
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 216

The Universal Credit Regulations (Northern Ireland) 2016

PART 8

CLAIMANT RESPONSIBILITIES

CHAPTER 1

WORK-RELATED REQUIREMENTS

Introductory

Definition of carer

84. In this Chapter—

“relevant carer” means—

- (a) a parent of a child who is not the responsible carer, but has caring responsibilities for the child, or
- (b) a person who has caring responsibilities for a person who has a physical or mental impairment; and

“responsible foster parent” in relation to a child means a person who is the only foster parent in relation to that child or, in the case of a couple both members of which are foster parents in relation to that child, the member who is nominated by them in accordance with regulation 85.

Nomination of responsible carer and responsible foster parent

85.—(1) This regulation makes provision for the nomination of the responsible carer or the responsible foster parent in relation to a child.

(2) Only one of joint claimants may be nominated as a responsible carer or a responsible foster parent.

(3) The nomination applies to all the children, where there is more than one, for whom either of the joint claimants is responsible.

(4) Joint claimants may change which member is nominated—

- (a) once in a 12 month period, starting from the date of the previous nomination, or
- (b) on any occasion where the Department considers that there has been a change of circumstances which is relevant to the nomination.

References to paid work

86. References in this Chapter to obtaining paid work include obtaining more paid work or better paid work.

Status: Point in time view as at 07/05/2019.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, PART 8. (See end of Document for details)

Expected hours

87.—(1) The “expected number of hours per week” in relation to a claimant for the purposes of determining their individual threshold in regulation 89 or for the purposes of regulation 93 or 95 is 35 unless some lesser number of hours applies under paragraph (2).

(2) The lesser number of hours is—

(a) where—

- (i) the claimant is a relevant carer, a responsible carer or a responsible foster parent, and
- (ii) the Department is satisfied that the claimant has reasonable prospects of obtaining paid work,

the number of hours that the Department considers is compatible with those caring responsibilities;

- (b) where the claimant is a responsible carer for a child under the age of 13, the number of hours that the Department considers is compatible with the child's normal school hours (including the normal time it takes the child to travel to and from school), or
- (c) where the claimant has a physical or mental impairment, the number of hours that the Department considers is reasonable in light of the impairment.

Work-related groups

Claimants subject to no work-related requirements

88.—(1) A claimant falls within Article 24 of the Order (claimants subject to no work-related requirements) if—

- (a) the claimant has reached the qualifying age for state pension credit;
- (b) the claimant has caring responsibilities for one or more severely disabled persons for at least 35 hours a week but does not meet the conditions for entitlement to a carer's allowance and the Department is satisfied that it would be unreasonable to require the claimant to comply with a work search requirement and a work availability requirement, including if such a requirement were limited in accordance with Article 22(4) or 23(3) of the Order,
- (c) the claimant is pregnant and it is 11 weeks or less before her expected week of confinement or was pregnant and it is 15 weeks or less since the date of her confinement,
- (d) the claimant is an adopter and it is 12 months or less since—
 - (i) the date that the child was placed with the claimant, or
 - (ii) if the claimant requested that the 12 months should run from a date within 14 days before the child was expected to be placed, that date,

[^{F1}(da) the claimant is a member of a couple entitled to universal credit by virtue of regulation 3(1)(b) and has student income in relation to the course they are undertaking which is taken into account in the calculation of the award;]

- (e) the claimant does not have to meet the condition in Article 9(1)(d) of the Order (not receiving education) by virtue of regulation 14 and—
 - (i) is a person referred to in paragraph (a) of that regulation (under 21, in non-advanced education and without parental support), or
 - (ii) has student income in relation to the course they are undertaking which is taken into account in the calculation of the award, or
- (f) the claimant is the responsible foster parent of a child under the age of one.

(2) In paragraph (1)(b) “severely disabled” has the meaning in section 70 of the Contributions and Benefits Act.

(3) In paragraph (1)(d)—

- (a) “adopter” means a person who has been matched with a child for adoption and who is, or is intended to be, the responsible carer for the child, but excluding a person who is a foster parent, or close relative of the child, and
- (b) a person is matched with a child for adoption when it is decided by an adoption agency that the person would be a suitable adoptive parent for the child.

Textual Amendments

- F1** Reg. 88(1)(da) inserted (8.5.2018) by [The Universal Credit \(Persons Required to Provide Information, Miscellaneous Amendments and Saving and Transitional Provision\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/92\)](#), regs. 1(2), **6(15)**

Claimants subject to no work-related requirements - the earnings thresholds

89.—(1) A claimant falls within Article 24 of the Order (claimants subject to no work-related requirements) if the claimant's monthly earnings are equal to or exceed the claimant's individual threshold.

(2) A claimant's individual threshold is the amount that a person of the same age as the claimant would be paid at the hourly rate applicable under regulation 4 or regulation 4A(1)(a) to (c) (workers who qualify for the national minimum wage at a different rate) of the National Minimum Wage Regulations for—

- (a) 16 hours per week, in the case of a claimant who would otherwise fall within Article 25 (claimants subject to work-focused interview requirement only) or 26 (claimants subject to work preparation requirement) of the Order, or
- (b) the expected number of hours per week in the case of a claimant who would otherwise fall within Article 27 of the Order (claimants subject to all work-related requirements),

converted to a monthly amount by multiplying by 52 and dividing by 12.

(3) A claimant who is a member of a couple falls within Article 24 of the Order if the couple's combined monthly earnings are equal to or exceed whichever of the following amounts is applicable—

- (a) in the case of joint claimants, the sum of their individual thresholds, or
- (b) in the case of a claimant who claims universal credit as a single person, by virtue of regulation 3(2) (couples) the sum of—
 - (i) the claimant's individual threshold, and
 - (ii) the amount a person would be paid for 35 hours per week at the hourly rate specified in regulation 4 of the National Minimum Wage Regulations, converted to a monthly amount by multiplying by 52 and dividing by 12.

(4) A claimant falls within Article 24 of the Order (claimants subject to no work-related requirements) if the claimant is employed under a contract of apprenticeship and has monthly earnings that are equal to or exceed the amount the claimant would be paid for—

- (a) 30 hours a week, or
- (b) if less, the expected number of hours per week for that claimant,

at the rate specified in [F2regulation 4A(1)(d)] of the National Minimum Wage Regulations, converted to a monthly amount by multiplying by 52 and dividing by 12.

Status: Point in time view as at 07/05/2019.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, PART 8. (See end of Document for details)

(5) A claimant falls within Article 24 of the Order if the claimant is treated as having earned income in accordance with regulation 63 (minimum income floor) .

(6) A person's monthly earnings are—

(a) the person's earned income calculated or estimated in relation to the current assessment period before any deduction for income tax, national insurance contributions or relievable pension contributions, or

(b) in a case where the person's earned income fluctuates (or is likely to fluctuate) the amount of that income calculated or estimated before any deduction for income tax, national insurance contributions or relievable pension contributions, taken as a monthly average—

(i) where there is an identifiable cycle, over the duration of one such cycle, or

(ii) where there is no identifiable cycle, over 3 months or such other period as may, in the particular case, enable the monthly average to be determined more accurately.

and the Department may, in order to enable monthly earnings to be determined more accurately, disregard earned income received in respect of an employment which has ceased.

