
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 146

**The Universal Credit (Miscellaneous
Amendments and Transitional and Savings
Provisions) Regulations (Northern Ireland) 2017**

PART 1

Limited capability for work element

Amendments to the Universal Credit Regulations (Northern Ireland) 2016

2.—(1) The Universal Credit Regulations (Northern Ireland) 2016 are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2 (interpretation) for the definition of ““LCW element” and “LCWRA element”” substitute—

““LCWRA element” has the meaning in regulation 28;”.

(3) In regulation 28 (award to include LCW and LCWRA elements)—

(a) in the heading for “LCW and LCWRA elements” substitute “LCWRA element”;

(b) for paragraph (1) substitute—

“(1) An award of universal credit is to include an amount in respect of the fact that a claimant has limited capability for work and work-related activity (“the LCWRA element”).”;

(c) in paragraph (2) for “amounts of those elements are” substitute “amount of that element is”;

(d) in paragraph (3) omit “work or for”; and

(e) for paragraph (4) substitute—

“(4) In the case of joint claimants, where each of them has limited capability for work and work-related activity, the award is only to include one LCWRA element.”.

(4) In regulation 29 (period for which the LCW or LCWRA element is not to be included)—

(a) in the heading and in paragraphs (1), (2)(a) and (3)(a) omit “LCW or”;

(b) in paragraph (5)(b)(i) omit “or the work-related activity component”; and

(c) omit paragraph (6).

(5) For regulation 30(4) (award to include the carer element) substitute—

“(4) Where an amount would, apart from this paragraph, be included in an award in relation to a claimant by virtue of paragraphs (1) to (3), and the claimant has limited capability for work and work-related activity (and, in the case of joint claimants, the LCWRA element has not been included in respect of the other claimant), only the LCWRA element may be included in respect of the claimant.”.

- (6) In regulation 38 (amounts of elements)—
- (a) in paragraph (1) for “LCW and LCWRA elements” substitute “LCWRA element”; and
 - (b) in the table—
 - (i) for the row “LCW and LCWRA elements” substitute “LCWRA element”;
 - (ii) omit the row under “LCWRA element” (as amended by paragraph (i)) showing the amount for limited capability for work.

Amendments to the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016

3.—(1) The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016(1) are amended in accordance with paragraphs (2) to (5).

- (2) In regulation 19 (transition from old style ESA)—
- (a) for paragraph (1)(b) substitute—
 - “(b) on or before the relevant date it had been determined that the claimant had limited capability for work or limited capability for work-related activity (within the meaning of Part 1 of the 2007 Act).”;
 - (b) in paragraph (2)—
 - (i) for “was entitled to the work-related activity component” substitute “had limited capability for work (within the meaning of Part 1 of the 2007 Act)”;
 - (ii) omit sub-paragraph (a); and
 - (iii) in sub-paragraph (b) omit “regulation 28(1)(a) of those regulations and”;
 - (c) omit paragraph (3);
 - (d) in paragraph (4) for “was entitled to the support component” substitute “had limited capability for work-related activity (within the meaning of Part 1 of the 2007 Act) or was treated as having limited capability for work-related activity”;
 - (e) in paragraph (6) for “was entitled to the work-related activity component or, as the case may be, the support component” substitute “had limited capability for work or, as the case may be, limited capability for work-related activity (within the meaning of Part 1 of the 2007 Act)”;
 - (f) in paragraph (8)—
 - (i) for the definition of ““assessment phase”, “support component” and “work-related activity component”” substitute—
 - ““assessment phase” has the same meaning as in the 2007 Act;”, and
 - (ii) for the definition of ““LCW element” and “LCWRA element”” substitute—
 - ““LCWRA element” has the same meaning as in the Universal Credit Regulations.””;
 - (g) in paragraph (9) for “, 2(3)(a), 4(4)(a) and 4(5)(a)” substitute “and 4(4)(a)”;
 - (h) after paragraph (9) add—
 - “(10) For the purposes of this regulation, references to a determination that the claimant had limited capability for work do not include a determination made under regulation 30 of the ESA Regulations 2008 (conditions for treating a claimant as having limited capability for work until a determination about limited capability for work has been made).”.

- (3) In regulation 20 (transition from old style ESA before the end of the assessment phase)—
 - (a) in paragraph (2)(a) omit “LCW or”; and
 - (b) omit paragraph (3)(b).
- (4) In regulation 21(2)(a) (transition from jobseeker’s allowance following an extended period of sickness), omit “LCW or”.
- (5) In regulation 22 (other claimants with limited capability for work: credits only cases)—
 - (a) in paragraph (2)—
 - (i) omit sub-paragraph (a); and
 - (ii) in sub-paragraph (b) omit “regulation 28(1)(a) of those Regulations and”;
 - (b) omit paragraph (3);
 - (c) omit paragraph (7)(b); and
 - (d) in paragraph (9)(d) and (e) for “, 2(3)(a), 4(4)(a) and 4(5)(a)” substitute “and 4(4)(a)”.