

STATUTORY RULES OF NORTHERN IRELAND

2016 No. 216

The Universal Credit Regulations (Northern Ireland) 2016

PART 4

ELEMENTS OF AN AWARD

Responsibility for children or young persons

The child element

25.—(1) The amount to be included in an award of universal credit for each child or qualifying young person for whom a claimant is responsible [^{F1}and in respect of whom an amount may be included under Article 15] (“the child element”) is given in the table in regulation 38 (amounts of elements).

(2) An additional amount as shown in that table is to be included in respect of each child or qualifying young person who is disabled and that amount is—

(a) the lower rate where the child or qualifying young person is entitled to disability living allowance [^{F2}, child disability payment][^{F3}, adult disability payment] or personal independence payment (unless sub-paragraph (b) applies), or

(b) the higher rate where the child or qualifying young person is—

(i) entitled to the care component of disability living allowance at the highest rate [^{F4}, the care component of child disability payment at the highest rate in accordance with regulation 11(5) of the DACYP Regulations][^{F5}, the daily living component of adult disability payment at the enhanced rate in accordance with regulation 5(3) of the Disability Assistance for Working Age People (Scotland) Regulations 2022] or the daily living component of personal independence payment at the enhanced rate, or

(ii) blind.

Textual Amendments

F1 Words in reg. 25(1) inserted (11.3.2017) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999 (N.I. 1)), arts. 2(1), **10(5)(a)**; S.R. 2017/46, art. 2(b)

F2 Words in reg. 25(2)(a) inserted (26.7.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance for Children and Young People) (Consequential Modifications) Order 2021 (S.I. 2021/786), art. 1(2), **Sch. 12 para. 4(a)**

F3 Words in reg. 25(2)(a) inserted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **28(4)(a)**

F4 Words in reg. 25(2)(b)(i) inserted (26.7.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance for Children and Young People) (Consequential Modifications) Order 2021 (S.I. 2021/786), art. 1(2), **Sch. 12 para. 4(b)**

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F5 Words in reg. 25(2)(b)(i) inserted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **28(4)(b)**

[^{F6}Availability of the child element where maximum exceeded

25A.—(1) Where a claimant is responsible for more than two children or qualifying young persons, the amount mentioned in Article 15(1) of the Order is to be available in respect of—

[any child or qualifying young person to whom an exception applies in the circumstances ^{F7}(za) set out in—

- (i) paragraph 3 (adoptions) or paragraph 4 (non-parental caring arrangements) of Schedule 12; or
- (ii) paragraph 6 of Schedule 12 (continuation of existing exception in a subsequent award) by virtue of an exception under paragraph 3 of that Schedule having applied in relation to a previous award;]

- (a) the first and second children or qualifying young persons in the claimant's household; and
- (b) the third and any subsequent child or qualifying young person in the claimant's household if—

- (i) the child or qualifying young person is transitionally protected; or
- (ii) an exception applies in relation to that child or qualifying young person [^{F8}in the circumstances set out in paragraph 2 (multiple births), paragraph 5 (non-consensual conception) or, except where sub-paragraph (za) applies, paragraph 6 (continuation of existing exception in a subsequent award) of Schedule 12].

(2) A reference in paragraph (1) to a child or qualifying young person being the first, second, third or subsequent child or qualifying young person in the claimant's household is a reference to the position of that child or qualifying young person in the order determined in accordance with regulation 25B.

(3) A child or qualifying young person is “transitionally protected” [^{F9}“if the child or qualifying young person was born before 6th April 2017].

^{F10}(4)

Textual Amendments

- F6** Regs. 25A, 25B inserted (coming into force in accordance with reg. 1(3) of the amending Rule) by The Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/79), regs. 1(3), **2(3)**
- F7** Reg. 25A(1)(za) inserted (28.11.2018) by The Universal Credit and Jobseekers Allowance (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 (S.R. 2018/187), regs. 1(2), **3(3)(a)(i)**
- F8** Words in reg. 25A(1)(b)(ii) inserted (28.11.2018) by The Universal Credit and Jobseekers Allowance (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 (S.R. 2018/187), regs. 1(2), **3(3)(a)(ii)**
- F9** Words in reg. 25A(3) substituted (1.2.2019) by The Universal Credit (Restriction on Amounts for Children and Qualifying Young Persons) (Transitional Provisions) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/3), regs. 1(2), **2**
- F10** Reg. 25A(4) omitted (28.11.2018) by virtue of The Universal Credit and Jobseekers Allowance (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 (S.R. 2018/187), regs. 1(2), **3(3)(b)**

Order of children and qualifying young persons

25B.—(1) Subject to [^{F11}paragraphs (2) and (2A)], the order of children or qualifying young persons in a claimant's household is to be determined by reference to [^{F12}the date of birth of each child or qualifying young person for whom the claimant is responsible, taking the earliest date first.]

