
STATUTORY INSTRUMENTS

2013 No. 376

The Universal Credit Regulations 2013

PART 1

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Universal Credit Regulations 2013 and come into force on 29th April 2013.

Interpretation

2. In these Regulations—

“the Act” means the Welfare Reform Act 2012;

^{F1} ...

[^{F2}“adopter” has the meaning in regulation 89(3)(a);]

“attendance allowance” means—

- (a) an attendance allowance under section 64 of the Contributions and Benefits Act;
- (b) an increase of disablement pension under section 104 or 105 of that Act (increases where constant attendance needed and for exceptionally severe disablement);
- (c) ^{F3}
- (d) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 ^{M1} or any analogous payment;
- (e) any payment based on the need for attendance which is paid as an addition to a war disablement pension;
- (f) [^{F4}armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;]

^{F5} ...

[^{F6}“blind” means certified as severely sight impaired or blind by a consultant ophthalmologist;]

“care leaver” has the meaning in regulation 8;

“carer's allowance” means a carer's allowance under section 70 of the Contributions and Benefits Act ^{M2};

“carer element” has the meaning in regulation 29;

“childcare costs element” has the meaning in regulation 31;

“child element” has the meaning in regulation 24;

“close relative”, in relation to a person, means—

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(a) a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother or sister; and

(b) if any of the above is a member of a couple, the other member of the couple;

“confinement” has the meaning in regulation 8;

“Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992 ^{M3};

“course of advanced education” has the meaning in regulation 12;

“disability living allowance” means an allowance under section 71 of the Contributions and Benefits Act;

“earned income” has the meaning in Chapter 2 of Part 6;

“EEA Regulations” means the [^{F7}Immigration (European Economic Area) Regulations 2016 [^{F8}and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.]];]

“employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act 2007 ^{M4} as amended by Schedule 3 and Part 1 of Schedule 14 to the Welfare Reform Act 2012 (removing references to an income-related allowance);

[^{F9}“enactment” includes an enactment comprised in, or an instrument made under, an Act of the Scottish Parliament or the National Assembly of Wales;]

“ESA Regulations” means the Employment and Support Allowance Regulations 2013 ^{M5};

“expected number of hours per week” has the meaning in regulation 88;

“foster parent” means—

(a) in relation to England, a person with whom a child is placed under the Fostering Services Regulations 2011 ^{M6};

(b) in relation to Wales, a person with whom a child is placed under the Fostering Services (Wales) Regulations 2003 ^{M7};

(c) in relation to Scotland, a foster carer or kinship carer with whom a child is placed under the Looked After Children (Scotland) Regulations 2009 ^{M8};

“grant” has the meaning in regulation 68;

“health care professional” means (except in regulation 98)—

(a) a registered medical practitioner;

(b) a registered nurse; or

(c) an occupational therapist or physiotherapist registered with a regulatory body established by Order in Council under section 60 of the Health Act 1999 ^{M9};

“housing costs element” has the meaning in regulation 25;

“individual threshold” has the meaning in regulation 90(2);

“industrial injuries benefit” means a benefit under Part 5 of the Contributions and Benefits Act;

“ITEPA” means the Income Tax (Earnings and Pensions) Act 2003 ^{M10};

“jobseeker's allowance” means an allowance under the Jobseekers Act 1995 ^{M11} as amended by Part 1 of Schedule 14 to the Act (removing references to an income-based allowance);

“local authority” means—

- (a) in relation to England, a county council, a district council, a parish council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
- (b) in relation to Wales, a county council, a county borough council or a community council;
- (c) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ^{M12};

[^{F10}“LCWRA element” has the meaning in regulation 27;]

“looked after by a local authority” in relation to a child or young person means a child or young person who is looked after by a local authority within the meaning of section 22 of the Children Act 1989 ^{M13}[^{F11}, section 17(6) of the Children (Scotland) Act 1995 or section 74 of the Social Services and Well-being (Wales) Act 2014];

“maternity allowance” means a maternity allowance under section 35 [^{F12}or 35B] of the Contributions and Benefits Act;

“Medical Evidence Regulations” means the Social Security (Medical Evidence) Regulations 1976 ^{M14};

[^{F13}“monthly earnings” has the meaning in regulation 90(6);]

“national insurance contribution” means a contribution under Part 1 of the Contributions and Benefits Act;

