
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 226

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

PART 2

CHAPTER 2

EFFECT OF TRANSITION TO UNIVERSAL CREDIT

Other claimants with incapacity for work: credits only cases where claimant is approaching pensionable age

27.—(1) This regulation applies where—

- (a) an award of universal credit is made to a claimant who was entitled to be credited with earnings equal to the lower earnings limit then in operation under regulation 8B(2)(a)(i), (ii) or (iii) of the Social Security (Credits) Regulations (Northern Ireland) 1975 on the date on which the claim for universal credit was made or treated as made;
- (b) the claimant will reach pensionable age within the meaning of the ESA (Transitional Provisions) Regulations 2010 within the period of one year; and
- (c) none of regulations 23, 24 or 25 apply to that claimant (whether or not, in the case of joint claimants, any of those regulations apply to the other claimant).

(2) Where the claimant is entitled to a payment, allowance or increased rate of pension specified in regulation 25(1)(d) and is not entitled to a payment, allowance or increased rate of pension specified in regulation 25(3)(d)—

- (a) regulation 28(3) of the Universal Credit Regulations (award to include LCW and LCWRA elements) does not apply;
- (b) the claimant is to be treated as having limited capability for work for the purposes of regulation 28(1)(a) of those Regulations from the beginning of the first assessment period;
- (c) regulation 29(1) of the Universal Credit Regulations (period for which the LCW or LCWRA element is not to be included) does not apply;
- (d) 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
- (e) the claimant is to be treated as having limited capability for work for the purposes of Article 26(1)(a) of the Order.

(3) Where the claimant is entitled to a payment, allowance or increased rate of pension specified in regulation 25(3)(d) (whether or not the claimant is also entitled to a payment, allowance or increased rate of pension specified in regulation 25(1)(d))—

- (a) regulation 28(3) of the Universal Credit Regulations does not apply;

- (b) the claimant is to be treated as having limited capability for work and work-related activity for the purposes of regulation 28(1)(b) of those Regulations from the beginning of the first assessment period;
 - (c) regulation 29(1) of the Universal Credit Regulations does not apply;
 - (d) 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
 - (e) 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.
- (4) Where the claimant is not entitled to a payment, allowance or increased rate of pension specified in either regulation 25(1)(d) or regulation 25(3)(d)—
- (a) if it is determined in accordance with Part 5 of the Universal Credit Regulations that the claimant has limited capability for work—
 - (i) 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,
 - (ii) regulation 29 of the Universal Credit Regulations does not apply, and
 - (iii) the LCW element is (subject to the provisions of Part 4 of the Universal Credit Regulations) to be included in the award with effect from the beginning of the first assessment period; and
 - (b) if it is determined in accordance with Part 5 of the Universal Credit Regulations that the claimant has limited capability for work and work-related activity—
 - (i) 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,
 - (ii) regulation 29 of the Universal Credit Regulations does not apply, and
 - (iii) 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.