(2) In a case where—

(a) the date in relation to two or more children or qualifying young persons for whom the claimant is responsible (as determined under paragraph (1)) is the same date, ^{F13}...

^{F13}(b)

the order of those children or qualifying young persons (as between themselves only) in the claimant's household is the order determined by the Department that ensures that the amount mentioned in Article 15(1) of the Order is available in respect of the greatest number of children or qualifying young persons.

[^{F14}(2A) Any child or qualifying young person to whom regulation 25A(1)(za) applies is to be disregarded when determining the order of children and qualifying young persons under this regulation.]

(3) In this regulation and Schedule 12, “claimant” means a single claimant or either of joint claimants.]

Textual Amendments

- F6** Regs. 25A, 25B inserted (coming into force in accordance with reg. 1(3) of the amending Rule) by [The Social Security \(Restrictions on Amounts for Children and Qualifying Young Persons\) \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/79\)](#), regs. 1(3), **2(3)**
- F11** Words in reg. 25B(1) substituted (28.11.2018) by [The Universal Credit and Jobseekers Allowance \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/187\)](#), regs. 1(2), **3(4)(a)(i)**
- F12** Words in reg. 25B(1) substituted (28.11.2018) by [The Universal Credit and Jobseekers Allowance \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/187\)](#), regs. 1(2), **3(4)(a)(ii)**
- F13** Reg. 25B(2)(b) and preceding word omitted (28.11.2018) by virtue of [The Universal Credit and Jobseekers Allowance \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/187\)](#), regs. 1(2), **3(4)(b)**
- F14** Reg. 25B(2A) inserted (28.11.2018) by [The Universal Credit and Jobseekers Allowance \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/187\)](#), regs. 1(2), **3(4)(c)**

Housing costs

The housing costs element

26.—(1) Paragraphs (2) to (4) specify for the purposes of Article 16 of the Order (housing costs)

- (a) what is meant by payments in respect of accommodation (see paragraph (2)),
- (b) the circumstances in which a claimant is to be treated as liable or not liable to make such payments (see paragraph (3)),

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- (c) the circumstances in which a claimant is to be treated as occupying or not occupying accommodation and in which land used for the purposes of any accommodation is to be treated as included in the accommodation (see paragraph (4)).
- (2) The payments in respect of accommodation must be—
 - (a) payments within the meaning of paragraph 2 of Schedule 1 (“rent payments”);
 - ^{F15}(b)
 - (c) payments within the meaning of paragraph 8 of that Schedule (“service charge payments”).
- (3) The circumstances of the liability to make the payments must be such that—
 - (a) the claimant (or either joint claimant)—
 - (i) has a liability to make the payments which is on a commercial basis, or
 - (ii) is treated under Part 1 of Schedule 2 as having a liability to make the payments, and
 - (b) none of the provisions in Part 2 of that Schedule applies to treat the claimant (or either joint claimant) as not being liable to make the payments.
- (4) The circumstances in which the accommodation is occupied must be such that—
 - (a) the claimant is treated under Part 1 of Schedule 3 as occupying the accommodation as their home (including any land used for the purposes of the accommodation which is treated under that Part as included in the accommodation), and
 - (b) none of the provisions in Part 2 of that Schedule applies to treat the claimant as not occupying that accommodation.
- (5) References in these Regulations—
 - (a) to the housing costs element are to the amount to be included in a claimant's award under Article 16 of the Order,
 - (b) to a claimant who meets the payment condition, the liability condition or the occupation condition are, respectively, to any claimant in whose case the requirements of paragraph (2), (3) or (4) are met (and any reference to a claimant who meets all of the conditions specified in this regulation is to be read accordingly).