Textual Amendments

F2 Words in [reg. 89\(4\)](#) substituted (coming into force in accordance with [reg. 1\(3\)](#) of the amending Rule) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/116\)](#), [regs. 1\(3\)](#), [9\(7\)](#)

Claimants subject to work-focused interview requirement only

90.—^{F3}(1)

(2) A claimant falls within Article 25 of the Order if—

(a) the claimant is the responsible foster parent in relation to a child aged at least one,

(b) the claimant is the responsible foster parent in relation to a qualifying young person, and the Department is satisfied that the qualifying young person has care needs which make it unreasonable to require the claimant to comply with a work search requirement or a work availability requirement, including if such a requirement were limited in accordance with Article 22(4) or 23(3) of the Order,

(c) the claimant is a foster parent, but not the responsible foster parent, in relation to a child or qualifying young person, and the Department is satisfied that the child or qualifying young person has care needs which would make it unreasonable to require the claimant to comply with a work search requirement or a work availability requirement, including if such a requirement were limited in accordance with Article 22(4) or 23(3) of the Order,

(d) the claimant has fallen within sub-paragraph (a), (b) or (c) within the past 8 weeks and has no child or qualifying young person currently placed with them, but expects to resume being a foster parent, or

(e) the claimant has become a friend or family carer in relation to a child within the past 12 months and is also the responsible carer in relation to that child.

(3) In paragraph (2)(e) “friend or family carer” means a person who is responsible for a child, but is not the child's parent or step-parent, and has undertaken the care of the child in the following circumstances—

(a) the child has no parent or has parents who are unable to care for the child, or

(b) it is likely that the child would otherwise be looked after by an authority because of concerns in relation to the child's welfare.

Textual Amendments

- F3** Reg. 90(1) omitted (27.9.2017) by virtue of [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), arts. 2(1), **12(2)**; S.R. 2017/166, art. 3(b)

The work-related requirements

Purposes of a work-focused interview

- 91.** The purposes of a work-focused interview are any or all of the following—
- (a) assessing the claimant's prospects for remaining in or obtaining paid work;
 - (b) assisting or encouraging the claimant to remain in or obtain paid work;
 - (c) identifying activities that the claimant may undertake that will make remaining in or obtaining paid work more likely;
 - (d) identifying training, educational or rehabilitation opportunities for the claimant which may make it more likely that the claimant will remain in or obtain paid work or be able to do so;
 - (e) identifying current or future work opportunities for the claimant that are relevant to the claimant's needs and abilities;
 - (f) ascertaining whether a claimant is in gainful self-employment or meets the conditions in regulation 64 (start-up period).

Work search requirement - interviews

92. A claimant is to be treated as not having complied with a work search requirement to apply for a particular vacancy for paid work where the claimant fails to participate in an interview offered to the claimant in connection with the vacancy.

Work search requirement - all reasonable action

93.—(1) A claimant is to be treated as not having complied with a work search requirement to take all reasonable action for the purpose of obtaining paid work in any week unless—

- (a) either—
 - (i) the time which the claimant spends taking action for the purpose of obtaining paid work is at least the claimant's expected number of hours per week minus any relevant deductions, or
 - (ii) the Department is satisfied that the claimant has taken all reasonable action for the purpose of obtaining paid work despite the number of hours that the claimant spends taking such action being lower than the expected number of hours per week; and
- (b) that action gives the claimant the best prospects of obtaining work.

(2) In this regulation “relevant deductions” means the total of any time agreed by the Department—

- (a) for the claimant to carry out paid work, voluntary work, a work preparation requirement, or voluntary work preparation, in that week; or
- (b) for the claimant to deal with temporary childcare responsibilities, a domestic emergency, funeral arrangements or other temporary circumstances.

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(3) For the purpose of paragraph (2)(a) the time agreed by the Department for the claimant to carry out voluntary work must not exceed 50 percent of the claimant's expected number of hours per week.

(4) "Voluntary work preparation" means particular action taken by a claimant and agreed by the Department for the purpose of making it more likely that the claimant will obtain paid work, but which is not specified by it as a work preparation requirement under Article 21 of the Order.

Work availability requirement - able and willing immediately to take up paid work

94.—(1) Subject to paragraph (2) a claimant is to be treated as not having complied with a work availability requirement if the claimant is not able and willing immediately to attend an interview offered to the claimant in connection with obtaining paid work.

(2) A claimant is to be treated as having complied with a work availability requirement despite not being able immediately to take up paid work, if paragraph (3), (4) or (5) applies.

(3) This paragraph applies where—

- (a) a claimant is a responsible carer or a relevant carer,
- (b) the Department is satisfied that, as a consequence the claimant needs a longer period of up to one month to take up paid work, or up to 48 hours to attend an interview in connection with obtaining work, taking into account alternative care arrangements, and
- (c) the claimant is able and willing to take up paid work, or attend an interview, on being given notice for that period.

(4) This paragraph applies where—

- (a) a claimant is carrying out voluntary work,
- (b) the Department is satisfied that, as a consequence, the claimant needs a longer period of up to one week to take up paid work, or up to 48 hours to attend an interview in connection with obtaining work, and
- (c) the claimant is able and willing to take up paid work, or attend an interview, on being given notice for that period.

(5) This paragraph applies where a claimant—

- (a) is employed under a contract of service,
- (b) is required by Article 118 of the Employment Rights (Northern Ireland) Order 1996^{M1}, or by the contract of service, to give notice to terminate the contract,
- (c) is able and willing to take up paid work once the notice period has expired, and
- (d) is able and willing to attend an interview on being given 48 hours notice.

Marginal Citations

M1 [S.I. 1996/1919 \(N.I. 16\)](#); Article 118 was amended by paragraph 2(5) of Schedule 2 to, [S.R. 2002 No. 298](#).

Work search requirement and work availability requirement - limitations

95.—(1) Paragraphs (2) to (5) set out the limitations on a work search requirement and a work availability requirement.

(2) In the case of a claimant who is a relevant carer or a responsible carer or who has a physical or mental impairment, a work search and work availability requirement must be limited to the number

of hours that is determined to be the claimant's expected number of hours per week in accordance with regulation 87.

(3) A work search and work availability requirement must be limited to work that is in a location which would normally take the claimant—

- (a) a maximum of 90 minutes to travel from home to the location, and
- (b) a maximum of 90 minutes to travel from the location to home.

(4) Where a claimant has previously carried out work of a particular nature, or at a particular level of remuneration, a work search requirement and a work availability requirement must be limited to work of a similar nature, or level of remuneration, for such period as the Department considers appropriate; but only if it is satisfied that the claimant will have reasonable prospects of obtaining paid work in spite of such limitation.

(5) The limitation in paragraph (4) is to apply for no more than 3 months beginning with—

- (a) the date of claim, or
- (b) if later, the date on which the claimant ceases paid work after falling within Article 24 of the Order by virtue of regulation 89 (claimants subject to no work-related requirements - the earnings thresholds).

