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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 2

CHAPTER 2

EFFECT OF TRANSITION TO UNIVERSAL CREDIT

**Transition from other incapacity benefits: assessment under the ESA (Transitional Provisions) Regulations 2010**

24.—(1) This regulation applies where—

- (a) an award of universal credit is made to a claimant who is entitled to incapacity benefit or severe disablement allowance (“the relevant award”); and
- (b) on or before the date on which the claim for universal credit is made or treated as made, a notice has been issued to the claimant under regulation 4 of the ESA (Transitional Provisions) Regulations 2010 (notice commencing the conversion phase).

(2) Where this regulation applies, regulation 28(3) (award to include LCW and LCWRA elements) and Part 5 (determination of limited capability for work and work related activity) of the Universal Credit Regulations do not apply and the question whether a claimant has limited capability for work and work related activity, is to be determined for the purposes of the Order and the Universal Credit Regulations, in accordance with this regulation.

(3) Where it is determined in accordance with the ESA (Transitional Provisions) Regulations 2010 that the relevant award qualifies for conversion into an award in accordance with regulation 7 of those regulations (qualifying for conversion) and that award includes the work-related activity component—

- (a) the claimant is to be treated as having had limited capability for work for the purposes of regulation 28(1)(a) of the Universal Credit Regulations from the beginning of the first assessment period;
- (b) regulation 29(1) of those Regulations (period for which LCW or LCWRA element is not to be included) does not apply;
- (c) the LCW element is (subject to the provisions of Part 4 of the Universal Credit Regulations) to be included in the award of universal credit with effect from the beginning of the first assessment period; and
- (d) the claimant is to be treated as having limited capability for work for the purposes of Article 26(1)(a) of the Order.

(4) Where it is determined in accordance with the ESA (Transitional Provisions) Regulations 2010 that the relevant award qualifies for conversion into an award in accordance with regulation 7 of those Regulations and that award includes the support component—

- (a) the claimant is to be treated as having had limited capability for work and work-related activity for the purposes of regulation 28(1)(b) of the Universal Credit Regulations from the beginning of the first assessment period;
- (b) regulation 29(1) of those Regulations does not apply;
- (c) the LCWRA element is (subject to the provisions of Part 4 of the Universal Credit Regulations) to be included in the award of universal credit with effect from the beginning of the first assessment period; and
- (d) the claimant is to be treated as having limited capability for work and work-related activity for the purposes of Article 24(2)(a) of the Order.