
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 216

The Universal Credit Regulations (Northern Ireland) 2016

PART 8

CLAIMANT RESPONSIBILITIES

CHAPTER 1

WORK-RELATED REQUIREMENTS

The work-related requirements

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—

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- (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 ^{M1}, 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) [^{F1}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 ^{F2}... 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.
- [^{F3}(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 ^{F4}...—
- (a) [^{F5}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) [^{F6}the claimant] has temporary child care responsibilities or is dealing with a domestic emergency, funeral arrangements or other temporary circumstances, ^{F7}...
 - (c) [^{F8}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), [^{F9}or]
- [^{F10}(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 [^{F11}(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 [^{F12}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—

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- (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^{M2}), 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^{M3}.

Textual Amendments

- F1** 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)**
- F2** Words in reg. 97(7)(b)(ii) omitted (1.7.2022) by virtue of The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations (Northern Ireland) 2022 (S.R. 2022/182), regs. 1(1), **4(3)(b)**
- F3** 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)**
- F4** 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)**
- F5** 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)**
- F6** 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)**
- F7** 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)**
- F8** 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)**
- F9** 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)**
- F10** 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)**
- F11** 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)**
- F12** 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)**

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Marginal Citations

M1 2005 c. 15.

M2 S.R.1996 No. 198.

M3 1992 c. 53.

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