

STATUTORY RULES OF NORTHERN IRELAND

2016 No. 216

The Universal Credit Regulations (Northern Ireland) 2016

PART 3

AWARDS

Awards

^{F1}21.

Textual Amendments

F1 Reg. 21 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(4)**

Assessment periods

22.—(1) An assessment period is a period of one month beginning with the first date of entitlement and each subsequent period of one month during which entitlement subsists.

^{F2}(2)

(3) Each assessment period begins on the same day of each month except as follows—

- (a) if the first date of entitlement falls on the 31st day of a month, each assessment period begins on the last day of the month, and
- (b) if the first date of entitlement falls on the 29th or 30th day of a month, each assessment period will begin on the 29th or 30th day of the month (as above) except in February when it begins on the 27th day or, in a leap year, the 28th day.

[^{F3}(3A) But paragraphs (1) and (3) are subject to regulation 22A (assessment period cycle to remain the same following change in the first date of entitlement).]

(4) Where a new award is made to a single person without a claim by virtue of regulation 8(6) (a) or (10) of the Claims and Payments Regulations (old award has ended when the claimant ceased to be a member of a couple) each assessment period for the new award begins on the same day of each month as the assessment period for the old award.

(5) Where a new award is made to members of a couple jointly without claim by virtue of regulation 8(6)(b) or (7) of the Claims and Payments Regulations (two previous awards have ended when the claimants formed a couple) each assessment period for the new award begins on the same day of each month as the assessment period for whichever of the old awards ended earlier.

(6) Where a claim is treated as made by virtue of regulation 8(8) of the Claims and Payments Regulations, (old award ended when a claimant formed a couple with a person not entitled to

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Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, PART 3. (See end of Document for details)

universal credit) each assessment period in relation to the new award begins on the same day of each month as the assessment period for the old award.

(7) Where a claim is made by a single person or members of a couple jointly and the claimant (or either joint claimant) meets the following conditions—

- (a) the claimant was previously entitled to an award of universal credit the last day of which fell within the 6 months preceding the date on which the claim is made, and
- (b) during that 6 months—
 - (i) the claimant has continued to meet the basic conditions in Article 9 of the Order (disregarding the requirement to have accepted a claimant commitment and any temporary period of absence from Northern Ireland that would be disregarded during a period of entitlement to universal credit), and
 - (ii) the claimant was not excluded from entitlement by regulation 19 (restrictions on entitlement - prisoners etc.),

each assessment period for the new award begins on the same day of each month as the assessment period for the old award or, if there was an old award in respect of each joint claimant, the assessment period that ends earlier in relation to the date on which the claim is made.

(8) For the purposes of this regulation it does not matter if at the beginning of the first assessment period of the new award, the following persons do not meet the basic conditions in Article 9(1)(a) and (c) of the Order (at least 18 years old and in Northern Ireland) or if they are excluded from entitlement under regulation 19 (restrictions on entitlement – prisoners etc.) provided they meet those conditions (and are not so excluded) at the end of that assessment period—

- (a) in a case to which paragraph (6) applies, the member of the couple who was not entitled to universal credit, or
- (b) in a case to which paragraph (7) applies, the member of the couple who does not meet the conditions mentioned in that paragraph.

(9) In this regulation “the Claims and Payments Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016 ^{M1}.

Textual Amendments

- F2** Reg. 22(2) 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\(5\)\(a\)](#)
- F3** Reg. 22(3A) 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\(5\)\(b\)](#)

Marginal Citations

- M1** S.R. 2016 No. 220.

^{F4}Assessment period cycle to remain the same following change in the first date of entitlement

22A.—(1) This regulation applies where—

- (a) the first date of entitlement has been determined;
- (b) it is subsequently determined that the first date of entitlement falls on a different date (the “start date”); and

- (c) applying regulations 22(1) and (3) following that subsequent determination (and thereby changing the beginning of each assessment period) would, in the opinion of the Department, cause unnecessary disruption to the administration of the claim.
- (2) Where this regulations applies—
- (a) the first assessment period is to be a period of a length determined by the Department beginning with the start date;
- (b) the amount payable in respect of that first assessment period is to be calculated as follows—
- $$N \times (A \times 12365)$$
- where—
- N is the number of days in the period; and
- A is the amount calculated in relation to that period as if it were an assessment period of one month; and
- (c) regulation 22(1) and (3) apply to the second and subsequent assessment periods as if the day after the end of the first assessment period were the first date of entitlement.]