Textual Amendments

F15 Reg. 26(2)(b) omitted (6.4.2018) by virtue of [The Loans for Mortgage Interest Regulations \(Northern Ireland\) 2017 \(S.R. 2017/176\)](#), reg. 1(2)(a), **Sch. 5 para. 5(a)** (with regs. 18(2), 19, 19A, 20)

Amount of the housing costs element – renters and owner-occupiers

27.—(1) This regulation provides for the amount to be included in an award in respect of an assessment period in which the claimant meets all the conditions specified in regulation 26.

- (2) Schedule 4 has effect in relation to any claimant where—
 - (a) the claimant meets all of those conditions, and
 - (b) the payments for which the claimant is liable are rent payments (whether or not service charge payments are also payable).
- (3) Schedule 5 has effect in relation to any claimant where—
 - (a) the claimant meets all of those conditions, and
 - (b) the payments for which the claimant is liable are—
 - ^{F16}(i)

(ii) service charge payments ^{F17}

(4) Where both paragraphs (2) and (3) apply in relation to a claimant who occupies accommodation under an equity-sharing lease—

- (a) an amount is to be calculated under each of Schedules 4 and 5, and
- (b) the amount of the claimant's housing costs element is the aggregate of those amounts.

(5) Where, in a case to which paragraph (4) applies, there is a liability for service charge payments, the amount in respect of those payments is to be calculated under Schedule 4.

(6) “Equity-sharing lease” means a lease of land, the general effect of which is to provide—

- (a) that, in consideration for the granting of the lease, the lessee shall pay a capital sum, representing a part payment in respect of the cost of acquisition of the premises demised, and a rent, and
- (b) that the lessee may make additional part payments towards the said cost of acquisition and may exercise an option to purchase the whole or part of the lessor's reversion in the premises demised.

Textual Amendments

F16 Reg. 27(3)(b)(i) omitted (6.4.2018) by virtue of [The Loans for Mortgage Interest Regulations \(Northern Ireland\) 2017 \(S.R. 2017/176\)](#), reg. 1(2)(a), **Sch. 5 para. 5(b)** (with regs. 18(2), 19, 19A, 20)

F17 Word in reg. 27(3)(b)(ii) omitted (6.4.2018) by virtue of [The Loans for Mortgage Interest Regulations \(Northern Ireland\) 2017 \(S.R. 2017/176\)](#), reg. 1(2)(a), **Sch. 5 para. 5(c)** (with regs. 18(2), 19, 19A, 20)

Particular needs or circumstances – capability for work

Award to include ^{F18}LCWRA element]

28.—^{F19}(1) An award of universal credit is to include an amount in respect of the fact that a claimant has limited capability for work and work-related activity (“the LCWRA element”).]

(2) The ^{F20}[amount of that element is] given in the table in regulation 38.

(3) Whether a claimant has limited capability for ^{F21}... work and work-related activity is determined in accordance with Part 5.

^{F22}(4) In the case of joint claimants, where each of them has limited capability for work and work-related activity, the award is only to include one LCWRA element.]

Textual Amendments

F18 Words in [reg. 28 heading](#) substituted (coming into force in accordance with reg. 1(2) of the amending Rule) by [The Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/146\)](#), regs. 1(2), **2(3)(a)**

F19 Reg. 28(1) substituted (coming into force in accordance with reg. 1(2) of the amending Rule) by [The Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/146\)](#), regs. 1(2), **2(3)(b)**

F20 Words in reg. 28(2) substituted (coming into force in accordance with reg. 1(2) of the amending Rule) by [The Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/146\)](#), regs. 1(2), **2(3)(c)**

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- F21** Words in reg. 28(3) omitted (coming into force in accordance with reg. 1(2) of the amending Rule) by virtue of *The Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations (Northern Ireland) 2017 (S.R. 2017/146)*, regs. 1(2), **2(3)(d)**
- F22** Reg. 28(4) substituted (coming into force in accordance with reg. 1(2) of the amending Rule) by *The Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations (Northern Ireland) 2017 (S.R. 2017/146)*, regs. 1(2), **2(3)(e)**

Modifications etc. (not altering text)

