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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 old style ESA**

- 19.**—(1) This regulation applies where—
- (a) an award of universal credit is made to a claimant who was entitled to old style ESA on the date on which the claim for universal credit was made or treated as made (“the relevant date”); and
  - (b) on or before the relevant date it had been determined that the claimant was entitled to the work-related activity component or to the support component.
- (2) Where, on or before the relevant date, it had been determined that the claimant was entitled to the work-related activity component—
- (a) regulation 28(3) of the Universal Credit Regulations (award to include LCW and LCWRA elements) does not apply; and
  - (b) the claimant is to be treated as having limited capability for work for the purposes of regulation 28(1)(a) of those regulations and Article 26(1)(a) of the Order.
- (3) Unless the assessment phase applied and had not ended at the relevant date<sup>(1)</sup>, in relation to a claimant who is treated as having limited capability for work under paragraph (2)—
- (a) regulation 29 of the Universal Credit Regulations (period for which the LCW or LCWRA element is not to be included) does not apply; and
  - (b) 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.
- (4) Where, on or before the relevant date, it had been determined that the claimant was entitled to the support component—
- (a) regulation 28(3) of the Universal Credit Regulations does not apply; and
  - (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 and Article 24(2)(a) of the Order.

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<sup>(1)</sup> In which case *see* regulation 20.

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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(5) Unless the assessment phase applied and had not ended at the relevant date, in relation to a claimant who is treated as having limited capability for work and work-related activity under paragraph(4)(b)—

- (a) regulation 29 of the Universal Credit Regulations does not apply; and
- (b) 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.

(6) For the purposes of this regulation, a determination that the claimant was entitled to the work-related activity component or, as the case may be, the support component, is to be taken into account even if the award of old style ESA subsequently terminated (in so far as it was an award of income-related employment and support allowance) before the date on which that determination was made, by virtue of an order made under Article 2(2) of the Order.

(7) Where a claimant is treated, by virtue of this regulation, as having limited capability for work or, as the case may be, limited capability for work and work-related activity, the Department may at any time make a fresh determination as to these matters, in accordance with the Universal Credit Regulations.

(8) In this regulation and in regulations 20 to 28—

“assessment phase”, “support component” and “work-related activity component” have the same meanings as in sections 2, 4 and 24(2) of the 2007 Act,

“incapacity benefit” and “severe disablement allowance” have the same meanings as in Schedule 4 to the 2007 Act;

“LCW element” and “LCWRA element” have the same meanings as in regulation 28 of the Universal Credit Regulations.

(9) For the purposes of this regulation and regulation 20, references to cases in which the assessment phase applied are references to cases in which sections 2(2)(a), 2(3)(a), 4(4)(a) and 4(5)(a) of the 2007 Act applied and references to cases in which the assessment phase did not apply are references to cases in which those sections did not apply(2).

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**Commencement Information**

**II** Reg. 19 in operation at 5.5.2016, see [reg. 1](#)

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(2) For cases where those sections do not apply, see Regulation 7 of the 2008 Regulations as amended.

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**Changes and effects yet to be applied to :**

- reg. 19(1)(b) substituted by [S.R. 2017/146 reg. 3\(2\)\(a\)](#)
- reg. 19(2) words substituted by [S.R. 2017/146 reg. 3\(2\)\(b\)\(i\)](#)
- reg. 19(2)(a) omitted by [S.R. 2017/146 reg. 3\(2\)\(b\)\(ii\)](#)
- reg. 19(2)(b) words omitted by [S.R. 2017/146 reg. 3\(2\)\(b\)\(iii\)](#)
- reg. 19(3) omitted by [S.R. 2017/146 reg. 3\(2\)\(c\)](#)
- reg. 19(4) words substituted by [S.R. 2017/146 reg. 3\(2\)\(d\)](#)
- reg. 19(4)(a) word omitted by [S.R. 2021/303 reg. 3\(b\)\(i\)](#)
- reg. 19(6) words substituted by [S.R. 2017/146 reg. 3\(2\)\(e\)](#)
- reg. 19(8) words substituted by [S.R. 2017/146 reg. 3\(2\)\(f\)\(i\)](#)
- reg. 19(8) words substituted by [S.R. 2017/146 reg. 3\(2\)\(f\)\(ii\)](#)
- reg. 19(9) words substituted by [S.R. 2017/146 reg. 3\(2\)\(g\)](#)

**Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:**

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Pt. 2 Ch. A1 inserted by [S.R. 2017/116 reg. 12\(2\)](#)
- Pt. 3 inserted by [S.R. 2017/79 reg. 3\(3\)](#)
- Pt. 4 added by [S.R. 2019/152 reg. 2\(8\)](#)
- Sch. 1 Sch. renumbered as Sch. 1 by [S.R. 2019/152 reg. 2\(9\)](#)
- Sch. 1 para. 2(b) omitted by [S.R. 2023/93 reg. 4\(6\)\(a\)](#)
- Sch. 1 para. 25(a) omitted by [S.R. 2023/93 reg. 4\(6\)\(b\)](#)
- Sch. 1 para. 26(b) omitted by [S.R. 2023/93 reg. 4\(6\)\(c\)](#)
- Sch. 1 para. 27(b) omitted by [S.R. 2023/93 reg. 4\(6\)\(d\)](#)
- Sch. 2 para. 8(1) Sch. 2 para. 8 renumbered as Sch.2 para. 8(1) by [S.R. 2023/93 reg. 4\(7\)\(b\)](#)
- Sch. 2 inserted by [S.R. 2019/152 reg. 2\(10\)](#)
- Sch. 2 para. 8(2) inserted by [S.R. 2023/93 reg. 4\(7\)\(b\)](#)
- Sch. 2 para. 9 inserted by [S.R. 2023/93 reg. 4\(7\)\(c\)](#)
- Sch. 2 substituted by [S.R. 2021/2 reg. 2](#)
- Sch. 2 para. 5 sum substituted by [S.R. 2023/145 reg. 7\(1\)\(a\)](#)
- Sch. 2 para. 5 sum substituted by [S.R. 2023/145 reg. 7\(1\)\(b\)](#)
- Sch. 2 para. 5 sum substituted by [S.R. 2023/145 reg. 7\(1\)\(c\)](#)
- Sch. 2 para. 5 sum substituted by [S.R. 2023/151 reg. 7\(1\)\(a\)](#)
- Sch. 2 para. 5 sum substituted by [S.R. 2023/151 reg. 7\(1\)\(b\)](#)
- Sch. 2 para. 5 sum substituted by [S.R. 2023/151 reg. 7\(1\)\(c\)](#)
- Sch. 2 para. 5 sum substituted by [S.R. 2023/45 reg. 7\(1\)\(a\)](#)
- Sch. 2 para. 5 sum substituted by [S.R. 2023/45 reg. 7\(1\)\(b\)](#)
- Sch. 2 para. 5 sum substituted by [S.R. 2023/45 reg. 7\(1\)\(c\)](#)
- Sch. 2 para. 5(b)(i) words substituted by [S.R. 2023/93 reg. 4\(7\)\(a\)](#)
- reg. 2(3)(4) inserted by [S.R. 2019/152 reg. 2\(2\)\(b\)](#)
- reg. 2(4) words omitted by [S.R. 2022/194 Sch. para. 1\(2\)](#)
- reg. 2A revoked by [S.R. 2022/194 reg. 2](#)
- reg. 2B inserted by [S.R. 2019/2 reg. 2\(3\)](#)
- reg. 2B revoked by [S.R. 2019/152 reg. 6](#)
- reg. 2B(1) reg. 2B renumbered as reg. 2B(1) by [S.R. 2019/152 reg. 2\(3\)](#)
- reg. 2B(2) added by [S.R. 2019/152 reg. 2\(3\)](#)