[^{F14}“National Minimum Wage Regulations” means the National Minimum Wage Regulations 2015;]

[^{F15}... statutory paternity pay” means ^{F15}... statutory paternity pay under Part 12ZA of the Contributions and Benefits Act;

“paid work” means work done for payment or in expectation of payment and does not include being engaged by a charitable or voluntary organisation, or as a volunteer, in circumstances in which the payment received by or due to be paid to the person is in respect of expenses;

“partner” means (except in regulation 77) the other member of a couple;

“personal independence payment” means an allowance under Part 4 of the Welfare Reform Act 2012;

“prisoner” means—

- (a) a person who is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or
- (b) is on temporary release in accordance with the provisions of the Prison Act 1952 ^{M15} or the Prisons (Scotland) Act 1989 ^{M16},

other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 ^{M17} or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 ^{M18} or the Criminal Procedure (Scotland) Act 1995 ^{M19};

“qualifying young person” has the meaning in regulation 5;

“redundancy” has the meaning in section 139(1) of the Employment Rights Act 1996 ^{M20};

^{F16} ...

“regular and substantial caring responsibilities for a severely disabled person” has the meaning in regulation 30;

“relevant childcare” has the meaning in regulation 35;

“responsible for a child or qualifying young person” has the meaning in regulation 4;

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“statutory adoption pay” means a payment under Part 12ZB of the Contributions Benefits Act ^{M21},

“statutory maternity pay” means a payment under Part 12 of the Contributions and Benefits Act;

[^{F17}“statutory parental bereavement pay” means statutory parental bereavement pay payable in accordance with Part 12ZD of the Contributions and Benefits Act;]

[^{F18}“statutory shared parental pay” means statutory shared parental pay payable in accordance with Part 12ZC of the Contributions and Benefits Act;]

“statutory sick pay” means a payment under Part 11 of the Contributions and Benefits Act;

[^{F19}“step-parent”, in relation to a child or qualifying young person (“A”), means a person who is not A’s parent but—

- (a) is a member of a couple, the other member of which is a parent of A, where both are responsible for A; or
- (b) was previously a member of a couple, the other member of which was a parent of A, where immediately prior to ceasing to be a member of that couple the person was, and has since continued to be, responsible for A.]

“student loan” has the meaning in regulation 68;

“terminally ill” means suffering from a progressive disease where death in consequence of that disease can reasonably be expected within 6 months;

“total outstanding reduction period” has the meaning in regulation 101(5);

“trade dispute” has the meaning in section 244 of the Trade Union and Labour Relations (Consolidation) Act 1992 ^{M22};

“unearned income” has the meaning in Chapter 3 of Part 6;

“war disablement pension” means any retired pay, pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of ITEPA;

^{F20} ...

“widowed mother's allowance” means an allowance under section 37 of the Contributions and Benefits Act;

“widowed parent's allowance” means an allowance under section 39A of the Contributions and Benefits Act ^{M23};

“widow's pension” means a pension under section 39 of the Contributions and Benefits Act.

Textual Amendments

- F1** Words in reg. 2 omitted (5.4.2015) by virtue of [The Shared Parental Leave and Statutory Shared Parental Pay \(Consequential Amendments to Subordinate Legislation\) Order 2014 \(S.I. 2014/3255\)](#), arts. 1(3), **28(2)(a)** (with art. 35(1))
- F2** Words in reg. 2 inserted (29.4.2013) by [The Universal Credit \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/803\)](#), regs. 1, **2(2)**
- F3** Words in reg. 2 omitted (29.10.2013) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(b), **3(2)**
- F4** Words in reg. 2 inserted (8.4.2013) by virtue of [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), regs. 2(2), 7, **Sch. para. 54(2)**

