

SCHEDULES

SCHEDULE 6

Article 42

Migration to universal credit

General

1.—(1) Regulations may make provision for the purposes of, or in connection with, replacing existing benefits with universal credit.

(2) In this Schedule “existing benefit” means—

- (a) a benefit abolished under Article 39(1);
- (b) any other prescribed benefit.

(3) In this Schedule “appointed day” means the day appointed for the coming into operation of Article 6.

Claims before the appointed day

2.—(1) The provision referred to in paragraph 1(1) includes—

- (a) provision for a claim for universal credit to be made before the appointed day for a period beginning on or after that day;
- (b) provision for a claim for universal credit made before the appointed day to be treated to any extent as a claim for an existing benefit;
- (c) provision for a claim for an existing benefit made before the appointed day to be treated to any extent as a claim for universal credit.

(2) The provision referred to in paragraph 1(1) includes provision, where a claim for universal credit is made (or is treated as made) before the appointed day, for an award on the claim to be made in respect of a period before the appointed day (including provision as to the conditions of entitlement for, and amount of, such an award).

Claims on or after the appointed day

3.—(1) The provision referred to in paragraph 1(1) includes—

- (a) provision permanently or temporarily excluding the making of a claim for universal credit on or after the appointed day by—
 - (i) a person to whom an existing benefit is awarded, or
 - (ii) a person who would be entitled to an existing benefit on making a claim for it;
- (b) provision temporarily excluding the making of a claim for universal credit on or after the appointed day by any other person;
- (c) provision excluding entitlement to universal credit temporarily or for a particular period;
- (d) provision for a claim for universal credit made on or after the appointed day to be treated to any extent as a claim for an existing benefit;

- (e) provision for a claim for an existing benefit made on or after the appointed day to be treated to any extent as a claim for universal credit.

(2) The provision referred to in paragraph 1(1) includes provision, where a claim for universal credit is made (or is treated as made) on or after the appointed day, for an award on the claim to be made in respect of a period before the appointed day (including provision as to the conditions of entitlement for, and amount of, such an award).

Awards

4.—(1) The provision referred to in paragraph 1(1) includes—

- (a) provision for terminating an award of an existing benefit;
- (b) provision for making an award of universal credit, with or without application, to a person whose award of existing benefit is terminated.

(2) The provision referred to in sub-paragraph (1)(b) includes—

- (a) provision imposing requirements as to the procedure to be followed, information to be supplied or assessments to be undergone in relation to an award by virtue of that sub-paragraph or an application for such an award;
- (b) provision as to the consequences of failure to comply with any such requirement;
- (c) provision as to the terms on which, and conditions subject to which, such an award is made, including—
 - (i) provision temporarily or permanently disapplying, or otherwise modifying, conditions of entitlement to universal credit in relation to the award;
 - (ii) provision temporarily or permanently disapplying, or otherwise modifying, any requirement under this Part for a person to be assessed in respect of capability for work or work-related activity;
- (d) provision as to the amount of such an award;
- (e) provision that fulfilment of any condition relevant to entitlement to an award of an existing benefit, or relevant to the amount of such an award, is to be treated as fulfilment of an equivalent condition in relation to universal credit.

(3) Provision under sub-paragraph (2)(d) may secure that where an award of universal credit is made by virtue of sub-paragraph (1)(b)—

- (a) the amount of the award is not less than the amount to which the person would have been entitled under the terminated award, or is not less than that amount by more than a prescribed amount;
- (b) if the person to whom it is made ceases to be entitled to universal credit for not more than a prescribed period, the gap in entitlement is disregarded in calculating the amount of any new award of universal credit.

Work-related requirements and sanctions

5.—(1) The provision referred to in paragraph 1(1) includes—

- (a) provision relating to the application of work-related requirements for relevant benefits;
- (b) provision relating to the application of sanctions.

(2) The provision referred to in sub-paragraph (1)(a) includes—

- (a) provision that a claimant commitment for a relevant benefit is to be treated as a claimant commitment for universal credit;

- (b) provision that a work-related requirement for a relevant benefit is to be treated as a work-related requirement for universal credit;
 - (c) provision for anything done which is relevant to compliance with a work-related requirement for a relevant benefit to be treated as done for the purposes of compliance with a work-related requirement for universal credit;
 - (d) provision temporarily disapplying any provision of this Part in relation to work-related requirements for universal credit.
- (3) The provision referred to in sub-paragraph (1)(b) includes—
- (a) provision for a sanction relevant to an award of a relevant benefit to be applied to an award of universal credit;
 - (b) provision for anything done which is relevant to the application of a sanction for a relevant benefit to be treated as done for the purposes of the application of a sanction for universal credit;
 - (c) provision temporarily disapplying any provision of this Part in relation to the application of sanctions.
- (4) In this paragraph—
- “relevant benefit” means—
- (a) jobseeker’s allowance,
 - (b) employment and support allowance, and
 - (c) income support;
- “work-related requirement” means—
- (d) for universal credit, a work-related requirement within the meaning of this Part;
 - (e) for jobseeker’s allowance, a requirement imposed—
 - (i) by virtue of regulations under Article 10 or 19A of the Jobseekers Order,
 - (ii) by a jobseeker’s direction (within the meaning of Article 21A of that Order),
 - (iii) by virtue of regulations under section 2A, 2AA or 2D of the Administration Act, or
 - (iv) by a direction under section 2F of that Act;
 - (f) for employment and support allowance, a requirement imposed—
 - (i) by virtue of regulations under section 8, 9, 11, 12 or 13 of the Welfare Reform Act (Northern Ireland) 2007,
 - (ii) by a direction under section 15 of that Act,
 - (iii) by virtue of regulations under section 2A, 2AA or 2D of the Administration Act, or
 - (iv) by a direction under section 2F of that Act;
 - (g) for income support, a requirement imposed—
 - (i) by virtue of regulations under section 2A, 2AA or 2D of the Administration Act, or
 - (ii) by a direction under section 2F of that Act;
- “sanction” means a reduction of benefit under—
- (h) Article 31 or 32,
 - (i) Article 21, 21A or 21B of the Jobseekers Order,
 - (j) section 11, 12 or 13 of the Welfare Reform (Northern Ireland) Act 2007, or
 - (k) section 2A, 2AA or 2D of the Administration Act.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, No. 2006

Supplementary

6. Regulations under paragraph 1(1) may secure the result that any gap in entitlement to an existing benefit (or what would, but for the provisions of this Part, be a gap in entitlement to an existing benefit) is to be disregarded for the purposes of provision under such regulations.

7. Regulations under paragraph 1(1) may amend or modify the application of any statutory provision.