- C1** Reg. 28(3) 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, **25(4)(a)**
- C2** Reg. 28(3) 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, **22(2)(a)**
- C3** Reg. 28(3) 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, **25(2)(a)**
- C4** Reg. 28(3) 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, **24(2)**
- C5** Reg. 28(3) 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, **27(3)(a)**
- C6** Reg. 28(3) 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, **22(4)(a)**
- C7** Reg. 28(3) 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, **27(2)(a)**
- C8** Reg. 28(3) 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, **19(4)(a)**
- C9** Reg. 28(3) 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, **19(2)(a)**

Period for which the ^{F23}... LCWRA element is not to be included

29.—(1) An award of universal credit is not to include the ^{F24}... LCWRA element until the beginning of the assessment period that follows the assessment period in which the relevant period ends.

(2) The relevant period is the period of 3 months beginning with—

- (a) if regulation 42(2) applies (claimant with monthly earnings equal to or above the relevant threshold) the date on which the award of universal credit commences or, if later, the date on which the claimant applies for the ^{F25}... LCWRA element to be included in the award, or
- (b) in any other case, the first day on which the claimant provides evidence of their having limited capability for work in accordance with the Medical Evidence Regulations.

(3) Where, in the circumstances referred to in paragraph (4), there has been a previous award of universal credit—

- (a) if the previous award included the ^{F26}... LCWRA element, paragraph (1) does not apply, and
 - (b) if the relevant period in relation to that award has begun but not ended, the relevant period ends on the date it would have ended in relation to the previous award.
- (4) The circumstances are where—
- (a) immediately before the award commences, the previous award has ceased because the claimant ceased to be a member of a couple or became a member of a couple, or
 - (b) within the six months before the award commences, the previous award has ceased because the financial condition in Article 10(1)(b) (or if it was a joint claim, Article 10(2)(b)) of the Order was not met.
- (5) Paragraph (1) also does not apply if—
- (a) the claimant is terminally ill, or
 - (b) the claimant—
 - (i) is entitled to an employment and support allowance that includes the support component ^{F27} ..., or
 - (ii) was so entitled on the day before the award of universal credit commenced and has ceased to be so entitled by virtue of section 1A of the Welfare Reform Act (Northern Ireland) 2007 ^{M1} (duration of contributory allowance).

^{F28}(6) Paragraph (1) does not apply where a claimant has limited capability for work and it is subsequently determined that they have limited capability for work and work-related activity.]

(7) Where, by virtue of this regulation, the condition in Article 10(1)(b) or 10(2)(b) of the Order is not met, the amount of the claimant's income (or, in the case of joint claimants, their combined income) is to be treated during the relevant period as such that the amount payable is the prescribed minimum (see regulation 17).

Textual Amendments

- F23** Words in [reg. 29 heading](#) omitted (coming into force in accordance with reg. 1(2) of the amending Rule) by virtue of [The Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/146\)](#), regs. 1(2), **2(4)(a)**
- F24** Words in [reg. 29\(1\)](#) omitted (coming into force in accordance with reg. 1(2) of the amending Rule) by virtue of [The Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/146\)](#), regs. 1(2), **2(4)(a)**
- F25** Words in [reg. 29\(2\)\(a\)](#) omitted (coming into force in accordance with reg. 1(2) of the amending Rule) by virtue of [The Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/146\)](#), regs. 1(2), **2(4)(a)**
- F26** Words in [reg. 29\(3\)\(a\)](#) omitted (coming into force in accordance with reg. 1(2) of the amending Rule) by virtue of [The Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/146\)](#), regs. 1(2), **2(4)(a)**
- F27** Words in [reg. 29\(5\)\(b\)\(i\)](#) omitted (coming into force in accordance with reg. 1(2) of the amending Rule) by virtue of [The Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/146\)](#), regs. 1(2), **2(4)(b)**
- F28** [Reg. 29\(6\)](#) re-inserted (29.6.2023) by [The Social Security, Universal Credit and State Pension \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/93\)](#), regs. 1, 2

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Modifications etc. (not altering text)