- F5** Words in reg. 2 omitted (coming into force in accordance with arts. 1-3 of the amending S.I.) by virtue of The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2017 (S.I. 2017/422), arts. 1(2), **43(2)**
- F6** Words in reg. 2 inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888), regs. 1(1), **3(1)(a)(ii)**
- F7** Words in reg. 2 substituted (7.5.2019) by The Social Security (Income-related Benefits) (Updating and Amendment) (EU Exit) Regulations 2019 (S.I. 2019/872), regs. 1, **8(2)**
- F8** Words in reg. 2 inserted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2), **75(2)**
- F9** Words in reg. 2 inserted (28.4.2014) by The Universal Credit and Miscellaneous Amendments Regulations 2014 (S.I. 2014/597), regs. 1, **2(2)**
- F10** Words in reg. 2 substituted (3.4.2017) by The Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017 (S.I. 2017/204), regs. 1, **4(2)** (with Sch. 2 paras. 8-15)
- F11** Words in reg. 2 substituted (26.5.2016) by The Universal Credit (Care Leavers and Looked After Children) Amendment Regulations 2016 (S.I. 2016/543), regs. 1, **2(2)**
- F12** Words in reg. 2 inserted (18.5.2014) by The Social Security (Maternity Allowance) (Miscellaneous Amendments) Regulations 2014 (S.I. 2014/884), regs. 1, **6(1)**
- F13** Words in reg. 2 inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **2(2)**
- F14** Words in reg. 2 inserted (25.7.2016) by The Social Security (Jobseekers Allowance, Employment and Support Allowance and Universal Credit) (Amendment) Regulations 2016 (S.I. 2016/678), regs. 1, **5(2)**
- F15** Words in reg. 2 omitted (5.4.2015) by virtue of The Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order 2014 (S.I. 2014/3255), arts. 1(3), **28(2)(b)** (with art. 35(1))
- F16** Words in reg. 2 omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of The Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888), regs. 1(1), **3(1)(a)(i)**
- F17** Words in reg. 2 inserted (6.4.2020) by The Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations 2020 (S.I. 2020/354), regs. 1, **28(2)**
- F18** Words in reg. 2 inserted (31.12.2014) by The Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order 2014 (S.I. 2014/3255), arts. 1(2), **28(2)(c)**
- F19** Words in reg. 2 inserted (6.4.2017) by The Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) Amendment Regulations 2017 (S.I. 2017/376), regs. 1, **2(2)**
- F20** Words in reg. 2 omitted (with effect in accordance with reg. 1(3) of the amending S.I.) by virtue of The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **2(2)**

Modifications etc. (not altering text)

- C1** Reg. 2 applied (with modifications) (31.12.2020) by The Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (S.I. 2020/1209), regs. 1(1), **3(3)**, 4(4), 11(t)

Marginal Citations

- M1** S.I. 1983/686. Article 14 was substituted, and articles 15 and 16 were amended, by S.I. 2001/1420.
- M2** Section 70 has been amended by S.I. 1994/2556 and S.I. 2002/1457.
- M3** 1992 c.4.
- M4** 2007 c.5.
- M5** S.I.2013/379
- M6** S.I. 2011/581.
- M7** S.I. 2003/237 amended by S.I. 2003/896.

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- M8** S.S.I. 2009/210.
- M9** 1999 c.8.
- M10** 2003 c.1.
- M11** 1995 c.18.
- M12** 1994 c.39.
- M13** 1989 c.41.
- M14** S.I. 1976/615.
- M15** 1952 c.52.
- M16** 1989 c.45.
- M17** 1983 c.20.
- M18** 2003 asp13.
- M19** 1995 c.46.
- M20** 1996 c.18.
- M21** Part 12ZB was inserted by section 4 of the [Employment Act 2002 \(c.22\)](#).
- M22** 1992 c.52.
- M23** Section 39A was inserted by section 55(2) of the [Welfare Reform and Pensions Act 1999 \(c.30\)](#).

The Benefit Unit

Couples

3.—(1) This regulation makes provision in relation to couples, including cases where both members of a couple may be entitled to universal credit jointly without each of them meeting all the basic conditions referred to in section 4 of the Act (see paragraph (2)) and cases where a person whose partner does not meet all the basic conditions [^{F21}or is otherwise excluded from entitlement to universal credit] may make a claim as a single person (see paragraph (3)).

(2) A couple may be entitled to universal credit as joint claimants where—

- (a) one member does not meet the basic condition in section 4(1)(b) (under the qualifying age for state pension credit) if the other member does meet that condition; or
- (b) one member does not meet the basic condition in section 4(1)(d) (not receiving education) and is not excepted from that condition if the other member does meet that condition or is excepted from it.