(6) Where a claimant has a physical or mental impairment that has a substantial adverse effect on the claimant's ability to carry out work of a particular nature, or in particular locations, a work search or work availability requirement must not relate to work of such a nature or in such locations.

Victims of domestic violence

96.—(1) Where a claimant has recently been a victim of domestic violence, and the circumstances set out in paragraph (4) apply—

- (a) a work-related requirement imposed on that claimant ceases to have effect for a period of 13 consecutive weeks starting on the date of the notification referred to in paragraph (4) (a), and
- (b) the Department must not impose any other work-related requirement on that claimant during that period.

(2) Where a claimant referred to in paragraph (1) is a person who falls within Article 27 of the Order (claimants subject to all work-related requirements) and is the responsible carer of a child, the Department must not impose a work search requirement or a work availability requirement on that claimant for a further period of 13 consecutive weeks beginning on the day after the period in paragraph (1)(a) expires.

(3) A person has recently been a victim of domestic violence if a period of 6 months has not expired since the violence was inflicted or threatened.

(4) The circumstances are that—

- (a) the claimant notifies the Department, in such manner as it specifies, that domestic violence has been inflicted on or threatened against the claimant by the claimant's partner or former partner or by a family member during the period of 6 months ending on the date of the notification,
- (b) this regulation has not applied to the claimant for a period of 12 months before the date of the notification,
- (c) on the date of the notification the claimant is not living at the same address as the person who inflicted or threatened the domestic violence, and

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- (d) as soon as possible, and no later than one month after the date of the notification, the claimant provides evidence from a person acting in an official capacity which demonstrates that—
- (i) the claimant's circumstances are consistent with those of a person who has had domestic violence inflicted or threatened against them during the period of 6 months ending on the date of the notification, and
 - (ii) the claimant has made contact with the person acting in an official capacity in relation to such an incident, which occurred during that period.
- (5) In this regulation—
- “coercive behaviour” means an act of assault, humiliation or intimidation or other abuse that is used to harm, punish or frighten the victim;
- “controlling behaviour” means an act designed to make a person subordinate or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance or escape or regulating their everyday behaviour;
- “domestic violence” means any incident, or pattern of incidents, of controlling behaviour, coercive behaviour, violence or abuse, including but not limited to—
- (a) psychological abuse;
 - (b) physical abuse;
 - (c) sexual abuse;
 - (d) emotional abuse;
 - (e) financial abuse, regardless of gender or sexuality of the victim;
- “family member” in relation to a claimant, means the claimant's grandparent, grandchild, parent, step-parent, parent-in-law, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law and if any of those persons is a member of a couple, the other member of the couple;
- “health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 ^{M2};
- “person acting in an official capacity” means a health care professional, a police officer, a registered social worker, the claimant's employer, a representative of the claimant's trade union, or any public, voluntary or charitable body which has had direct contact with the claimant in connection with domestic violence;
- “registered social worker” means a person registered as a social worker in a register maintained by—
- (a) the Northern Ireland Social Care Council ^{M3};
 - (b) the Health and Care Professions Council;
 - (c) [^{F4}Social Care Wales, or]
 - (d) the Scottish Social Services Council.

Textual Amendments

- F4** Words in reg. 96(5) substituted (coming into force in accordance with reg. 1(3) of the amending Rule) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/116\)](#), regs. 1(3), **9(8)**

Marginal Citations

- M2** 2002 c. 17; section 25(3) was amended by the [Health and Social Care Act 2008 \(c.14\)](#) and [S.I. 2010/231](#).
- M3** The Northern Ireland Social Care Council was established under section 1 of the Health and Personal Services Act (Northern Ireland) [2001 c.3](#). (NI).

Circumstances in which requirements must not be imposed

- 97.**—(1) Where paragraph (6), (7), (8) or (14) applies—
- (a) the Department must not impose a work search requirement on a claimant, and
 - (b) “able and willing to immediately take up work” under a work availability requirement means able and willing to take up paid work, or attend an interview, immediately once the circumstances set out in paragraph (6), (7), (8), or (14) no longer apply.
- (2) A work search requirement previously applying to the claimant ceases to have effect from the date on which the circumstances set out in paragraph (6), (7), (8), or (14) begin to apply.
- (3) Where paragraph (11) applies—
- (a) the Department must not impose a work search requirement on a claimant, and
 - (b) a work search requirement previously applying to the claimant ceases to have effect from the date on which the circumstances set out in paragraph (11) begin to apply.
- (4) Where paragraph (12) applies “able and willing to immediately take up work” under a work availability requirement means able and willing to take up paid work or to attend an interview, immediately once the circumstances set out in paragraph (12) no longer apply.
- (5) Where paragraph (13) applies “able and willing to immediately take up work” under a work availability requirement means—
- (a) able and willing to take up paid work immediately once the circumstances set out in paragraph (13) no longer apply, and
 - (b) able and willing to attend an interview before those circumstances no longer apply.
- (6) This paragraph applies where—
- (a) the claimant is attending court or tribunal as a party to any proceedings or as a witness,
 - (b) the claimant is a prisoner,
 - (c) regulation 11(3) (temporary absence from Northern Ireland for treatment or convalescence) applies to the claimant,
 - (d) any of the following persons has died within the past 6 months—
 - (i) where the claimant was a member of a couple, the other member,
 - (ii) a child or qualifying young person for whom the claimant or, where the claimant is a member of a couple, the other member, was responsible, or
 - (iii) a child, where the claimant was the child's parent,
 - (e) the claimant is, and has been for no more than 6 months, receiving and participating in a structured recovery-orientated course of alcohol or drug dependency treatment,
 - (f) the claimant is, and has been for no more than 3 months, a person for whom arrangements have been made by a protection provider under section 82 of the Serious Organised Crime and Police Act 2005 ^{M4}, or
 - (g) the claimant is engaged in an activity of a kind approved by the Department as being in the nature of a public duty.

- (7) [^{F5}Subject to paragraph (7A), this paragraph] applies where the claimant—
- (a) is unfit for work—
 - (i) for a period of no more than 14 consecutive days after the date that the evidence referred to in sub-paragraph (b) is provided, and
 - (ii) for no more than 2 such periods in any period of 12 months, and
 - (b) provides to the Department the following evidence—
 - (i) for the first 7 days when they are unfit for work, a declaration made by the claimant in such manner and form as the Department approves that the claimant is unfit for work, and
 - (ii) for any further days when they are unfit for work, if requested by the Department, a statement given by a doctor in accordance with the rules set out in Part 1 of Schedule 1 to the Medical Evidence Regulations()which provides that the person is not fit for work.

[^{F6}(7A) Where paragraph (7B) applies, paragraph (7) will only apply to a claimant if the Department makes a decision to carry out an assessment under regulation 42(1)(b).

