

3 February 2026

Room 410,
Parliament Buildings,
Ballymiscaw,
Stormont, Belfast,
BT4 3XX.

By email: Committee.Communities@niassembly.gov.uk

Dear Chairperson,

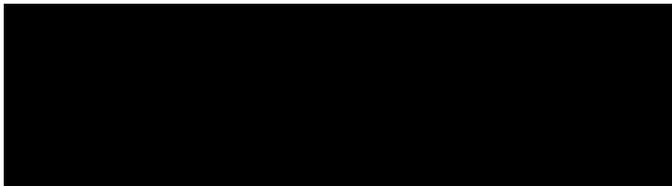
On behalf of Law Centre NI, I write to thank the Committee for the opportunity to provide written and oral evidence on 26th January 2026 regarding the Universal Credit (Removal of the Two Child Limit) Bill and associated Legislative Consent Memorandum.

We have attached a supplementary briefing regarding Transitional Protection, and addressing Kellie Armstrong MLA's question; *'If we got Westminster to make a slight amendment to their Bill to have the removal of the two child limit disregarded from transitional protection, that would sort this out wouldn't it?'*

In summary, our additional briefing outlines two considerations in response to this question which we would like to draw the Committee's attention towards.

We hope this information has been helpful, and we welcome further engagement with the Committee on any element of our evidence, including this additional briefing.

Kind regards,



Law Centre NI

Submission of additional evidence regarding the Universal Credit (Removal of the Two Child Limit) Bill and associated Legislative Consent Memorandum

February 2026

1. Introduction to this evidence submission

- (i) Law Centre NI (LCNI) welcomed the opportunity to provide written and oral evidence week commencing January 29th 2026 to the Committee for Communities on the Universal Credit (Removal of the Two Child Limit) Bill and associated Legislative Consent Memorandum (LCM).
- (ii) We are now providing additional evidence regarding transitional protection, and more information in response to Kellie Armstrong MLA's question, '*If we got Westminster to make a slight amendment to their Bill to have the removal of the two child limit disregarded from transitional protection, that would sort this out wouldn't it?*'.

2. Transitional Protection

- (i) Transitional protection is a key component of the managed migration process. It means that a claimant moving via managed migration will not be immediately worse off in their claim. Instead, they will be entitled to receive additional support to ensure that their benefit award remains at the same level from the point of when they transfer.
- (ii) Specifically, the transitional element is an additional element that can be included in a claim to ensure that a claimants UC award is topped up to the previous legacy benefit. This compares a claimants entitlement of existing legacy benefits with that of their UC entitlement, based on their circumstances on the day before their award begins.

3. Information in response to Kellie Armstrong MLA's question

- (i) In response to Kellie Armstrong MLA's question, LCNI would broadly welcome legislative change in Westminster which would result in claimants being better off. However, as suggested in oral evidence there may be some added complications to consider, and we welcome the opportunity to communicate this to the Committee. Therefore, we outline the following considerations:
- Consideration 1: Slight amendment without broader consequences?
 - Consideration 2: Would an amendment in Westminster require consideration of the benefit cap mitigation budget?
- (ii) Under Regulation 56 of The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 the transitional protection element is eroded by any *relevant increase* in the Universal Credit award.
- (iii) Subject to exceptions, Regulation 56(4) provides that a "relevant increase" is an increase in any of the amounts that are included in the maximum amount under Articles 14 to 17 of the Welfare Reform (NI) Order 2015 (including any of those amounts that is included for the first time, or included again following a change of circumstances), apart from the childcare costs element.
- (iv) LCNI has created an accessible [Managed Migration Guide for Advisers](#)¹ and this provides examples of how the transitional protection element can be eroded²:
- A claimants age changes and this leads to an increase in Standard Allowance in their claim, i.e. claimant turning 25 years old.
 - The addition of a new Child Element in the claimant's award.
 - The addition of a Disabled Child Element or an increase in the element, i.e. from low rate to high rate.
 - An addition of an LCWRA element or an increase in the element, i.e. from LCW to LCWRA. However, advisers should note that where the element increases, the transitional element will be reduced by the 'relevant increase' – the difference between the amounts of those elements.³ (footnote)
 - The addition of a Carer Element within a claimant's Universal Credit award.
 - The increase caused by the annual uprating of benefits.

Although the addition of a new element in a claimant's Universal Credit award will erode their transitional element, the addition or increase of the Childcare

¹ <https://www.lawcentreni.org/wp-content/uploads/2025/03/An-Advisers-Guide-to-Managed-Migration-March-2025-Published-CP-compressed.pdf>

² Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016, Reg. 57

³ Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016, Reg. 56(5)

Costs Element will not impact the transitional element and it will remain the same.⁴

- (v) Any additional child element is a *relevant increase* which erodes the transitional protection element, regardless of interaction with the removal of the two child policy.

Consideration 1: Consequences of amendment?

- (i) The Committee would have to consider if Westminster are being asked to:
 - a) Amend the legislation more broadly to ensure transitional protection is not eroded by the addition of *any* new child element in a claimants award, including the birth of an additional child;or alternatively
 - b) Amend the legislation more narrowly to ensure transitional protection is not eroded by the addition of a child element for claimants with a pre-existing child that was impacted by the two child policy.
- (ii) Option a) would protect a wider group of claimants but would result in a greater cost. Option b) would potentially provide a solution for claimants currently impacted by the two-child policy but might invite challenge from claimants whose additional children are born subsequently as they would not be afforded similar protection.
- (iii) Either solution would need full policy consideration and could invite Article 14 ECHR discrimination type challenges relating to other *relevant increases*. For example, what is the policy intention in excepting child elements from eroding the transitional protection element but not excluding the carer element or the disabled child element.
- (iv) The following working example highlights the practical application both options:

LCNI Example

The narrow proposal would protect Jane and Paul who have three children (one of which is impacted by the two-child policy). The narrow amendment proposal would allow them to receive the additional child element when the two-child policy is abolished and their transitional protection element would not be eroded.

⁴ Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016, Reg. 56(4)

Mae and Sean have one child so are not impacted by the two-child policy. Mae is pregnant and her child is due in May. When the child is born her transitional protection element will be eroded with the introduction of the new child element.

Under the narrow proposed amendment, Jane and Paul's family are protected but Mae and Sean's are not.

Under the broader amendment proposal both families are protected but people who have a change in circumstances such as having to start caring for a family member or whose child develops a disability will not receive the protections the proposal affords the addition of a child into the household.

LCNI would welcome all of these groups receiving protection, but wanted to highlight why this is not just a simple yes or no answer.

Consideration 2: Would an amendment in Westminster require consideration of the benefit cap mitigation budget?

- (i) If legislative change was introduced in Westminster there may be an increase in Northern Ireland claimants exceeding the benefit cap with a knock-on impact on the benefit cap mitigation. Again, LCNI would welcome claimants receiving more benefit, but it would be necessary to recalculate the financial repercussions on the budget necessary to maintain the benefit cap mitigation.
- (ii) Legislating to ensure more managed migrants receive more money may mean more claimants will exceed the benefit cap as a result.

Concluding Remarks

LCNI welcomes further engagement with the Committee on any element of our written and oral evidence, including this additional briefing.

For further information on this briefing please contact:

[Redacted]



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