(3) A person who is a member of a couple may make a claim as a single person if the other member of the couple—

- (a) does not meet the basic condition in section 4(1)(a) (at least 18 years old) and is not a person in respect of whom the minimum age specified in regulation 8 applies;
- (b) does not meet the basic condition in section 4(1)(c) (in Great Britain);
- (c) is a prisoner;^{F22} . . .
- (d) is a person other than a prisoner in respect of whom entitlement does not arise by virtue of regulation 19 (restrictions on entitlement) [^{F23}; or
- (e) is a person to whom section 115 of the Immigration and Asylum Act 1999 ^{M24} (exclusion from benefits) applies,]

and regulations 18 (capital limit), 36 (amount of elements) and 22 (deduction of income and work allowance) provide for the calculation of the award in such cases.

(4) Where two people are parties to a polygamous marriage, the fact that they are husband and wife is to be disregarded if—

- (a) one of them is a party to an earlier marriage that still subsists; and

(b) the other party to that earlier marriage is living in the same household, and, accordingly, the person who is not a party to the earlier marriage may make a claim for universal credit as a single person.

(5) In paragraph (4) “polygamous marriage” means a marriage during which a party to it is married to more than one person and which took place under the laws of a country which permits polygamy.

(6) Where the claimant is a member of a couple, and the other member is temporarily absent from the claimant's household, they cease to be treated as a couple if that absence is expected to exceed, or does exceed, 6 months.

Textual Amendments

- F21** Words in [reg. 3\(1\)](#) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), [regs. 1\(2\)](#), [38\(2\)\(a\)](#)
- F22** Word in [reg. 3\(3\)\(c\)](#) omitted (29.4.2013) by virtue of [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), [regs. 1\(2\)](#), [38\(2\)\(b\)](#)
- F23** [Reg. 3\(3\)\(e\)](#) and preceding word inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), [regs. 1\(2\)](#), [38\(2\)\(b\)](#)

Marginal Citations

- M24** [1999 c.33](#).

When a person is responsible for a child or qualifying young person

4.—(1) Whether a person is responsible for a child or qualifying young person for the purposes of Part 1 of the Act and these Regulations is determined as follows.

(2) A person is responsible for a child or qualifying young person who normally lives with them.

(3) But a person is not responsible for a qualifying young person if the two of them are living as a couple.

(4) Where a child or qualifying young person normally lives with two or more persons who are not a couple, only one of them is to be treated as responsible and that is the person who has the main responsibility.

(5) The persons mentioned in paragraph (4) may jointly nominate which of them has the main responsibility but the Secretary of State may determine that question—

- (a) in default of agreement; or
- (b) if a nomination or change of nomination does not, in the opinion of the Secretary of State, reflect the arrangements between those persons.

(6) [^{F24}Subject to regulation 4A,] a child or qualifying young person is to be treated as not being the responsibility of any person during any period when the child or qualifying young person is—

- (a) looked after by a local authority; or
- (b) a prisoner,

^{F25}
...

(7) Where a child or qualifying young person is temporarily absent from a person's household the person ceases to be responsible for the child or qualifying young person if—

- (a) the absence is expected to exceed, or does exceed, 6 months; or

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- (b) the absence is from Great Britain and is expected to exceed, or does exceed, one month unless it is in circumstances where an absence of a person for longer than one month would be disregarded for the purposes of regulation 11(2) or (3) (medical treatment or convalescence or death of close relative etc.).

Textual Amendments

- F24** Words in reg. 4(6) inserted (29.7.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(a), **3(3)(a)**
- F25** Words in reg. 4(6) omitted (29.7.2013) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(a), **3(3)(b)**

[^{F26}Responsibility for children looked after by a local authority

4A.—(1) There is excluded from regulation 4(6)(a)—

- (a) any period which is in the nature of a planned short term break, or is one of a series of such breaks, for the purpose of providing respite for the person who normally cares for the child or qualifying young person;
- (b) any period during which the child or qualifying young person is placed with, or continues to live with, their parent or a person who has parental responsibility for them.

(2) For the purposes of this regulation, a person has parental responsibility if they are not a foster parent and—

- (a) in England and Wales, they have parental responsibility within the meaning of section 3 of the Children Act 1989 ^{M25}; or
- (b) in Scotland, they have any or all of the legal responsibilities or rights described in sections 1 or 2 of the Children (Scotland) Act 1995 ^{M26}.]

Textual Amendments

- F26** Reg. 4A inserted (29.7.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(a), **3(4)**

Marginal Citations

- M25** 1989 c.41.
- M26** 1995 c.36.