- C10** Reg. 29 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, **23(2)(b)(ii)**
- C11** Reg. 29 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, **23(2)(a)(ii)**
- C12** Reg. 29 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, **22(3)(a)**
- C13** Reg. 29 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, **27(4)(a)(ii)**
- C14** Reg. 29 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, **22(5)(a)**
- C15** Reg. 29 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, **28(2)(b)(ii)**
- C16** Reg. 29 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, **27(4)(b)(ii)**
- C17** Reg. 29 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, **28(2)(a)(ii)**
- C18** Reg. 29 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, **19(5)(a)**
- C19** Reg. 29 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, **19(3)(a)**
- C20** Reg. 29 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, **22(7)(a)**
- C21** Reg. 29 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, **20(3)(a)**
- C22** Reg. 29(1) 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, **27(3)(c)**
- C23** Reg. 29(1) 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, **25(4)(c)**
- C24** Reg. 29(1) 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, **24(4)(b)**
- C25** Reg. 29(1) 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, **25(2)(c)**
- C26** Reg. 29(1) 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, **24(3)(b)**
- C27** Reg. 29(1) 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, **27(2)(c)**
- C28** Reg. 29(2) 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, **22(6)(a)**

C29 Reg. 29(2) 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, **21(2)(a)**

C30 Reg. 29(2) 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, **20(2)(a)**

Marginal Citations

M1 Section 1A was inserted by Article 57 of the Order.

Particular needs or circumstances - carers

Award to include the carer element

30.—(1) An award of universal credit is to include an amount (“the carer element”) specified in the table in regulation 38 where a claimant has regular and substantial caring responsibilities for a severely disabled person, subject to paragraphs (2) to (4) and [^{F29}section 70] of the Contributions and Benefits Act (entitlement by different persons to the carer element and to carer’s allowance [^{F30}or carer support payment] in respect of the same severely disabled person).

(2) In the case of joint claimants, an award is to include the carer element for both joint claimants if they both qualify for it, but only if they are not caring for the same severely disabled person.

(3) Where two or more persons have regular and substantial caring responsibilities for the same severely disabled person, an award of universal credit may only include the carer element in respect of one of them and that is the one they jointly elect or, in default of election, the one the Department determines.

[^{F31}(4) Where an amount would, apart from this paragraph, be included in an award in relation to a claimant by virtue of paragraphs (1) to (3), and the claimant has limited capability for work and work-related activity (and, in the case of joint claimants, the LCWRA element has not been included in respect of the other claimant), only the LCWRA element may be included in respect of the claimant.]

Textual Amendments

F29 Words in [reg. 30\(1\)](#) substituted (19.11.2023) by [The Carer’s Assistance \(Carer Support Payment\) \(Scotland\) Regulations 2023 \(Consequential Amendments\) Order 2023 \(S.I. 2023/1218\)](#), arts. 1(2), **51(3)(a)**

F30 Words in [reg. 30\(1\)](#) inserted (19.11.2023) by [The Carer’s Assistance \(Carer Support Payment\) \(Scotland\) Regulations 2023 \(Consequential Amendments\) Order 2023 \(S.I. 2023/1218\)](#), arts. 1(2), **51(3)(b)**

F31 [Reg. 30\(4\)](#) substituted (coming into force in accordance with reg. 1(2) of the amending Rule) by [The Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/146\)](#), regs. 1(2), **2(5)**

Meaning of “regular and substantial caring responsibilities for a severely disabled person”

31.—[^{F32}(1) For the purposes of Part 2 of the Order and these Regulations, a person has regular and substantial caring responsibilities if—

- (a) they satisfy the conditions for entitlement to a carer’s allowance or would do so but for the fact that—

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- (i) their earnings have exceeded the limit prescribed for the purposes of that allowance; or
- (ii) they are—
 - (aa) resident, or treated as resident, in Scotland; or
 - (bb) resident outside of Northern Ireland and have a genuine and sufficient link to Scotland; or
- (b) they are entitled to carer support payment.]

(2) [^{F33}paragraph (1)(a)] applies whether or not the person has made a claim for a carer's allowance.

(3) A person does not have regular and substantial caring responsibilities for a severely disabled person if the person derives earned income from those caring responsibilities.

[^{F34}(4) For the purposes of paragraph (1), “sufficient” has the meaning given in paragraph 3 of Schedule 1 to the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023.]