- (7B) This paragraph applies where—
- (a)
 - (i) it has previously been determined on the basis of an assessment under Part 5 of these Regulations or under Part 4 or 5 of the ESA Regulations that the claimant does not have limited capability for work, or
 - (ii) the claimant has previously been treated as not having limited capability for work or limited capability for work-related activity under regulation 44(3) or 45(2); and
 - (b) the condition specified in the evidence provided by the claimant in accordance with paragraph (7)(b) is in the opinion of the Department the same, or substantially the same, as the condition specified in the evidence provided by the claimant in accordance with that paragraph before the date—
 - (i) of the determination that the claimant does not have limited capability for work, or
 - (ii) that the claimant was treated as not having limited capability for work or, as the case may be for work and work-related activity.]

(8) This paragraph applies for one or more periods of one month, as provided for in paragraphs (9) and (10), where the claimant is the responsible carer of a child and an event referred to in subparagraph (a) or (b) has taken place in the last 24 months and has resulted in significant disruption to the claimant's normal childcare responsibilities-

- (a) any of the following persons has died-
 - (i) a person who was previously the responsible carer of that child,
 - (ii) a parent of that child,
 - (iii) a brother or sister of that child, or
 - (iv) any other person who, at the time of their death, normally lived in the same accommodation as that child and was not a person who was liable to make payments on a commercial basis in respect of that accommodation, or
- (b) the child has been the victim of, or witness to, an incident of violence or abuse and the claimant is not the perpetrator of that violence or abuse.

(9) Paragraph (8) is not to apply for more than one period of one month in each of the 4 consecutive periods of 6 months following the event (and, if regulation 96 or paragraph (6)(d) of this regulation applies in respect of the same event, that month is to run concurrently with any period for which that regulation or paragraph applies).

(10) Each period of one month begins on the date specified by the Department after the claimant has notified it of the circumstances in paragraph (8) provided that it is satisfied that the circumstances apply.

(11) This paragraph applies where the Department is satisfied that it would be unreasonable to require the claimant to comply with a work search requirement including if such a requirement were limited in accordance with Article 22(4) of the Order, because ^{F7}...—

- (a) [^{F8}the claimant] is carrying out a work preparation requirement or voluntary work preparation (as defined in regulation 93(4) (work search requirement – all reasonable action)),
- (b) [^{F9}the claimant] has temporary child care responsibilities or is dealing with a domestic emergency, funeral arrangements or other temporary circumstances, ^{F10}...
- (c) [^{F11}the claimant] is unfit for work for longer than the period of 14 days specified in paragraph (7)(a) or for more than 2 such periods in any period of 12 months and, where requested by the Department, provides the evidence mentioned in paragraph (7)(b)(ii), [^{F12}or]

[^{F13}(d) paragraph (7) would apply to the claimant but for paragraph (7A).]

(12) This paragraph applies where the Department is satisfied that it would be unreasonable to require the claimant to comply with a work availability requirement to be able and willing to—

- (a) take up paid work, and
- (b) attend an interview, (including if such a requirement were limited in accordance with Article 23(3) of the Order) because the claimant falls within sub-paragraph [^{F14}(a), (b), (c) or (d)] of paragraph (11).

(13) This paragraph applies where the Department is satisfied that it would be—

- (a) unreasonable to require the claimant to comply with a work availability requirement to be able and willing to take up paid work because the claimant falls within [^{F15}paragraph (11) (a), (b), (c) or (d)], and
- (b) reasonable to require the claimant to comply with a work availability requirement to be able and willing to attend an interview, including if such requirement were limited in accordance with Article 23(3) of the Order.

(14) This paragraph applies where the claimant has monthly earnings or, if the claimant is a member of a couple, the couple has combined monthly earnings (excluding in either case any that are not employed earnings) that are equal to, or more than, the following amount multiplied by 52 and divided by 12—

- (a) in the case of a single claimant, £5 plus the applicable amount of the personal allowance in a jobseeker's allowance for a single person aged 25 or over (as set out in Part 1 of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996 ^{M5}), or
- (b) in the case of a claimant who is a member of a couple, £10 plus the applicable amount of the personal allowance in a jobseeker's allowance for a couple where both members are aged 18 or over (as set out in that Part).

(15) In paragraph (14) “employed earnings” has the meaning in regulation 55 (employed earnings).

(16) In this regulation “tribunal” means any tribunal listed in Schedule 1 to the Tribunals and Inquiries Act 1992 ^{M6}.

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Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, PART 8. (See end of Document for details)

Textual Amendments

- F5** Words in reg. 97(7) substituted (8.5.2018) by [The Universal Credit \(Persons Required to Provide Information, Miscellaneous Amendments and Saving and Transitional Provision\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/92\)](#), regs. 1(2), **6(16)(a)**
- F6** Reg. 97(7A)(7B) inserted (8.5.2018) by [The Universal Credit \(Persons Required to Provide Information, Miscellaneous Amendments and Saving and Transitional Provision\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/92\)](#), regs. 1(2), **6(16)(b)**
- F7** Words in reg. 97(11) omitted (8.5.2018) by virtue of [The Universal Credit \(Persons Required to Provide Information, Miscellaneous Amendments and Saving and Transitional Provision\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/92\)](#), regs. 1(2), **6(16)(c)(i)**
- F8** Words in reg. 97(11)(a) inserted (8.5.2018) by [The Universal Credit \(Persons Required to Provide Information, Miscellaneous Amendments and Saving and Transitional Provision\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/92\)](#), regs. 1(2), **6(16)(c)(ii)**
- F9** Words in reg. 97(11)(b) inserted (8.5.2018) by [The Universal Credit \(Persons Required to Provide Information, Miscellaneous Amendments and Saving and Transitional Provision\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/92\)](#), regs. 1(2), **6(16)(c)(iii)(aa)**
- F10** Word in reg. 97(11)(b) omitted (8.5.2018) by virtue of [The Universal Credit \(Persons Required to Provide Information, Miscellaneous Amendments and Saving and Transitional Provision\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/92\)](#), regs. 1(2), **6(16)(c)(iii)(bb)**
- F11** Words in reg. 97(11)(c) inserted (8.5.2018) by [The Universal Credit \(Persons Required to Provide Information, Miscellaneous Amendments and Saving and Transitional Provision\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/92\)](#), regs. 1(2), **6(16)(c)(iv)**
- F12** Word in reg. 97(11)(c) inserted (8.5.2018) by [The Universal Credit \(Persons Required to Provide Information, Miscellaneous Amendments and Saving and Transitional Provision\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/92\)](#), regs. 1(2), **6(16)(c)(v)**
- F13** Reg. 97(11)(d) inserted (8.5.2018) by [The Universal Credit \(Persons Required to Provide Information, Miscellaneous Amendments and Saving and Transitional Provision\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/92\)](#), regs. 1(2), **6(16)(c)(vi)**
- F14** Words in reg. 97(12) substituted (8.5.2018) by virtue of [The Universal Credit \(Persons Required to Provide Information, Miscellaneous Amendments and Saving and Transitional Provision\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/92\)](#), regs. 1(2), **6(16)(d)**
- F15** Words in reg. 97(13)(a) substituted (8.5.2018) by [The Universal Credit \(Persons Required to Provide Information, Miscellaneous Amendments and Saving and Transitional Provision\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/92\)](#), regs. 1(2), **6(16)(e)**

Marginal Citations

- M4** 2005 c. 15.
- M5** S.R.1996 No. 198.
- M6** 1992 c. 53.