Meaning of “qualifying young person”

5.—(1) A person who has reached the age of 16 but not the age of 20 is a qualifying young person for the purposes of Part 1 of the Act and these Regulations—

- (a) up to, but not including, the 1st September following their 16th birthday; and
- (b) up to, but not including, the 1st September following their 19th birthday, if they are enrolled on, or accepted for, approved training or a course of education—
- (i) which is not a course of advanced education,
- (ii) which is provided at a school or college or provided elsewhere but approved by the Secretary of State, and

(iii) where the average time spent during term time in receiving tuition, engaging in practical work or supervised study or taking examinations exceeds 12 hours per week.

(2) Where the young person is aged 19, they must have started the education or training or been enrolled on or accepted for it before reaching that age.

(3) The education or training referred to in paragraph (1) does not include education or training provided by means of a contract of employment.

(4) “Approved training” means training in pursuance of arrangements made under section 2(1) of the Employment and Training Act 1973 ^{M27} or section 2(3) of the Enterprise and New Towns (Scotland) Act 1990 ^{M28} which is approved by the Secretary of State for the purposes of this regulation.

(5) A person who is receiving universal credit, an employment and support allowance or a jobseeker’s allowance is not a qualifying young person.

Marginal Citations

M27 1973 c.50.

M28 1990 c.35.

General

Rounding

6.—(1) Where the calculation of an amount for the purposes of these Regulations results in a fraction of a penny, that fraction is to be disregarded if it is less than half a penny and otherwise it is to be treated as a penny.

[^{F27}(1A) Where the calculation of an amount for the purposes of the following [^{F28}provisions] results in a fraction of a pound, that fraction is to be disregarded—

[regulation 82(1)(a) (exceptions – earnings);]

^{F29}(za)

(a) regulation 90 (claimants subject to no work-related requirements – the earnings thresholds); and

(b) regulation 99(6) (circumstances in which requirements must not be imposed)]; ^{F30}...

^{F30}(c)

(2) This regulation does not apply to the calculation in regulation 111 (daily rate for a reduction under section 26 or 27 of the Act).

Textual Amendments

F27 Reg. 6(1A) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), 4

F28 Word in reg. 6(1A) substituted (1.4.2017) by [The Universal Credit \(Housing Costs Element for claimants aged 18 to 21\) \(Amendment\) Regulations 2017 \(S.I. 2017/252\)](#), regs. 1, **2(2)(a)** (with regs. 3, 4)

F29 Reg. 6(1A)(za) inserted (coming into force in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit \(Benefit Cap Earnings Exception\) Amendment Regulations 2017 \(S.I. 2017/138\)](#), regs. 1, **2(2)**

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F30 Reg. 6(1A)(c) and word omitted (31.12.2018) by virtue of [The Universal Credit and Jobseeker's Allowance \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1129\)](#), regs. 1(3), **3(2)**

Modifications etc. (not altering text)

C2 Reg. 6 applied by S.I 2014/1230, reg. 61 (as inserted (24.7.2019) by [The Universal Credit \(Managed Migration Pilot and Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1152\)](#), regs. 1(2), **3(7)**)

PART 2

ENTITLEMENT

Introduction

7. This Part contains provisions about—
- (a) the requirement to meet the basic conditions in section 4 of the Act, including exceptions from that requirement;
 - (b) the maximum amount of capital and the minimum amount of universal credit for the financial conditions in section 5 of the Act; and
 - (c) cases where no entitlement to universal credit arises even if the basic conditions and the financial conditions are met.

Minimum age

Cases where the minimum age is 16

8.—(1) For the basic condition in section 4(1)(a) of the Act (at least 18 years old), the minimum age is 16 years old where a person—

- (a) has limited capability for work;
- (b) is awaiting an assessment under Part 5 to determine whether the person has limited capability for work and has a statement given by a registered medical practitioner in accordance with the Medical Evidence Regulations which provides that the person is not fit for work;
- (c) has regular and substantial caring responsibilities for a severely disabled person;
- (d) is responsible for a child;
- (e) is a member of a couple the other member of which is responsible for a child or a qualifying young person (but only where the other member meets the basic conditions in section 4 of the Act);
- (f) 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; or
- (g) is without parental support (see paragraph (3)).

(2) Sub-paragraphs (c), (f) and (g) of paragraph (1) do not include any person who is a care leaver.

