
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 216

The Universal Credit Regulations (Northern Ireland) 2016

PART 8

CLAIMANT RESPONSIBILITIES

CHAPTER 1

WORK-RELATED REQUIREMENTS

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,
- (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)—

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Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, Cross Heading: Work-related groups. (See end of Document for details)

- (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.

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 [F1regulation 4A(1)(d)] of the National Minimum Wage Regulations, converted to a monthly amount by multiplying by 52 and dividing by 12.

(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

F1 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.—^{F2}(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

F2 [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\(b\)](#)

Status:

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