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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 226**

The Universal Credit (Transitional Provisions)  
Regulations (Northern Ireland) 2016

PART 1

Introductory

**Citation and commencement**

1. These Regulations may be cited as the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 and come into operation immediately after the coming into operation of the Universal Credit Regulations.

**Interpretation**

2.—(1) In these Regulations—

“the Claims and Payments Regulations 1987” means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(1);

“the Jobseekers Order 1995” means the Jobseekers (Northern Ireland) Order 1995(2);

“the JSA Regulations 1996” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(3);

“the Social Security Order 1998” means the Social Security (Northern Ireland) Order 1998(4);

“the Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006(5);

“the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(6);

“the 2007 Act” means the Welfare Reform Act (Northern Ireland) 2007(7);

“the ESA Regulations 2008” means the Employment and Support Allowance Regulations (Northern Ireland) 2008(8);

“the ESA (Transitional Provisions) Regulations 2010” means the Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010(9);

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(1) S.R. 1987 No. 465.  
(2) S.I. 1995/2705 (N.I. 15).  
(3) S.R. 1996 No. 198.  
(4) S.I. 1998/1506 (N.I. 10).  
(5) S.R. 2006 No. 405.  
(6) S.R. 2006 No. 406.  
(7) 2007 c. 2 (N.I.).  
(8) S.R. 2008 No. 280.  
(9) S.R. 2010 No. 312.

“the Claims and Payments Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016<sup>(10)</sup>;

“the Order” means the Welfare Reform (Northern Ireland) Order 2015;

“the Universal Credit Regulations” means the Universal Credit Regulations (Northern Ireland) 2016<sup>(11)</sup>;

“Appeal Tribunal” has the same meaning as in Article 39 of the Social Security Order 1998;

“assessment period” has the same meaning as in regulation 22 of the Universal Credit Regulations;

“capital” has the same meaning as in Part 6 of the Universal Credit Regulations;

“Commissioner” has the same meaning as in the Social Security Order 1998;

“couple” has the same meaning as it has in Article 45 of the Order;

“claimant” in relation to an employment and support allowance or a jobseeker’s allowance, has the same meaning as in Part 1 of the 2007 Act and the Jobseekers Order 1995 (as it applies apart from the amendments made by Part 1 of Schedule 12 to the Order that remove references to an income-based jobseeker’s allowance) respectively and, in relation to universal credit, has the same meaning as in Part 1 of the Order;

“existing benefit” means income-based jobseeker’s allowance, income-related employment and support allowance, income support, housing benefit and child tax credit and working tax credit under the Tax Credits Act 2002<sup>(12)</sup> but see also regulation 26(2);

“housing benefit” means housing benefit under section 129 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“income-based jobseeker’s allowance” has the same meaning as in Article 3(4) of the Jobseekers Order 1995;

“income-related employment and support allowance” means an income-related allowance under section 1(7) in Part 1 of the 2007 Act;

“income support” means income support under section 123 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“joint-claim jobseeker’s allowance” means old style JSA, entitlement to which arises by virtue of Article 3(2B) of the Jobseekers Order 1995<sup>(13)</sup>;

“joint claimants” in relation to universal credit has the same meaning as in Part 2 of the Order;

“new claimant partner” has the meaning given in regulation 5;

“new style ESA” means an allowance under Part 1 of the 2007 Act as amended by Schedule 3, and Part 1 of Schedule 12, to the Order to remove references to an income-related allowance;

“new style JSA” means an allowance under the Jobseekers Order 1995 as amended by Part 1 of Schedule 12, to the Order to remove references to an income-based allowance;

“old style ESA” means an employment and support allowance under Part 1 of the 2007 Act as that Part has effect apart from the amendments made by Schedule 3, and Part 1 of Schedule 12, to the Order that remove references to an income-related allowance;

<sup>(10)</sup> S.R. 2016 No. 220.

<sup>(11)</sup> S.R. 2016 No. 216.

<sup>(12)</sup> 2002 c. 21.

<sup>(13)</sup> Subsection (2B) was inserted by paragraph 3(3) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and repealed by Part 1 of Schedule 12 to the Order.

“old style JSA” means a jobseeker’s allowance under the Jobseekers Order 1995 as that Order has effect apart from the amendments made by Part 1 of Schedule 12 to the Order that remove references to an income-based allowance;

“partner” in relation to a person (“A”) means a person who forms part of a couple with A<sup>(14)</sup>;

“personal independence payment” means an allowance under Part 5 of the Order;

“specified accommodation” means accommodation to which one or more of sub-paragraphs (2) to (5) of paragraph 4 of Schedule 1 to the Universal Credit Regulations applies;

“tax credit” (including “child tax credit” and “working tax credit”), “tax credits” and “tax year” have the same meaning as in the Tax Credits Act 2002.

(2) For the purposes of these Regulations—

- (a) the date on which a claim for universal credit is made is to be determined in accordance with regulation 9 of the Claims and Payments Regulations;
- (b) where a couple is treated, in accordance with regulation 8(8) of the Claims and Payments Regulations, as having made a claim for universal credit, references to the date on which the claim is treated as made are to the date of formation of the couple;
- (c) where a regulation refers to entitlement to an existing benefit on the date on which a claim for universal credit is made or treated as made, such entitlement is to be taken into account notwithstanding the effect of regulations 3, 5 and 6 or termination of an award of the benefit before that date by virtue of an order made under Article 2 of the Order;
- (d) notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954<sup>(15)</sup>, where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

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<sup>(14)</sup> See Article 46 of the 2015 Order for the meaning of “couple”.

<sup>(15)</sup> 1954 c. 33 (N.I.).