STATUTORY INSTRUMENTS

2019 No. 27

SOCIAL SECURITY

The Universal Credit (Restriction on Amounts for Children and Qualifying Young Persons) (Transitional Provisions) Amendment Regulations 2019

Made - - - -	*9.40 a.m. on 11th January 2019*
Laid before Parliament	*1.30 p.m. on 11th January 2019*
Coming into force - -	*1st February 2019*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 10(4), 42(1) to (3) and paragraphs 1(1) and 3(1)(b) of Schedule 6 to the Welfare Reform Act 2012(**a**) and section 14(6) of the Welfare Reform and Work Act 2016(**b**).

In accordance with section 173(1)(a) of the Social Security Administration Act 1992 it appears to the Secretary of State that by reason of the urgency of the matter it is inexpedient to refer the proposals in respect of these Regulations to the Social Security Advisory Committee.

Citation and commencement

1.—(1) These Regulations may be cited as the Universal Credit (Restriction on Amounts for Children and Qualifying Young Persons) (Transitional Provisions) Amendment Regulations 2019.

(2) These Regulations come into force on 1st February 2019.

Amendments to the Universal Credit (Transitional Provisions) Regulations 2014

2.—(1) The Universal Credit (Transitional Provisions) Regulations 2014(**c**) are amended as follows.

(2) Omit regulation 39 (restriction on claims for universal credit during the interim period).

(3) Omit regulation 40 (availability of the child element where maximum exceeded - transitionally protected children and qualifying young persons).

Amendment to the Universal Credit Regulations 2013

3. In regulation 24A(3) of the Universal Credit Regulations 2013(**d**) for "in the circumstances" to "Universal Credit (Transitional Provisions) Regulations 2014" substitute "if the child or qualifying young person was born before 6th April 2017."

(**a**) 2012 c.5. Section 10(4) was amended by section 14(4) of the Welfare Reform and Work Act 2016 c.7.
(**b**) 2016 c.7.
(**c**) S.I. 2014/1230; the relevant amending instrument is S.I. 2017/376.
(**d**) S.I. 2013/376, inserted by S.I. 2017/376.

Consequential amendments

4.—(1) In article 5A(1) of the Welfare Reform Act 2012 (Commencement No 9 and Transitional and Transitory Provisions and Commencement No 8 and Savings and Transitional Provisions (Amendment) Order 2013(**a**) omit "or regulation 39 of those Regulations (restriction on claims for universal credit during the interim period)".

(2) In paragraph (11) of article 6 (transitional provision: claims for housing benefit, income support or a tax credit) of the Welfare Reform Act 2012 (Commencement No 21 and Transitional and Transitory Provisions) Order 2015(**b**) omit "or 39".

(3) In paragraph (2) of article 7 (transitional provision: claims for housing benefit, income support or a tax credit) of the Welfare Reform Act 2012 (Commencement No 23 and Transitional and Transitory Provisions) Order 2015(**c**) omit "or 39".

Signed by authority of the Secretary of State for Work and Pensions

Alok Sharma
Minister of State for Employment
Department for Work and Pensions

11th January 2019 at 9.40 a.m.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Universal Credit (Transitional Provisions) Regulations 2014 (S.I. 2014/1230) ("the 2014 Regulations") and the Universal Credit Regulations 2013 (S.I. 2013/376) ("the 2013 Regulations"). They simplify and extend the transitional protection for children and qualifying young persons born before 6th April 2017, the date when limits in relation to the child element in universal credit came into force.

Regulation 2 revokes regulation 39 of the 2014 Regulations, which contained a restriction on claims for universal credit during an "interim period" by claimants responsible for more than two children or qualifying young persons. Regulation 2 also revokes regulation 40 which set out the circumstances in which a child or qualifying young person was transitionally protected for the purposes of calculating the child element of a universal credit award under Regulation 24A of the 2013 Regulations. During the interim period transitional protection was available for all children and qualifying young persons born before 6th April 2017 for whom the claimant was responsible. But after the interim period ended that protection was not to apply to new claims.

Regulation 3 amends regulation 24A(3) of the 2013 Regulations by providing that transitional protection is available, in any claim, for a third or subsequent child or qualifying young person who was born before 6th April 2017.

Regulation 4 makes consequential amendments to prevent claims for an existing benefit by claimants responsible for more than two children or qualifying young persons, as the restriction in regulation 39 of the 2014 Regulations has been removed and such claimants can now claim universal credit.

An impact assessment has not been produced for this instrument as it has no impact on business and civil society organisations. This instrument has no impact on the public sector.

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(**a**) S.I. 2013/983 (C.41). Relevant amending instruments are S.I. 2014/1452 and 2321, 2017/483 and 2019/10.
(**b**) S.I. 2015/33 (C.4). Relevant amending instruments are S.I. 2015/634, 2017/483 and 2019/10.
(**c**) S.I. 2015/634 (C.32). Relevant amending instruments are S.I. 2017/376 and 2019/10.

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