STATUTORY RULES OF NORTHERN IRELAND

2017 No. 146

SOCIAL SECURITY

The Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations (Northern Ireland) 2017

Made - - - -	*6th July 2017*
Laid before Parliament	*10th July 2017*
Coming into operation in accordance with regulation 1	

The Secretary of State for Work and Pensions makes the following regulations in exercise of the powers conferred by Articles 17(1), 22(4), 23(3), 24(2)(d), 30(a) and 48(2)(a) of the Welfare Reform (Northern Ireland) Order 2015(**1**) and Article 22(1) of the Welfare Reform and Work (Northern Ireland) Order 2016(**2**).

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

Citation and commencement

1.—(1) These regulations may be cited as the Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations (Northern Ireland) 2017.

(2) These regulations, except for the provisions listed in paragraphs (3) and (4), come into operation immediately after the coming into operation of the Universal Credit Regulations (Northern Ireland) 2016(**3**).

(3) Paragraphs 1 and 3 to 7 of Schedule 1 come into operation immediately after the coming into operation of the Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations (Northern Ireland) 2016(**4**).

(4) Paragraph 2 of Schedule 1 comes into operation immediately after the coming into operation of the Social Security (Miscellaneous Amendments) Regulations 2017(**5**).

(**1**) S.I. 2015/2006 (N.I. 1)
(**2**) S.I. 2016/999 (N.I. 1)
(**3**) S.R. 2016 No. 216
(**4**) S.R. 2016 No. 236
(**5**) S.R. 2017 No. 116

PART 1

Limited capability for work element

Amendments to the Universal Credit Regulations (Northern Ireland) 2016

2.—(1) The Universal Credit Regulations (Northern Ireland) 2016 are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2 (interpretation) for the definition of ""LCW element" and "LCWRA element"" substitute—

""LCWRA element" has the meaning in regulation 28;".

(3) In regulation 28 (award to include LCW and LCWRA elements)—

(a) in the heading for "LCW and LCWRA elements" substitute "LCWRA element";

(b) for paragraph (1) substitute—

"(1) An award of universal credit is to include an amount in respect of the fact that a claimant has limited capability for work and work-related activity ("the LCWRA element").";

(c) in paragraph (2) for "amounts of those elements are" substitute "amount of that element is";

(d) in paragraph (3) omit "work or for"; and

(e) for paragraph (4) substitute—

"(4) In the case of joint claimants, where each of them has limited capability for work and work-related activity, the award is only to include one LCWRA element.".

(4) In regulation 29 (period for which the LCW or LCWRA element is not to be included)—

(a) in the heading and in paragraphs (1), (2)(a) and (3)(a) omit "LCW or";

(b) in paragraph (5)(b)(i) omit "or the work-related activity component"; and

(c) omit paragraph (6).

(5) For regulation 30(4) (award to include the carer element) substitute—

"(4) Where an amount would, apart from this paragraph, be included in an award in relation to a claimant by virtue of paragraphs (1) to (3), and the claimant has limited capability for work and work-related activity (and, in the case of joint claimants, the LCWRA element has not been included in respect of the other claimant), only the LCWRA element may be included in respect of the claimant.".

(6) In regulation 38 (amounts of elements)—

(a) in paragraph (1) for "LCW and LCWRA elements" substitute "LCWRA element"; and

(b) in the table—

(i) for the row "LCW and LCWRA elements" substitute "LCWRA element";

(ii) omit the row under "LCWRA element" (as amended by paragraph (i)) showing the amount for limited capability for work.

Amendments to the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016

3.—(1) The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016(**6**) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 19 (transition from old style ESA)—

(a) for paragraph (1)(b) substitute—

"(b) on or before the relevant date it had been determined that the claimant had limited capability for work or limited capability for work-related activity (within the meaning of Part 1 of the 2007 Act).";

(b) in paragraph (2)—

(i) for "was entitled to the work-related activity component" substitute "had limited capability for work (within the meaning of Part 1 of the 2007 Act)";

(ii) omit sub-paragraph (a); and

(iii) in sub-paragraph (b) omit "regulation 28(1)(a) of those regulations and";

(c) omit paragraph (3);

(d) in paragraph (4) for "was entitled to the support component" substitute "had limited capability for work-related activity (within the meaning of Part 1 of the 2007 Act) or was treated as having limited capability for work-related activity";

(e) in paragraph (6) for "was entitled to the work-related activity component or, as the case may be, the support component" substitute "had limited capability for work or, as the case may be, limited capability for work-related activity (within the meaning of Part 1 of the 2007 Act)";

(f) in paragraph (8)—

(i) for the definition of ""assessment phase", "support component" and "work-related activity component"" substitute—

""assessment phase" has the same meaning as in the 2007 Act;", and

(ii) for the definition of ""LCW element" and "LCWRA element"" substitute—

""LCWRA element" has the same meaning as in the Universal Credit Regulations."";

(g) in paragraph (9) for ", 2(3)(a), 4(4)(a) and 4(5)(a)" substitute "and 4(4)(a)"; and

(h) after paragraph (9) add—

"(10) For the purposes of this regulation, references to a determination that the claimant had limited capability for work do not include a determination made under regulation 30 of the ESA Regulations 2008 (conditions for treating a claimant as having limited capability for work until a determination about limited capability for work has been made).".

(3) In regulation 20 (transition from old style ESA before the end of the assessment phase)—

(a) in paragraph (2)(a) omit "LCW or"; and

(b) omit paragraph (3)(b).

(4) In regulation 21(2)(a) (transition from jobseeker's allowance following an extended period of sickness), omit "LCW or".

(5) In regulation 22 (other claimants with limited capability for work: credits only cases)—

(**6**) S.R. 2016 No. 226

(a) in paragraph (2)—

(i) omit sub-paragraph (a); and

(ii) in sub-paragraph (b) omit "regulation 28(1)(a) of those Regulations and";

(b) omit paragraph (3);

(c) omit paragraph (7)(b); and

(d) in paragraph (9)(d) and (e) for ", 2(3)(a), 4(4)(a) and 4(5)(a)" substitute "and 4(4)(a)".

PART 2

Work-related requirements

Amendment of the Universal Credit Regulations (Northern Ireland) 2016

4. In regulation 87(2) of the Universal Credit Regulations (Northern Ireland) 2016 (expected hours)—

(a) in sub-paragraph (a)(i) after "responsible carer" insert "(subject to the following sub-paragraphs)";

(b) after sub-paragraph (a) insert—

"(aa) where the claimant is a responsible carer of a child who has not yet reached compulsory school age, the number of hours that the Department considers is compatible with those caring responsibilities;"; and

(c) in sub-paragraph (b) after "a child" insert "who has reached compulsory school age but who is".

Consequential, transitional and savings provisions

5.—(1) Schedule 1 contains amendments to secondary legislation as a consequence of the amendments made by these Regulations.

(2) Schedule 2 contains transitional and savings provisions.

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

Damien Hinds
Minister of State
Department for Work and Pensions

6th July 2017