2014/1230, amended by S.I. 2014/1626 and 2887 and 2015/339, and modified in their application to certain cases by S.I. 2014/3094 (C.133).

"(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(**5**) (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;";

(b) after sub-paragraph (c) insert—

"(ca) the person may be entitled to an award of universal credit in circumstances where, by virtue of regulation 9(6)(**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;"; and

(c) in sub-paragraph (d), omit "or may be entitled to an award of universal credit in circumstances where, by virtue of those Regulations, it is not a condition of entitlement that he or she makes a claim for it,".

(3) In paragraph (3)(b), for "paragraphs (5) to (7)" substitute "paragraphs (5) to (7B)".

(4) In paragraph (5)(a), after "regulation 6(1A)(c)", insert "or 6A"(**7**).

(5) After paragraph (7), insert—

"(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(**8**), 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(**9**) or, as the case may be, regulation 64(6)(d) of the 2006 (SPC) Regulations(**10**)), 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.

(**5**) This term is defined in S.I. 2014/1230, regulation 2(1). Regulation 6 of the Claims and Payments Regulations was revoked in relation to certain cases by S.I. 2014/2887.
(**6**) Regulation 9(6) was substituted in relation to certain cases by S.I. 2014/2887.
(**7**) Regulation 6(1A) of S.I. 1987/1968 was inserted by S.I. 1997/793 and amended by S.I. 2009/1490; regulation 6A was inserted by S.I. 2000/897 and amended by S.I. 2001/3210, 2002/1703, 2003/492, 2004/959 and 2006/832.
(**8**) S.I. 1987/1968. This term is defined in S.I. 2014/1230, regulation 6(4)(a).
(**9**) S.I. 2006/213. This term is defined in S.I. 2014/1230, regulation 6(4)(b). Regulation 83(5)(d) was substituted by S.I. 2008/2299 and amended by S.I. 2013/2070.
(**10**) S.I. 2006/214. This term is defined in S.I. 2014/1230, regulation 6(4)(b). Regulation 64(6)(d) was substituted by S.I. 2008/2299.