(3) For the purposes of paragraph (1)(g) a young person is without parental support where that person is not being looked after by a local authority and—

- (a) has no parent;
- (b) cannot live with their parents because—
 - (i) the person is estranged from them, or

- (ii) there is a serious risk to the person's physical or mental health, or that the person would suffer significant harm if the person lived with them; or
 - (c) is living away from their parents, and neither parent is able to support the person financially because that parent—
 - (i) has a physical or mental impairment,
 - (ii) is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court, or
 - (iii) is prohibited from entering or re-entering Great Britain.
- (4) In this regulation—
- “parent” includes any person acting in the place of a parent;
 - “care leaver” means—
 - (a) in relation to England^{F31} ..., an eligible child for the purposes of paragraph 19B of Schedule 2 to the Children Act 1989^{M29} or a relevant child for the purposes of section 23A of that Act;
 - (b) [^{F32}in relation to Scotland, a person under the age of 18 who—
 - (i) is looked after by a local authority; or
 - (ii) has ceased to be looked after by a local authority but is a person to whom a local authority in Scotland is obliged to provide advice and assistance in terms of section 29(1) of the Children (Scotland) Act 1995 or a person who is being provided with continuing care under section 26A of that Act,and who, since reaching the age of 14 has been looked after by a local authority for a period of, or periods totalling, 3 months or more (excluding any period where the person has been placed with a member of their family);
 - (c) in relation to Wales, a category 1 young person or category 2 young person within the meaning of section 104(2) of the Social Services and Well-being (Wales) Act 2014.]
 - “confinement” means—
 - (a) labour resulting in the birth of a living child; or
 - (b) labour after 24 weeks of pregnancy resulting in the birth of a child whether alive or dead, and where a woman's labour begun on one day results in the birth of a child on another day she is to be taken to be confined on the date of the birth.

Textual Amendments

- F31** Words in reg. 8(4) omitted (26.5.2016) by virtue of [The Universal Credit \(Care Leavers and Looked After Children\) Amendment Regulations 2016 \(S.I. 2016/543\)](#), regs. 1, **2(3)(a)**
- F32** Words in reg. 8(4) substituted (26.5.2016) by [The Universal Credit \(Care Leavers and Looked After Children\) Amendment Regulations 2016 \(S.I. 2016/543\)](#), regs. 1, **2(3)(b)**

Marginal Citations

- M29** 1989 c.41. Section 19B was inserted by section 1 of the [Children \(Leaving Care\) Act 2000 \(c.35\)](#). Section 23A was inserted by section 2 of that Act.

*In Great Britain***Persons treated as not being in Great Britain**

9.—(1) For the purposes of determining whether a person meets the basic condition to be in Great Britain, except where a person falls within paragraph (4), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

(2) A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.

(3) For the purposes of paragraph (2), a right to reside does not include a right which exists by virtue of, or in accordance with—

- (a) regulation 13 of the EEA Regulations^{F33} ...; ^{F34} ...
- [^{F35}(aa) regulation 14 of the EEA Regulations, but only in cases where the right exists under that regulation because the person is—
 - (i) a qualified person for the purposes of regulation 6(1) of those Regulations as a jobseeker; or
 - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker; ^{F36} ...]
- (b) [^{F37}regulation 16] of the EEA Regulations^{M30}, but only in cases where the right exists under that regulation because [^{F38}the person] satisfies the criteria in [^{F39}regulation 16(5)] of those Regulations^{F40} ... [^{F41}; or]
- [^{F42}(c) a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—
 - (i) Appendix EU to the immigration rules made under section 3(2) of that Act; ^{F43} ...
 - (ii) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act][^{F44}; or
 - (iii) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.]
- [^{F45}(3A) Paragraph (3)(c)(i) does not apply to a person who—
 - (a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and
 - (b) would have a right to reside under the EEA Regulations if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (3)(a) or (b)]
- (4) A person falls within this paragraph if the person is—
 - (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
 - (b) a family member of a person referred to in sub-paragraph (a)^{F46} ...;
 - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;

- [^{F47}(ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (3)(c)(i), provided that the relevant person of Northern Ireland falls within paragraph (4)(a), or would do so but for the fact that they are not an EEA national;]
- [^{F48}(cb) a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020;
- (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;]
- (d) a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
- [^{F49}(e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971 ^{M31} where that leave is—
- (i) discretionary leave to enter or remain in the United Kingdom,
- (ii) leave to remain under the Destitution Domestic Violence concession ^{M32}, or
- (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005 ^{M33};
- (f) a person who has humanitarian protection granted under those rules; or
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 ^{M34} and who is in the United Kingdom as a result of their deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.
- [^{F50}(5) In this regulation—
- “*EEA national*” has the meaning given in regulation 2(1) of the EEA Regulations;
- “*family member*” has the meaning given in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (3A) and (4)(ca);
- “*relevant person of Northern Ireland*” has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971.]