- reg. 3(2)(a)(ab) substituted for reg. 3(2)(a) by S.R. 2019/152 reg. 3(2)
- reg. 3(2)(b)(iv)(c) and word added by S.R. 2020/119 reg. 6(3)(d)
- reg. 3(2)(ab) words substituted by S.R. 2022/194 Sch. para. 1(3)
- reg. 3A inserted by S.R. 2018/92 reg. 9(4)
- reg. 3A word omitted by S.R. 2018/187 reg. 4(2)
- reg. 4(8A) inserted by S.R. 2020/119 reg. 6(4)
- reg. 4A inserted by S.R. 2022/194 reg. 4
- reg. 5(5)(c) and word added by S.R. 2020/119 reg. 6(5)(b)
- reg. 6(2A) inserted by S.R. 2018/92 reg. 9(6)(b)
- reg. 6(2A) words inserted by S.R. 2019/152 reg. 3(3)(b)
- reg. 6(2A) words omitted by S.R. 2019/152 reg. 3(3)(b)
- reg. 6(2B) inserted by S.R. 2022/194 reg. 5(3)(c)
- reg. 6A inserted by S.R. 2018/92 reg. 9(7)
- reg. 6A words inserted by S.R. 2019/152 reg. 2(5)(a)
- reg. 6A words substituted by S.R. 2022/194 Sch. para. 1(4)
- reg. 6A(a) word omitted by S.R. 2019/152 reg. 2(5)(c)
- reg. 6A(a) words inserted by S.R. 2019/152 reg. 2(5)(b)
- reg. 6A(a) words substituted by S.R. 2022/194 Sch. para. 1(4)
- reg. 6A(b) words inserted by S.R. 2019/152 reg. 2(5)(b)
- reg. 6A(b) words substituted by S.R. 2022/194 Sch. para. 1(4)
- reg. 6A(c) and word inserted by S.R. 2019/152 reg. 2(5)(d)
- reg. 6B inserted by S.R. 2019/152 reg. 3(4)
- reg. 6B words substituted by S.R. 2022/194 Sch. para. 1(5)
- reg. 8A inserted by S.R. 2018/187 reg. 4(3)
- reg. 8A(1) words inserted by S.R. 2019/195 reg. 9(2)(a)(i)
- reg. 8A(1)(d) words inserted by S.R. 2019/195 reg. 9(2)(a)(ii)
- reg. 8A(3) added by S.R. 2019/195 reg. 9(2)(b)
- reg. 8B inserted by S.R. 2019/195 reg. 9(3)
- reg. 8C inserted by S.R. 2020/108 reg. 9
- reg. 9(2)(ca) inserted by S.R. 2018/92 reg. 9(8)(a)(ii)
- reg. 19(2)(c) and words substituted for words in reg. 19(2)(b) by S.R. 2021/303 reg. 3(a)
- reg. 19(4)(c) and words substituted for words in reg. 19(4)(b) by S.R. 2021/303 reg. 3(b)(ii)
- reg. 19(10) added by S.R. 2017/146 reg. 3(2)(h)
- reg. 33(4)-(8) added by S.R. 2017/116 reg. 12(6)(c)
- reg. 40 omitted by S.R. 2019/3 reg. 3(2)
- reg. 41 omitted by S.R. 2019/3 reg. 3(3)
- reg. 45(5)(a) word inserted by S.R. 2022/194 Sch. para. 1(7)(a)
- reg. 45(5)(b) omitted by S.R. 2022/194 Sch. para. 1(7)(b)
- reg. 45(7) revoked by S.R. 2022/194 reg. 6
- reg. 47(1)(a) words inserted by S.R. 2019/152 reg. 3(5)(a)
- reg. 47(1)(a) words inserted by S.R. 2022/194 reg. 7
- reg. 47(1)(b) words inserted by S.R. 2023/93 reg. 4(4)
- reg. 47(1)(b) words substituted by S.R. 2019/152 reg. 3(5)(b)
- reg. 47(5) omitted by S.R. 2022/194 Sch. para. 1(8)
- reg. 48 revoked by S.R. 2022/194 reg. 8(1)
- reg. 48(2)(a) words inserted by S.R. 2019/152 reg. 3(6)(a)
- reg. 48(2)(b) words substituted by S.R. 2019/152 reg. 3(6)(b)
- reg. 51(2) words substituted by S.R. 2022/194 reg. 8(2)
- reg. 54(7) words inserted by S.R. 2022/194 reg. 9(2)
- reg. 54(10) words substituted by S.R. 2023/93 reg. 4(5)
- reg. 54(11)(a) words inserted by S.R. 2022/194 reg. 9(2)(a)
- reg. 56(4) words inserted by S.R. 2022/194 reg. 10(2)
- reg. 56(5)(6) inserted by S.R. 2022/194 reg. 10(3)
- reg. 57(3) substituted by S.R. 2023/3 reg. 3
- reg. 59 words omitted by S.R. 2022/194 Sch. para. 1(9)
- reg. 60 revoked by S.R. 2019/152 reg. 5(2)

- reg. 61(1) reg. 61 renumbered as reg. 61(1) by [S.R. 2022/194 reg. 11](#)
- reg. 61(2) inserted by [S.R. 2022/194 reg. 11](#)
- reg. 65 revoked by [S.R. 2022/194 reg. 12](#)