Textual Amendments

- F32** Reg. 31(1) substituted (19.11.2023) by The Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Amendments) Order 2023 (S.I. 2023/1218), arts. 1(2), **51(4)(a)**
- F33** Words in reg. 31(2) substituted (19.11.2023) by The Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Amendments) Order 2023 (S.I. 2023/1218), arts. 1(2), **51(4)(b)**
- F34** Reg. 31(4) inserted (19.11.2023) by The Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Amendments) Order 2023 (S.I. 2023/1218), arts. 1(2), **51(4)(e)**

Particular needs or circumstances – childcare costs

Award to include childcare costs element

32. An award of universal credit is to include an amount in respect of childcare costs (“the childcare costs element”) in respect of an assessment period in which the claimant meets both—

- (a) the work condition (see regulation 33), and
- (b) the childcare costs condition (see regulation 34).

The work condition

33.—(1) The work condition is met in respect of an assessment period if—

- (a) the claimant is in paid work or has an offer of paid work that is due to start before the end of the next assessment period, and
- (b) if the claimant is a member of a couple (whether claiming jointly or as a single person), the other member is either in paid work or is unable to provide childcare because that person—
 - (i) has limited capability for work,
 - (ii) has regular and substantial caring responsibilities for a severely disabled person, or
 - (iii) is temporarily absent from the claimant's household.

(2) For the purposes of meeting the work condition in relation to an assessment period a claimant is to be treated as being in paid work if—

- (a) the claimant has ceased paid work—

- (i) in that assessment period,
 - (ii) in the previous assessment period, or
 - (iii) if the assessment period in question is the first or second assessment period in relation to an award, in that assessment period or in the month immediately preceding the commencement of the award, or
- (b) the claimant is receiving statutory sick pay, statutory maternity pay, statutory paternity pay, statutory adoption pay [^{F35}, statutory parental bereavement pay] , statutory parental bereavement pay or a maternity allowance.

Textual Amendments

F35 Words in reg. 33(2)(b) inserted (29.9.2023) by The Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) (No. 2) Regulations (Northern Ireland) 2023 (S.R. 2023/157), regs. 1(1), 24(3), 34

The childcare costs condition

- 34.**—(1) The childcare costs condition is met in respect of an assessment period if—
- (a) the claimant has paid charges for relevant childcare that are attributable to that assessment period (see regulation 36) and those charges have been reported to the Department [^{F36}before the end of the assessment period that follows the assessment period in which they are paid],
 - (b) the charges are in respect of—
 - (i) a child, or
 - (ii) a qualifying young person who has not reached the 1st September following their 16th birthday,for whom the claimant is responsible, and
 - (c) the charges are for childcare arrangements—
 - (i) that are to enable the claimant to take up paid work or to continue in paid work, or
 - (ii) where the claimant is treated as being in paid work by virtue of regulation 33(2), that are to enable the claimant to maintain childcare arrangements that were in place when the claimant ceased paid work or began to receive those benefits.

(2) The late reporting of charges for relevant childcare may be accepted in the same circumstances as late notification of a change of circumstances may be accepted under regulation 36 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2016 ^{M2} and in such cases, subject to regulation 36 below, all or part of any such charges may be taken into account in any assessment period to which they relate.

[^{F37}(3) For the purposes of paragraph (2), “the relevant notification period” in regulation 36 of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016 (effective dates for superseding decisions where changes notified late) means a period of time ending on the last day of the assessment period that follows the assessment period in which the charges for relevant childcare were paid.]

Status: Point in time view as at 19/11/2023.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, PART 4. (See end of Document for details)

Textual Amendments

- F36** Words in [reg. 34\(1\)\(a\)](#) substituted (16.10.2019) by [The Universal Credit \(Childcare Costs and Minimum Income Floor\) \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/173\)](#), regs. 1(3), **2(a)**
- F37** [Reg. 34\(3\)](#) inserted (16.10.2019) by [The Universal Credit \(Childcare Costs and Minimum Income Floor\) \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/173\)](#), regs. 1(3), **2(b)**

Marginal Citations

- M2** [S.R.2016 No. 221](#).

