STATUTORY RULES OF NORTHERN IRELAND

2019 No. 152

SOCIAL SECURITY

The Universal Credit (Managed Migration and Miscellaneous Amendments) Regulations (Northern Ireland) 2019

Made - - - -	*22nd July 2019*
Laid before Parliament	*23rd July 2019*
Coming into operation in accordance with Regulation 1	

The Secretary of State makes the following Regulations in exercise of the powers conferred by Articles 9(2), 48(1) and (2) of, and paragraph 4(1), (3)(a) and (4) of Schedule 1 and paragraphs 1(1) and 4(1), (2)(a), (c) and (d) and (3) of Schedule 6 to, the Welfare Reform (Northern Ireland) Order 2015 [F1]

Those powers are exercisable by the Secretary of State by virtue of Article 4(1)(a) of the Welfare Reform (Northern Ireland) Order 2015.

F1 S.I. 2015/2006 (N.I.1).

Citation and commencement

1.—(1) These Regulations may be cited as the Universal Credit (Managed Migration and Miscellaneous Amendments) Regulations (Northern Ireland) 2019.

(2) Regulation 2 and this regulation come into force on 24th July 2019.

(3) Regulations 3 and 4 come into force on 22nd July 2020.

(4) Regulation 5 comes into force on 23rd September 2020.

(5) Regulation 6 comes into force on 27th January 2021.

Amendment of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016: managed migration (including provision for persons previously entitled to a severe disability premium)

2.—(1) The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 [F2] are amended in accordance with paragraphs (2) to (10).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) after the definition of "capital" insert—

""childcare costs element" has the meaning in the Universal Credit Regulations;";

(ii) after the definition of "claimant" insert—

""deadline day" has the meaning in regulation 45;

"earned income" has the meaning in Chapter 2 of Part 6 of the Universal Credit Regulations;";

(iii) in the definition of "existing benefit" before "regulation 26(2)" insert " paragraph (3) and ";

(iv) after the definition of "existing benefit" insert—

""final deadline" has the meaning in regulation 47;

"HMRC" means Her Majesty's Revenue and Customs;";

(v) after the definition of "income support" insert—

""indicative UC amount" has the meaning in regulation 55;";

(vi) after the definition of "joint claimants" insert—

""migration day" has the meaning in regulation 50;

"migration notice" has the meaning in regulation 45;";

(vii) after the definition of "new style JSA" insert—

""notified person" has the meaning in regulation 45;";

(viii) after the definition of "personal independence payment" insert—

""qualifying claim" has the meaning in regulation 49;"; and

(ix) after the definition of "temporary accommodation"[F3] insert—

""total legacy amount" has the meaning in regulation 54;

"transitional capital disregard" has the meaning in regulation 52;

"transitional element" has the meaning in regulation 53."; and

(b) after paragraph (2) insert—

"(3) In these Regulations—

(a) references to an award of income-based jobseeker's allowance are to an award of old style JSA where the claimant is, or joint claimants are, entitled to the income-based allowance; and

(b) references to an award of income-related employment and support allowance are to an award of old style ESA where the claimant is entitled to the income-related allowance.

(4) In regulation 47 (termination of existing benefits if no claim before the deadline) and regulation 48 (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) Article 39(1)(a) and (b) and (2) of the Order (abolition of benefits);

(b) paragraphs 17 to 21 of Schedule 3 to the Order (abolition of benefits: consequential amendments) and Article 39(3) of the Order in so far as it relates to those paragraphs; and

(c) the repeals in Part 1 of Schedule 12 to the Order (abolition of benefits superseded by universal credit) that come into force if a claim is made for universal credit.".

(3) At the end of regulation 2B (restriction on claims for universal credit by persons entitled to a severe disability premium) [F4] after the existing provision (which is now paragraph (1)) add the following paragraph—

"(2) This regulation does not apply in relation to a claim for universal credit by a single claimant who is a notified person or by joint claimants both of whom are notified persons.".

(4) In regulation 3(2)(a) (exclusion of entitlement to certain benefits) [F5] after "6(2A)" insert " , 47(1) or 48(2) ".

(5) In regulation 6A (transitional housing payment) [F6]—

(a) after "regulation 6" insert " , 47 or 48 ";

(b) in paragraphs (a) and (b) after "6(2A)" insert " , 47(1) or 48(2) ";

(c) at the end of paragraph (a) omit "and"; and

(d) at the end of paragraph (b) insert—

"; and

(c) if a claim for universal credit is made by a notified person then, notwithstanding anything in the Housing Benefit Regulations [F7], 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.".

(6) In regulation 9(1) (ongoing awards of tax credits)—

(a) for "regulations 5(7) and 6(4)" substitute " these Regulations "; and

(b) at the end of sub-paragraph (b) add the following words—

", and references to an award of a tax credit are to be read accordingly.".

(7) In regulation 11(2) (modification of tax credits legislation: finalisation of tax credits) for "the Schedule to these Regulations" substitute " Schedule 1 ".

(8) After regulation 44 (abolition of higher amount of the child element for first child or qualifying young person) [F8]add—

"PART 4

MANAGED MIGRATION TO UNIVERSAL CREDIT

The Migration Process

Migration notice

45.—(1) The Department 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 Department 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 Department must also issue the migration notice to the other member (or members).

(5) The Department may cancel a migration notice issued to any person—

(a) if it has been issued in error;

(b) if the Department has made a determination in accordance with regulation 2A (discretion to determine that claims for universal credit may not be made) [F9]that would affect a claim by that person; or

(c) in any other circumstances where the Department 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.

(7) The Department must not issue a migration notice while the restriction in regulation 2 (managed migration pilot: limit on number of cases migrated) of the Universal Credit (Managed Migration Pilot and Miscellaneous Amendments) Regulations 2019 [F10] is in force.

Extension of the deadline day

46.—(1) The Department may determine that the deadline day should be changed to a later day either—

(a) on the Department's own initiative; or

(b) if a notified person requests such a change before the deadline day,

where there is a good reason to do so.

(2) The Department must inform the other notified person or persons of the new deadline day.

Termination of existing benefits if no claim before the deadline

47.—(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.

(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 25 of the Claims and Payments Regulations (time within which a claim for universal credit is to be made) as modified by regulation 14 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 48.

Notified persons who claim as a different benefit unit

48.—(1) This regulation applies where—

(a) notified persons who were a couple for the purposes of an award of an existing benefit when the migration notice was issued are single persons or members of a different couple for the purposes of a claim for universal credit; or

(b) notified persons who were 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 6 (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—

(i) on or before the deadline day, or

(ii) after the deadline day, but on or before the "final deadline" referred to in regulation 47(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 47(1), and regulation 47(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.