[^{F16} Interpretation

97A.—(1) This chapter contains provisions about the reduction in the amount of an award of universal credit in the event of a failure by a claimant which is sanctionable under Article 31 or 32 of the Order (“a sanctionable failure”).

(2) In this chapter references to a “current sanctionable failure” are to a sanctionable failure in relation to which the Department has not yet determined whether the amount of an award of universal credit is to be reduced under Article 31 or 32 of the Order.]

Textual Amendments

F16 Reg. 97A inserted (coming into force in accordance with reg. 1(3) of the amending Rule) by The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2017 (S.R. 2017/116), regs. 1(3), **9(9)**

CHAPTER 2

SANCTIONS

Reduction periods

General principles for calculating reduction periods

98.—(1) The number of days for which a reduction in the amount of an award is to have effect (“the reduction period”) is to be determined in relation to each sanctionable failure in accordance with regulations 99 to 102, subject to paragraphs (3) and (4).

(2) Reduction periods are to run consecutively.

(3) If the reduction period calculated in relation to a sanctionable failure in accordance with regulations [F1799] to 102 would result in the total outstanding reduction period exceeding 546 days, the reduction period in relation to that failure is to be adjusted so that the total outstanding reduction period does not exceed 546 days.

^{F18}(4)

(5) In paragraph (3) “the total outstanding reduction period” is the total number of days for which no reduction in an award under Article 31 (higher-level sanctions) or 32 (other sanctions) of the Order has yet been applied.

Textual Amendments

F17 Word in reg. 98(3) substituted (coming into force in accordance with reg. 1(3) of the amending Rule) by The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2017 (S.R. 2017/116), regs. 1(3), **9(10)(a)**

F18 Reg. 98(4) omitted (coming into force in accordance with reg. 1(3) of the amending Rule) by virtue of The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2017 (S.R. 2017/116), regs. 1(3), **9(10)(b)**

Higher-level sanctions

99.—(1) This regulation specifies the reduction period for a sanctionable failure under Article 31 of the Order (higher-level sanctions).

[F19](2) Where the sanctionable failure is not a pre-claim failure, the reduction in the circumstances described in the first column of the following table is the period set out in—

- (a) the second column, where the claimant is aged 18 or over on the date of the sanctionable failure;
- (b) the third column, where the claimant is aged 16 or 17 on the date of the sanctionable failure.

Status: Point in time view as at 07/05/2019.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, PART 8. (See end of Document for details)

<i>Circumstances in which reduction period applies</i>	<i>Reduction period where claimant aged 18 or over</i>	<i>Reduction period where claimant aged 16 or 17</i>
Where there has been no previous sanctionable failure by the claimant giving rise to a higher-level sanction	91 days	14 days
Where there have been one or more previous sanctionable failures by the claimant giving rise to a higher-level sanction and the date of the most recent previous sanctionable failure is not within 365 days beginning with the date of the current sanctionable failure	91 days	14 days
Where there have been one or more previous sanctionable failures by the claimant giving rise to a higher-level sanction and the date of the most recent previous sanctionable failure is within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—		
(a) 14 days		28 days
(b) 28 days		28 days
(c) 91 days	182 days	
(d) 182 days	546 days	
(e) 546 days	546 days	
Where there have been one or more previous sanctionable failures by the claimant giving rise to a higher-level sanction and the date of the most recent previous sanctionable failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—		
(a) 14 days		14 days
(b) 28 days		28 days
(c) 91 days	91 days	
(d) 182 days	182 days	
(e) 546 days	546 days]

(3) Where the other sanctionable failure referred to in paragraph (2) was a “pre-claim failure” it is disregarded in determining the reduction period in accordance with that paragraph.

(4) Where the sanctionable failure for which a reduction period is to be determined is a pre-claim failure, the period is the lesser of—

- (a) the period that would be applicable to the claimant under paragraph (2) if it were not a pre-claim failure, or

- (b) where the sanctionable failure relates to paid work that was due to last for a limited period, the period beginning with the day after the date of the sanctionable failure and ending with the date on which the limited period would have ended,

minus the number of days beginning with the day after the date of the sanctionable failure and ending on the day before the date of claim.

[^{F20}(5) In this regulation—

“higher-level sanction” means a sanction under Article 31 of the Order;

“pre-claim failure” means a failure sanctionable under Article 31(4) of the Order.]

Textual Amendments

F19 Reg. 99(2) substituted (coming into force in accordance with reg. 1(3) of the amending Rule) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/116\)](#), regs. 1(3), **9(11)(a)**

F20 Reg. 99(5) substituted (coming into force in accordance with reg. 1(3) of the amending Rule) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/116\)](#), regs. 1(3), **9(11)(b)**

Medium-level sanction

100.—(1) This regulation specifies the reduction period for a sanctionable failure under Article 32 of the Order (other sanctions) where it is a failure by the claimant to comply with—

- (a) a work search requirement under Article 22(1)(a) (to take all reasonable action to obtain paid work etc.), or
 (b) a work availability requirement under Article 23(1).

[^{F21}(2) The reduction in the circumstances described in the first column of the following table is the period set out in—

- (a) the second column, where the claimant is aged 18 or over on the date of the sanctionable failure;
 (b) the third column, where the claimant is aged 16 or 17 on the date of the sanctionable failure.

<i>Circumstances in which reduction period applies</i>	<i>Reduction period where claimant aged 18 or over</i>	<i>Reduction period where claimant aged 16 or 17</i>
Where there has been no previous sanctionable failure by the claimant that falls within paragraph (1)	28 days	7 days
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is not within 365 days beginning with the date of the current sanctionable failure	28 days	7 days

Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure and the reduction

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Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, PART 8. (See end of Document for details)

<i>Circumstances in which reduction period applies</i>	<i>Reduction period where claimant aged 18 or over</i>	<i>Reduction period where claimant aged 16 or 17</i>
period applicable to the most recent previous sanctionable failure is—		
(a) 7 days		14 days
(b) 14 days		14 days
(c) 28 days	91 days	
(d) 91 days	91 days	
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—		
(a) 7 days		7 days
(b) 14 days		14 days
(c) 28 days	28 days	
(d) 91 days	91 days]

Textual Amendments

F21 Reg. 100(2) substituted (coming into force in accordance with reg. 1(3) of the amending Rule) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/116\)](#), regs. 1(3), **9(12)**

Low-level sanction

101.—(1) This regulation specifies the reduction period for a sanctionable failure under Article 32 of the Order (other sanctions) where—

- (a) the claimant falls within Article 26 (claimants subject to work preparation requirement) or 27 (claimants subject to all work-related requirements) of the Order on the date of that failure; and
- (b) it is a failure to comply with—
 - (i) a work-focused interview requirement under Article 20(1),
 - (ii) a work preparation requirement under Article 21(1),
 - (iii) a work search requirement under Article 22(1)(b) (to take any particular action specified by the Department to obtain paid work etc.), or
 - (iv) a requirement under Article 28(1), (3) or (4) (connected requirements: interviews and verification of compliance).

