

**2024 No. 5**

**SOCIAL SECURITY**

**The Universal Credit (Transitional Provisions) (Amendment)  
Regulations (Northern Ireland) 2024**

*Made* - - - - *11th January 2024*

*Coming into operation* *14th February 2024*

The Department for Communities<sup>(a)</sup> makes the following Regulations in exercise of the powers conferred by Article 48(1) and (2) of, and paragraphs 1(1), 4(1)(b) and 2(d) of Schedule 6 to, the Welfare Reform (Northern Ireland) Order 2015<sup>(b)</sup>.

The powers are exercisable by the Department for Communities by virtue of Article 2 of the Welfare Reform (Northern Ireland) Order 2015 (Cessation of Transitory Provision) Order 2020<sup>(c)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Universal Credit (Transitional Provisions) (Amendment) Regulations (Northern Ireland) 2024 and come into operation on 14th February 2024.

**Amendment of the Universal Credit (Transitional Provisions) Regulations**

2.—(1) The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016<sup>(d)</sup> are amended as follows.

(2) In regulation 64 (claimants previously entitled to a severe disability premium) for “Schedule 2 contains” substitute “Schedules 2 and 3 contain”.

(3) After Schedule 2 (claimants previously entitled to a severe disability premium) insert—

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(a) The Department for Social Development was renamed the Department for Communities in accordance with section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))

(b) S.I. 2015/2006 (N.I. 1)

(c) S.I. 2020/927

(d) S.R. 2016 No. 226. Schedule 2 was substituted by S.R. 2021 No. 2 and amended by S.R. 2023 No. 45.

Additional amounts for claimants previously entitled to an enhanced disability premium, a disability premium, a disabled child premium or a disabled child element in addition to a severe disability premium

“1. This Schedule applies to an award of universal credit where—

- (a) in the first assessment period beginning on or after 14th February 2024 the award includes a transitional SDP element by virtue of Schedule 2 or a transitional SDP amount by virtue of that Schedule as saved by regulation 3 of the Universal Credit (Transitional Provisions) (Claimants previously entitled to a severe disability premium) (Amendment) Regulations (Northern Ireland) 2021(a), or would have done had it not been eroded to nil by virtue of regulation 56 (the transitional element – initial amount and adjustment where other elements increase); and
- (b) at least one of the conditions in paragraph 4 is satisfied.

2. This Schedule does not apply where the claim was a qualifying claim and the award is to include a transitional element.

3. Where this Schedule applies, in the assessment period described in paragraph 1—

- (a) the transitional SDP element or, as the case may be, the transitional SDP amount, is to be increased by the additional amount specified in paragraph 5; and
- (b) if the transitional SDP element or, as the case may be, the transitional SDP amount, has been reduced to nil by virtue of regulation 56, the additional amount is to be treated as if it were the initial amount of a transitional element calculated under regulation 56(1).

4. The conditions referred to in paragraph 1(b) above are that—

- (a) within the month immediately preceding the first day of the award the claimant was entitled (or was a member of a couple the other member of which was entitled) to an award of income support, income-based jobseeker’s allowance or income-related employment and support allowance that included an enhanced disability premium, and continued to satisfy the conditions for eligibility for the enhanced disability premium up to and including the first day of the award of universal credit;
- (b) within the month immediately preceding the first day of the award the claimant was entitled (or was a member of a couple the other member of which was entitled) to an award of income support or income-based jobseeker’s allowance that included a disability premium and continued to satisfy the conditions for eligibility for a disability premium up to and including the first day of the award of universal credit; and/or
- (c) within the month immediately preceding the first day of the award the claimant was entitled to an award of income support or income-based jobseeker’s allowance that included a disabled child premium, or an award of child tax credit that included the disabled child element at the rate for a child or qualifying young person who is disabled but not severely disabled, and continued to satisfy the conditions for eligibility for the disabled child premium or the disabled child element up to and including the first day of

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(a) S.R. 2021 No. 2

the universal credit award and is entitled in the assessment period described in paragraph 1 to the lower rate of the disabled child addition in universal credit.

**5. The additional amount is—**

- (a) in the case of a single claimant—
  - (i) £84 for a claimant meeting the condition in paragraph 4(a);
  - (ii) £172 for a claimant meeting the condition in paragraph 4(b); and
  - (iii) £177 per disabled child or qualifying young person for a claimant meeting the condition in paragraph 4(c);
- (b) in the case of joint claimants—
  - (i) £120 for claimants meeting the condition in paragraph 4(a);
  - (ii) £246 for claimants meeting the condition in paragraph 4(b); and
  - (iii) £177 per disabled child or qualifying young person for claimants meeting the condition in paragraph 4(c).

**6. The Department may, having regard to the efficient administration of universal credit, decide the time and manner in which the payments of the additional amount are to be paid to claimants already in receipt of universal credit on the date this Schedule comes into operation.**

**7. In this Schedule—**

“disability premium” means the premium in relation to income-based jobseeker’s allowance under paragraph 13 of Part III of Schedule 1 to the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(a) or, as the case may be, the corresponding premium in relation to income support;

“disabled child element” has the meaning in section 9(2)(c) of the Tax Credits Act 2002(b);

“disabled child premium” means the premium in relation to income-based jobseeker’s allowance under paragraph 16 of Part III of Schedule 1 to the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(c) or, as the case may be, the corresponding premium in relation to income support;

“enhanced disability premium” means the premium in relation to income-related employment and support allowance under paragraph 7 of Part 2 of Schedule 4 to the Employment and Support Allowance Regulations (Northern Ireland) 2008(d) or, as the case may be, the corresponding premium in relation to income support or income-based jobseeker’s allowance.””

Sealed with the Official Seal of the Department for Communities on 11th January 2024

(L.S.)

*David Tarr*  
A senior officer of the Department for Communities

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(a) S.R. 1996 No. 198. Paragraph 13 was substituted by S.R. 2007 No. 154 amended by S.R. 2010 No. 103, and S.R. 2018 No. 187.

(b) 2002 c. 21. Section 9(2)(c) was inserted by section 13(2)(b) of the Welfare Reform and Work Act 2016 (c. 7).

(c) S.R. 1996 No. 198. Paragraph 16 was substituted by S.R. 2007 No. 154, and amended by S.R. 2009 No. 89, S.R. 2011 No. 135, S.I. 2013/388, S.I. 2013/3021, S.R. 2014 No. 275, S.R. 2016 No. 228, S.R. 2016 No. 236, S.I. 2021/786 and S.I. 2022/177; there are other amending instruments but none are relevant.

(d) S.R. 2008 No. 280, amended by S.I. 2013/388, S.I. 2013/3021 and S.I. 2013/177; there are other amending instruments but none are relevant.

## Explanatory Note

*(This is not part of the Regulations)*

These Regulations make further provision for transition to universal credit following the case of the Queen (on the application of) TP and AR (TP and AR No. 3) ([2022] EWHC 123 Admin), in which the court concluded that there was a difference in treatment between severe disability premium recipients who naturally migrated from legacy benefits to universal credit, by virtue of making a claim to universal credit as a result of a change in their circumstances, and those who remain on legacy benefits.

Regulation 2 inserts a new Schedule 3 into the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 226). The Schedule provides for an additional amount of universal credit to be payable to certain claimants who were previously entitled to certain types of disability premiums in connection with their legacy benefits.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5, to the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

A full impact assessment has not been produced for this instrument as no, or no significant impact on the private, voluntary or public sector is foreseen.

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