Amount of childcare costs element

- 35.—**(1) The amount of the childcare costs element for an assessment period is the lesser of—
- (a) 85 percent of the charges paid for relevant childcare that are attributable to that assessment period, or
 - (b) the maximum amount specified in the table in regulation 38.
- (2) In determining the amount of charges paid for relevant childcare, there is to be left out of the account any amount—
- (a) that the Department considers excessive having regard to the extent to which the claimant (or, if the claimant is a member of a couple, the other member) is engaged in paid work, or
 - (b) that is met or reimbursed by an employer or some other person or is covered by other relevant support.
- (3) “Other relevant support” means payments out of funds provided by the Department in connection with the claimant's participation in work-related activity or training.

[^{F38}(3A) in determining the amount of charges paid for relevant childcare pursuant to regulation 35(2) of the Universal Credit Regulations (Northern Ireland) 2016, the Department must not leave out of the account a payment for childcare costs from the Adviser Discretion Fund.]

Textual Amendments

- F38** [Reg. 35\(3A\)](#) inserted (4.10.2021) by [The Universal Credit \(Childcare Costs\) \(Amendment\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/249\)](#), regs. 1(1), **2(2)**

Modifications etc. (not altering text)

- C31** Percentage in [reg. 35\(1\)\(a\)](#) confirmed (24.3.2018) by [The Social Security \(2017 Benefits Up-rating\) Order \(Northern Ireland\) 2018 \(S.R. 2018/56\)](#), arts. 1, **27(1)**

Charges attributable to an assessment period

- 36.—**(1) Charges paid for relevant childcare are attributable to an assessment period where those charges —
- (a) are paid in that assessment period for relevant childcare in respect of that assessment period, or
 - (b) are paid in that assessment period for relevant childcare in respect of a previous assessment period, or
 - (c) were paid in either of the two previous assessment periods for relevant childcare in respect of that assessment period.

(2) For the purposes of paragraph (1)(c), where a claimant pays charges for relevant childcare in advance, the amount which they have paid in respect of any assessment period is to be calculated as follows:

Step 1

Take the total amount of the advance payment (leaving out of account any amount referred to in regulation 35(2)).

Step 2

Apply the formula—

$$\left[\frac{PA}{D} \right] \times AP$$

Where—

PA is the amount resulting from Step 1,

D is the total number of days covered by the payment referred to in Step 1, and

AP is the number of days covered by the payment which also fall within the assessment period in question.

(3) In this regulation, reference to an assessment period in which charges are paid, or in respect of which charges are paid, includes any month preceding the commencement of the award that begins on the same day as each assessment period in relation to a claimant's current award.

Modifications etc. (not altering text)

C32 Sum in reg. 36(2) specified (24.3.2018) by [The Social Security \(2017 Benefits Up-rating\) Order \(Northern Ireland\) 2018 \(S.R. 2018/56\)](#), arts. 1, 27(4), **Sch. 17**

Meaning of “relevant childcare”

37.—(1) “Relevant childcare” means any of the care described in paragraphs (2) and (3) and other than care excluded by paragraph (4) or (5).

(2) Care provided in Northern Ireland for a child—

- (a) by a person registered under Part XI of the Children (Northern Ireland) Order 1995,
- (b) out of school hours by a school as part of the school activities, or
- (c) by a childcare provider approved in accordance with a scheme under the Tax Credits (Approval of Home Child Care Providers) Scheme (Northern Ireland) 2006^{M3}.

[^{F39}(d) by a home based childcare provider approved by a Health and Social Care Trust in Northern Ireland in line with Department of Health for Northern Ireland Approved Home Childcare guidance.]

[^{F40}(3) Care provided for a child outside Northern Ireland—

- (a) by a childcare provider approved by an organisation accredited by the Secretary of State; or
- (b) in any other case, by a childcare provider approved or accredited under the legislation of the relevant state, where evidence of such approval or accreditation is provided to the Department by the claimant.]

(4) The following are not relevant childcare—

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Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, PART 4. (See end of Document for details)

- (a) care provided for a child by a close relative of the child, wholly or mainly in the child's home, and
- (b) care provided by a person who is a foster parent of the child.
- (5) Care is not within paragraph (2)(a) if it is provided in breach of a requirement to register under Part 2 of the Children (Northern Ireland) Order 1995.
- (6) In this regulation—
- “child” includes a qualifying young person specified in regulation 34(1)(b)(ii) (the childcare costs condition);
- “school” means a school as defined by Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 ^{M4}.