(2) Where the claimant is aged 18 or over on the date of the sanctionable failure, the reduction period is the total of—

- (a) the number of days beginning with the date of the sanctionable failure and ending with—

- (i) the day before the date on which the claimant meets a compliance condition specified by the Department,
 - (ii) the day before the date on which the claimant falls within Article 24 of the Order (claimants subject to no work-related requirements),
 - (iii) the day before the date on which the claimant is no longer required to take a particular action specified as a work preparation requirement by the Department under Article 21, or
 - (iv) the date on which the award terminates (other than by reason of the claimant ceasing to be, or becoming, a member of a couple),
- whichever is soonest, and

[^{F22}(b) in the circumstances described in the first column of the following table, the number of days set out in the second column.

<i>Circumstances applicable to the claimant's case</i>	<i>Number of days</i>
Where there has been no previous sanctionable failure by the claimant that falls within paragraph (1)	7 days
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is not within 365 days beginning with the date of the current sanctionable failure	7 days
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—	
(a) 7 days	14 days
(b) 14 days	28 days
(c) 28 days	28 days
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—	
(a) 7 days	7 days
(b) 14 days	14 days
(c) 28 days	28 days.]

(3) Where the claimant is aged 16 or 17 years on the date of the sanctionable failure, the reduction period is—

- (a) the number of days beginning with the date of the sanctionable failure and ending with —
 - (i) the day before the date on which the claimant meets a compliance condition specified by the Department,
 - (ii) the day before the date on which the claimant falls within Article 24 of the Order (claimants subject to no work-related requirements),

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Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, PART 8. (See end of Document for details)

- (iii) the day before the date on which the claimant is no longer required to take a particular action specified as a work preparation requirement by the Department under Article 21, or
- (iv) the date on which the award terminates (other than by reason of the claimant ceasing to be, or becoming, a member of a couple),

whichever is soonest, and

- [^{F23}(b) if there was another sanctionable failure of a kind mentioned in paragraph (1) within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure, 7 days.]

Textual Amendments

- F22** Reg. 101(2)(b) substituted (coming into force in accordance with reg. 1(3) of the amending Rule) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/116\)](#), regs. 1(3), **9(13)(a)**
- F23** Reg. 101(3)(b) substituted (coming into force in accordance with reg. 1(3) of the amending Rule) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/116\)](#), regs. 1(3), **9(13)(b)**

Lowest-level sanction

102.—(1) This regulation specifies the reduction period for a sanctionable failure under Article 32 of the Order (other sanctions) where it is a failure by a claimant who falls within Article 25 of the Order (claimants subject to work-focused interview requirement only) to comply with a requirement under that Article.

(2) The reduction period is the number of days beginning with the date of the sanctionable failure and ending with—

- (a) the day before the date on which the claimant meets a compliance condition specified by the Department;
- (b) the day before the date on which the claimant falls within Article 24 of the Order (claimants subject to no work-related requirements), or
- (c) the day on which the award terminates (other than by reason of the claimant ceasing to be, or becoming, a member of a couple),

whichever is soonest.

When reduction to have effect

Start of the reduction

103. A reduction period determined in relation to a sanctionable failure takes effect from—

- (a) the first day of the assessment period in which the Department determines that the amount of the award is to be reduced under Article 31 or 32 of the Order (higher-level or other sanctions) (but see also regulation 104(2))(reduction period to continue where award terminates)),
- (b) if the amount of the award of universal credit for the assessment period referred to in paragraph (a) is not reduced in that period, the first day of the next assessment period, or

- (c) if the amount of the award for the assessment period referred to in paragraph (a) or (b) is already subject to a reduction because of a previous sanctionable failure, the first day in respect of which the amount of the award is no longer subject to that reduction.

Reduction period to continue where award terminates

104.—(1) If an award of universal credit terminates while there is an outstanding reduction period, the period continues to run as if a daily reduction were being applied and if the claimant becomes entitled to a new award (whether as a single or joint claimant) before that period expires, that award is subject to a reduction for the remainder of the total outstanding reduction period.

(2) If an award of universal credit terminates before the Department determines that the amount of the award is to be reduced under Article 31 or 32 of the Order (higher-level or other sanctions) in relation to a sanctionable failure and that determination is made after the claimant becomes entitled to a new award the reduction period in relation to that failure is to have effect for the purposes of paragraph (1) as if that determination had been made on the day before the previous award terminated.

Modifications etc. (not altering text)

- C1** Reg. 104 excluded (coming into force in accordance with reg.1 of the amending Rule) by The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/226), regs. 1, 35(a)

Suspension of a reduction where fraud penalty applies

105.—(1) A reduction in the amount of an award under Article 31 or 32 of the Order (higher-level or other sanctions) is to be suspended for any period during which the provisions of section 5B, section 6 or section 8 of the Social Security Fraud Act (Northern Ireland) 2001 ^{M7} (loss of benefit in case of conviction, penalty or caution for benefit offence, loss of benefit for second or subsequent conviction of benefit offence and effect of offence on benefits for members of offender's family) apply to the award.

(2) The reduction ceases to have effect on the day on which that period begins and begins again on the day after that period ends.

Marginal Citations

- M7** 2001 c. 17 (N.I.); section 5B was inserted by section 19(1) of the Welfare Reform Act (Northern Ireland) 2010 c. 13 (N.I.).

When a reduction is to be terminated

106.—(1) A reduction in the amount of an award under Article 31 or 32 of the Order (higher-level or other sanctions) is to be terminated where—

- (a) since the date of the most recent sanctionable failure which gave rise to a reduction, the claimant has been in paid work for a period of, or for periods amounting in total to, at least 6 months, and
- (b) the claimant's monthly earnings during that period or those periods were equal to or exceeded—
- (i) the claimant's individual threshold,

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- “(ia) where the claimant has no individual threshold, the amount that a person would be paid for 16 hours per week at the hourly rate in regulation 4 of the National Minimum Wage Regulations, converted to a monthly amount by multiplying by 52 and dividing by 12, or”
- (ii) if paragraph (4) of regulation 89 (threshold for an apprentice) applies, the amount applicable under that paragraph.
- (2) The termination of the reduction has effect—
- (a) where the date on which paragraph (1) is satisfied falls within a period of entitlement to universal credit, from the beginning of the assessment period in which that date falls, or
- (b) where that date falls outside a period of entitlement to universal credit, from the beginning of the first assessment period in relation to any subsequent award.
- (3) A claimant who is treated as having earned income in accordance with regulation 63 (minimum income floor) in respect of an assessment period is to be taken to have monthly earnings equal to their individual threshold in respect of any week falling within that assessment period.

Amount of reduction

Amount of reduction for each assessment period

107.—(1) Where it has been determined that an award of universal credit is to be reduced under Article 31 or 32 of the Order (higher-level or other sanctions), the amount of the reduction for each assessment period in respect of which a reduction has effect is to be calculated as follows.