Textual Amendments

- F4** Reg. 22A 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(6)**

Deduction of income and work allowance

23.—(1) The amounts to be deducted from the maximum amount in accordance with Article 13(3) of the Order (calculation of awards) to determine the amount of an award of universal credit are—

- (a) all of the claimant's unearned income (or in the case of joint claimants all of their combined unearned income) in respect of the assessment period, and
- (b) the following amount of the claimant's earned income (or, in the case of joint claimants, their combined earned income) in respect of the assessment period—
- (i) in a case where no work allowance is specified in the table below (that is where a single claimant does not have, or neither of joint claimants has, responsibility for a child or qualifying young person or limited capability for work), [^{F5}55%] of that earned income, or
- (ii) in any other case, [^{F6}55%] of the amount by which that earned income exceeds the work allowance specified in the table.
- (2) The amount of the work allowance is—
- (a) if the award contains no amount for the housing costs element, the applicable amount of the higher work allowance specified in the table below, and
- (b) if the award does contain an amount for the housing costs element, the applicable amount of the lower work allowance specified in that table.
- (3) In the case of an award where the claimant is a member of a couple, but makes a claim as a single person, the amount to be deducted from the maximum amount in accordance with Article 13(3) of the Order is the same as the amount that would be deducted in accordance with paragraph (1) if the couple were joint claimants.

*Status: Point in time view as at 27/03/2023.**Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, PART 3. (See end of Document for details)***Higher work allowance**

Single claimant—

responsible for one or more children or qualifying young persons and/or has limited capability for work [^{F7}£573]

Joint claimants—

responsible for one or more children or qualifying young persons and/or where one or both have limited capability for work [^{F7}£573]**Lower work allowance**

Single claimant—

responsible for one or more children or qualifying young persons and/or has limited capability for work [^{F8}£344]

Joint claimants—

responsible for one or more children or qualifying young persons and/or where one or both have limited capability for work [^{F8}£344]**Textual Amendments**

- F5** Word in reg. 23(1)(b)(i) substituted (24.11.2021) by [The Universal Credit \(Work Allowance and Taper\) \(Amendment\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/302\)](#), regs. 1(1), **2(1)**
- F6** Word in reg. 23(1)(b)(ii) substituted (24.11.2021) by [The Universal Credit \(Work Allowance and Taper\) \(Amendment\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/302\)](#), regs. 1(1), **2(1)**
- F7** Sum in Reg. 23 Table substituted (27.3.2023) by [The Social Security \(2022 Benefits Up-rating\) Order \(Northern Ireland\) 2023 \(S.R. 2023/27\)](#), arts. 1, **32(1)(a)**, 33
- F8** Sum in Reg. 23 Table substituted (27.3.2023) by [The Social Security \(2022 Benefits Up-rating\) Order \(Northern Ireland\) 2023 \(S.R. 2023/27\)](#), arts. 1, **32(1)(b)**, 33

Apportionment where re-claim is delayed after loss of employment

24.—(1) This regulation applies where—

- (a) a new award is made in a case to which regulation 22(7) (new claim within 6 months of a previous award) applies, and
- (b) the claimant (or either joint claimant) is not in paid work and has ceased being in paid work since the previous award ended, other than in the 7 days ending with the date on which the claim is made.

(2) In calculating the amount of the award for the first assessment period in accordance with Article 13 of the Order—

- (a) the amount of each element that is to be included in the maximum amount, and
- (b) the amount of earned and unearned income that is to be deducted from the maximum amount,

are each to be reduced to an amount produced by the following formula—

$$N \times \left[\frac{A \times 12}{365} \right]$$

Where—

N is the number of days in the period beginning with the date on which the claim is made and ending with the last day of the assessment period, and

A is the amount of the element that would otherwise be payable for that assessment period or, as the case may be, the amount of earned and unearned income that would otherwise be deducted for that assessment period.

(3) The period of 7 days in paragraph (1)(b) may be extended if the Department considers there is good reason for the delay in making the claim.

Status:

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