Textual Amendments

F39 Reg. 37(2)(d) added (13.7.2020) by The Universal Credit (Miscellaneous Amendments) Regulations (Northern Ireland) 2020 (S.R. 2020/107), regs. 1(2), **2(1)(a)**

F40 Reg. 37(3) substituted (13.7.2020) by The Universal Credit (Miscellaneous Amendments) Regulations (Northern Ireland) 2020 (S.R. 2020/107), regs. 1(2), **2(1)(b)**

Marginal Citations

M3 S.R. 2006 No. 64

M4 S.I. 1986/594 (N.I. 3).

General

Amounts of elements

38.—(1) The amounts of the standard allowance, the child element, the [^{F41}LCWRA element] and the carer element (which are all fixed amounts) and the maximum amounts of the childcare costs element are given in the following table.

(2) The amount of the housing costs element is dealt with in regulation 27.

(3) In the case of an award where the claimant is a member of a couple, but claims as a single person, the amounts are those shown in the table for a single claimant.

^{F42} Element	Amount for each assessment period
Standard allowance —	
single claimant aged under 25	£265.31
single claimant aged 25 or over	£334.91
joint claimants both aged under 25	£416.45
joint claimants where either is aged 25 or over	£525.72
Child element—	
first child or qualifying young person	£290.00
second and each subsequent child or qualifying young person	£244.58
Additional amount for disabled child or qualifying young person—	

^{F42} Element	Amount for each assessment period
lower rate	£132.89
higher rate	£414.88
LCW and LCWRA elements —	
limited capability for work	£132.89
limited capability for work and work-related activity	£354.28
Carer element.	£168.81
Childcare costs element—	
maximum amount for one child	[^{F43} £950.92]
maximum amount for 2 or more children	[^{F44} £1,630.15]]

Textual Amendments

- F41** Words in reg. 38(1) substituted (coming into force in accordance with reg. 1(2) of the amending Rule) by [The Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/146\)](#), regs. 1(2), **2(6)(a)**
- F42** Sums in reg. 38 table substituted (27.3.2023) by [The Social Security \(2022 Benefits Up-rating\) Order \(Northern Ireland\) 2023 \(S.R. 2023/27\)](#), arts. 1, 32(2), **Sch. 13**
- F43** Sum in reg. 38 table substituted (28.6.2023) by [The Universal Credit \(Childcare\) \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/90\)](#), regs. 1, **2(2)(a)**
- F44** Sum in reg. 38 table substituted (28.6.2023) by [The Universal Credit \(Childcare\) \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/90\)](#), regs. 1, **2(2)(b)**

Modifications etc. (not altering text)

- C33** Sums in reg. 38 Table amended (coming into force in accordance with art. 1(1)(o) of the amending Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2020 \(S.R. 2020/40\)](#), arts. 1(1)(o), 33(2), **Sch. 13**
- C34** Reg. 38 modified (temp.) (6.4.2021) by [The Universal Credit \(Extension of Coronavirus Measures\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/67\)](#), regs. 1, **2(1)**
- C35** Sums in reg. 38 Table amended (coming into operation in accordance with art. 1(1)(p) of the amending Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2021 \(S.R. 2021/82\)](#), arts. 1(1)(p), **33(2)**, **Sch. 13**
- C36** Reg. 38: sum amended (coming into force in accordance with art. 1(1)(p) of the amending Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2023 \(S.R. 2023/43\)](#), **art. 33(2)**
- C37** Reg. 38: sum modified (26.9.2023) by [The Social Security Benefits Up-rating \(No. 3\) Order \(Northern Ireland\) 2023 \(S.R. 2023/150\)](#), arts. 1, 32(2), **Sch. 13**

Run-on after a death

39. In calculating the maximum amount of an award where any of the following persons has died—

- in the case of a joint award, one member of the couple,
- a child or qualifying young person for whom a claimant was responsible,
- in the case of a claimant who had regular and substantial caring responsibilities for a severely disabled person, that person, or

Status: Point in time view as at 19/11/2023.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, PART 4. (See end of Document for details)

(d) a person who was a non dependant within the meaning of paragraph 8(2) of Schedule 4, the award is to continue to be calculated as if the person had not died for the assessment period in which the death occurs and the following two assessment periods.

Status:

Point in time view as at 19/11/2023.

Changes to legislation:

There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, PART 4.