Step 1

Take the number of days—

- (a) (a) in the assessment period; or
- (b) (b) if lower, in the total outstanding reduction period,

and deduct any days in that assessment period for which the reduction is suspended in accordance with regulation 105 (suspension of a reduction where fraud penalty applies).

Step 2

Multiply the number of days produced by step 1 by the daily reduction rate (see regulation 108).

Step 3

If necessary, adjust the amount produced by step 2 so that it does not exceed—

- (c) (c) the amount of the standard allowance applicable to the award; or
- (d) (d) in the case of a joint claim where a determination under Article 31 or 32 of the Order (higher-level or other sanctions) applies only in relation to one claimant, half the amount of that standard allowance.

Step 4

Deduct the amount produced by steps 2 and 3 from the amount of the award for the assessment period after any deduction has been made in accordance with Part 7 (the benefit cap).

Daily reduction rate

108.—(1) The daily reduction rate for the purposes of regulation 107 (amount of reduction for each assessment period) is, unless paragraph (2) or (3) applies, an amount equal to the amount of the standard allowance that is applicable to the award multiplied by 12 and divided by 365.

(2) The daily reduction rate is 40% of the rate set out in paragraph (1) if, at the end of the assessment period—

- (a) the claimant is aged 16 or 17,
- (b) the claimant falls within Article 24 of the Order (claimants subject to no work-related requirements) by virtue of —
 - (i) paragraph (2)(c) of that Article (responsible carer for a child under the age of 1), or
 - (ii) regulation 88(1)(c), (d) or (f) (claimant within 11 weeks before, or 15 weeks after confinement, adopter or responsible foster parent of a child under the age of 1), or
- (c) the claimant falls within Article 25 (claimants subject to work-focused interview requirement only).

(3) The daily reduction rate is nil if, at the end of the assessment period, the claimant falls within Article 24 of the Order by virtue of having limited capability for work and work-related activity.

(4) The amount of the rate in paragraphs (1) and (2) is to be rounded down to the nearest 10 pence.

(5) In the case of joint claimants—

- (a) each joint claimant is considered individually for the purpose of determining the rate applicable under paragraphs (1) to (3), and
- (b) half of any applicable rate is applied to each joint claimant accordingly.

Miscellaneous

Application of ESA or JSA sanctions to universal credit

109. Schedule 11 has effect in relation to persons who are, or have been, entitled to an employment and support allowance or a jobseeker's allowance and who are, or become, entitled to universal credit.

Failures for which no reduction is applied

110.—(1) No reduction is to be made under Article 31 or Article 32 of the Order (higher-level or other sanctions) for a sanctionable failure where—

- (a) the sanctionable failure is listed in Article 31(2)(b) or (c) (failure to apply for a particular vacancy for paid work, or failure to take up an offer of paid work) and the vacancy is because of a strike arising from a trade dispute,
- (b) the sanctionable failure is listed in Article 31(2)(d) (claimant ceases paid work or loses pay), and the following circumstances apply—
 - (i) the claimant's work search and work availability requirements are subject to limitations imposed under Article 22(4) and Article 23(3) in respect of work available for a certain number of hours,
 - (ii) the claimant takes up paid work, or is in paid work and takes up more paid work that is for a greater number of hours, and
 - (iii) the claimant voluntarily ceases that paid work, or more paid work, or loses pay, within a trial period,

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- (c) the sanctionable failure is that the claimant voluntarily ceases paid work, or loses pay, because of a strike arising from a trade dispute,
- (d) the sanctionable failure is that the claimant voluntarily ceases paid work as a member of the regular or reserve forces, or loses pay in that capacity,
- (e) the sanctionable failure is listed in Article 31(4) (failure to take up an offer of paid work, or to cease paid work or lose pay before making a claim), and the period of the reduction that would otherwise apply under regulation 99(4) (higher-level sanction) is the same as, or shorter than, the number of days beginning with the day after the date of the sanctionable failure and ending with the date of claim,
- (f) the sanctionable failure is that the claimant voluntarily ceases paid work in one of the following circumstances—
 - (i) the claimant has been dismissed because of redundancy after volunteering or agreeing to be dismissed,
 - (ii) the claimant has ceased work on an agreed date without being dismissed in pursuance of an agreement relating to voluntary redundancy, or
 - (iii) the claimant has been laid-off or kept on short-time to the extent specified in Article 183 of the Employment Rights (Northern Ireland) Order 1996, and has complied with the requirements of that Article, or
- (g) the sanctionable failure is that the claimant by reason of misconduct, or voluntarily and for no good reason, ceases paid work or loses pay, but the claimant's monthly earnings (or, if the claimant is a member of a couple, their joint monthly earnings) have not fallen below the amount specified in regulation 97(14) (circumstances in which requirements must not be imposed).

(2) In this regulation “regular or reserve forces” has the same meaning as in section 374 of the Armed Forces Act 2006 ^{M8}.

Marginal Citations

M8 2006 c. 52.

CHAPTER 3

HARDSHIP

Conditions for hardship payments

111.—(1) The Department must make a hardship payment to a single claimant or to joint claimants only where—

- (a) the claimant in respect of whose sanctionable failure the award has been reduced under Article 31 or 32 of the Order (higher-level or other sanctions) is aged 18 or over,
- (b) the single claimant or each joint claimant has met any compliance condition specified by the Department under regulation 101(2)(a)(i),
- (c) the single claimant or either joint claimant completes and submits an application—
 - (i) approved for the purpose by the Department, or in such other form as it accepts as sufficient, and
 - (ii) in such manner as the Department determines,
- (d) the single claimant or either joint claimant furnishes such information or evidence as the Department may require, in such manner as it determines,

- (e) the single claimant or each joint claimant accepts that any hardship payments that are paid are recoverable,
 - (f) the Department is satisfied that the single claimant or each joint claimant has complied with all the work-related requirements that they were required to comply with in the 7 days preceding the day on which the claimant or joint claimants submitted an application in accordance with sub-paragraph (c);
 - (g) the Department is satisfied that the single claimant or each joint claimant is in hardship, and
 - (h) the daily reduction rate in regulation 108(1) applies for the purposes of the reduction in respect of the claimant under Article 31 or 32 of the Order (higher-level or other sanctions) .
- (2) For the purposes of paragraph (1)(g) a single claimant or joint claimants must be considered as being in hardship only where—
- (a) they cannot meet their immediate and most basic and essential needs, specified in paragraph (3), or the immediate and most basic and essential needs of a child or qualifying young person for whom the single claimant or either of the joint claimants is responsible, only because the amount of their award has been reduced—
 - (i) under Article 31 or 32 of the Order (higher-level or other sanctions), by the daily reduction rate set out in regulation 108(1), or
 - (ii) by the daily reduction rate prescribed in regulations made under section 5B(5A), 6(2A) or 8(2A) of the Social Security Fraud Act (Northern Ireland) 2001(loss of benefit in case of conviction, penalty or caution for benefit offence, loss of benefit for commission of benefit offence and effect of offence on benefits for members of offender's family) which is equivalent to the rate referred to in paragraph (i),
 - (b) they have made every effort to access alternative sources of support to meet, or partially meet, such needs, and
 - (c) they have made every effort to cease to incur any expenditure which does not relate to such needs.
- (3) The needs referred to in paragraph (2) are—
- (a) accommodation;
 - (b) heating;
 - (c) food;
 - (d) hygiene.

The period of hardship payments

112.—(1) A hardship payment is to be made in respect of a period which—

- (a) begins with the date on which all the conditions in regulation 111(1) are met; and
- (b) unless paragraph (2) applies, ends with the day before the normal payment date for the assessment period in which those conditions are met.

(2) If the period calculated in accordance with paragraph (1) would be 7 days or less, it does not end on the date referred to in paragraph (1)(b) but instead ends on the normal payment date for the following assessment period or, if earlier, the last day on which the award is to be reduced under Article 31 or 32 of the Order (higher-level or other sanctions) or under section 5B(5A), 6(2A) or 8(2A) of the Social Security Fraud Act (Northern Ireland) 2001 (loss of benefit in case of conviction, penalty or caution for benefit offence, loss of benefit for commission of benefit offence and effect of offence on benefits for members of offender's family).

Status: Point in time view as at 07/05/2019.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, PART 8. (See end of Document for details)

(3) In this regulation “the normal payment date” for an assessment period is the date on which the Department would normally expect to make a regular payment of universal credit in respect of an assessment period in a case where payments of universal credit are made monthly in arrears.

The amount of hardship payments

113. The amount of a hardship payment for each day in respect of which such a payment is to be made is to be determined in accordance with the formula—

$$60\% \text{ of } \left(\frac{A \times 12}{365} \right)$$

where A is equal to the amount of the reduction in the single claimant's or joint claimants' award calculated under regulation 107 (amount of reduction for each assessment period) for the assessment period preceding the assessment period in which an application is submitted under regulation 111(1)(c).

Recoverability of hardship payments

114.—(1) Subject to paragraphs (2) and (3), hardship payments are recoverable in accordance with section 69ZH of the Social Security Administration (Northern Ireland) Act 1992 (recovery of hardship payments etc.)^{M9}.

[^{F24}(2) Paragraph (1) does not apply in relation to any assessment period in which—

- (a) the single claimant, or each joint claimant, falls within Article 24 of the Order by virtue of regulation 89 (claimants subject to no work-related requirements – the earnings threshold);
- (b) where regulation 89 applies to one of the joint claimants only, the joint claimants' combined monthly earnings are equal to or exceed the amount of the individual threshold; or
- (c) where regulation 89 does not apply to the single claimant or to either of the joint claimants, that claimant or joint claimants' combined monthly earnings are equal to or exceed the amount that a person of the same age as the claimant, or the youngest of the joint claimants, would be paid at the hourly rate specified in regulation 4 or regulation 4A(1)(a) to (c) of the National Minimum Wage Regulations for 16 hours per week, converted to a monthly amount by multiplying by 52 and dividing by 12.

(3) Paragraph (1) ceases to apply where, since the last day on which the claimant's or the joint claimants' award was subject to a reduction under Article 31 or 32 of the Order—

- (a) the single claimant, or each joint claimant, has fallen within Article 24 of the Order by virtue of regulation 89 (claimants subject to no work-related requirements – the earnings threshold);
- (b) where regulation 89 applied to one of the joint claimants only, the joint claimants' have had combined monthly earnings that are equal to or exceed the amount of the individual threshold; or
- (c) where regulation 89 did not apply to the single claimant or to either of the joint claimants, that claimant or the joint claimants' have had combined monthly earnings that are equal to or exceed the amount that a person of the same age as the claimant, or the youngest of the joint claimants, would be paid at the hourly rate specified in regulation 4 or regulation 4A(1)(a) to (c) of the National Minimum Wage Regulations for 16 hours per week, converted to a monthly amount by multiplying by 52 and dividing by 12,

for a period of, or more than one period where the total of those periods amounts to, at least 6 months.]

Textual Amendments

F24 Reg. 114(2)(3) substituted (coming into force in accordance with reg. 1(3) of the amending Rule) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/116\)](#), regs. 1(3), **9(14)**

Marginal Citations

M9 Section 69ZH was inserted by Article 109(1) of Order.

[^{F25}Transitional Provision

115.—(1) Until the date determined in accordance with paragraph (6), these regulations have effect subject to the following modifications.

[^{F26}(2) Omit regulation 54 (surplus earnings), as substituted by regulation 6(8) of the Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations (Northern Ireland) 2018 and regulation 58 (unused losses).]

(3) In regulation 57 (self-employed earnings- treatment of losses)—

(a) for paragraph (2) substitute—

“(2) A person’s self-employed earnings in respect of an assessment period are to be calculated by taking the amount of the gross profits (or, in the case of a partnership, the person’s share of those profits) of the trade, profession or vocation and deducting from that amount—

[^{F27}(a) any payment made to HMRC in the assessment period in respect of the trade, profession or vocation by way of national insurance contributions and income tax; and]

(b) any relievable pension contributions made by the person in the assessment period (unless a deduction has been made in respect of those contributions in calculating a person’s employed earnings).

(3) The gross profits of the trade, profession or vocation in respect of an assessment period are the actual receipts in that period less any deductions for expenses allowed under regulation 58 or 59.”;

(b) in paragraph (3), for “paragraph (2)” substitute “paragraph (3)”.

(4) In regulation 59(3) (permitted expenses), after sub-paragraph (a) insert—

“(aa) any loss incurred in respect of a previous assessment period;”.

(5) In regulation 63 (minimum income floor), omit paragraph (5).

(6) The date is [^{F28}8th May 2018] or, in respect of an existing award of Universal Credit where [^{F28}8th May 2018] is not the first day of an assessment period, the first day of the next assessment period.]

Textual Amendments

F25 Reg. 115 inserted (coming into force in accordance with reg. 1(3) of the amending Rule) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/116\)](#), regs. 1(3), **9(15)**

Status: Point in time view as at 07/05/2019.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, PART 8. (See end of Document for details)

- F26** Reg. 115(2) substituted (8.5.2018) by The Universal Credit (Persons Required to Provide Information, Miscellaneous Amendments and Saving and Transitional Provision) Regulations (Northern Ireland) 2018 (S.R. 2018/92), regs. 1(2), **6(17)(a)**
- F27** Words in reg. 115(3)(a) substituted (8.5.2018) by The Universal Credit (Persons Required to Provide Information, Miscellaneous Amendments and Saving and Transitional Provision) Regulations (Northern Ireland) 2018 (S.R. 2018/92), regs. 1(2), **6(17)(b)**
- F28** Words in reg. 115(6) substituted (8.5.2018) by The Universal Credit (Persons Required to Provide Information, Miscellaneous Amendments and Saving and Transitional Provision) Regulations (Northern Ireland) 2018 (S.R. 2018/92), regs. 1(2), **6(17)(c)**

Status:

Point in time view as at 07/05/2019.

Changes to legislation:

There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, PART 8.