Textual Amendments

- F33** Words in reg. 9(3)(a) omitted (31.12.2020) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), [reg. 75\(3\)\(a\)\(i\)](#)
- F34** Word in reg. 9(3) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Universal Credit \(EEA Jobseekers\) Amendment Regulations 2015 \(S.I. 2015/546\)](#), regs. 1(1), [2\(a\)](#)
- F35** Reg. 9(3)(aa) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit \(EEA Jobseekers\) Amendment Regulations 2015 \(S.I. 2015/546\)](#), regs. 1(1), [2\(b\)](#)
- F36** Word in reg. 9(3)(aa)(ii) omitted (7.5.2019) by virtue of [The Social Security \(Income-related Benefits\) \(Updating and Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/872\)](#), regs. 1, [8\(3\)\(a\)](#)
- F37** Words in reg. 9(3)(b) substituted (7.5.2019) by [The Social Security \(Income-related Benefits\) \(Updating and Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/872\)](#), regs. 1, [8\(3\)\(b\)\(i\)](#)
- F38** Words in reg. 9(3)(b) substituted (7.5.2019) by [The Social Security \(Income-related Benefits\) \(Updating and Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/872\)](#), regs. 1, [8\(3\)\(b\)\(ii\)](#)
- F39** Words in reg. 9(3)(b) substituted (7.5.2019) by [The Social Security \(Income-related Benefits\) \(Updating and Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/872\)](#), regs. 1, [8\(3\)\(b\)\(iii\)](#)

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

- F40** Words in reg. 9(3)(b) omitted (31.12.2020) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), **75(3)(a)(ii)**
- F41** Word in reg. 9(3)(b) inserted (7.5.2019) by [The Social Security \(Income-related Benefits\) \(Updating and Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/872\)](#), regs. 1, **8(3)(c)**
- F42** Reg. 9(3)(c) inserted (7.5.2019) by [The Social Security \(Income-related Benefits\) \(Updating and Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/872\)](#), regs. 1, **8(3)(d)**
- F43** Word in reg. 9(3)(c)(i) omitted (31.12.2020 immediately after IP completion day) by virtue of [The Immigration \(Citizens' Rights etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1372\)](#), regs., 1(2)(a)(3)(d), 25(2)(a)
- F44** Reg. 9(3)(c)(iii) and word inserted (31.12.2020 immediately after IP completion day) by [The Immigration \(Citizens' Rights etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1372\)](#), regs., 1(2)(a)(3)(d), 25(2)(b)
- F45** Reg. 9(3A) inserted (24.8.2020) by [The Social Security \(Income-Related Benefits\) \(Persons of Northern Ireland - Family Members\) \(Amendment\) Regulations 2020 \(S.I. 2020/683\)](#), regs. 1, **8(2)(a)**
- F46** Words in reg. 9(4)(b) omitted (24.8.2020) by virtue of [The Social Security \(Income-Related Benefits\) \(Persons of Northern Ireland - Family Members\) \(Amendment\) Regulations 2020 \(S.I. 2020/683\)](#), regs. 1, **8(2)(b)**
- F47** Reg. 9(4)(ca) inserted (24.8.2020) by [The Social Security \(Income-Related Benefits\) \(Persons of Northern Ireland - Family Members\) \(Amendment\) Regulations 2020 \(S.I. 2020/683\)](#), regs. 1, **8(2)(c)**
- F48** Reg. 9(4)(cb)(cc) inserted (31.12.2020) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), **75(3)(b)**
- F49** Reg. 9(4)(e) substituted (29.10.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(b), **3(5)**
- F50** Reg. 9(5) inserted (24.8.2020) by [The Social Security \(Income-Related Benefits\) \(Persons of Northern Ireland - Family Members\) \(Amendment\) Regulations 2020 \(S.I. 2020/683\)](#), regs. 1, **8(2)(d)**

Modifications etc. (not altering text)

- C3** Reg. 9 applied (with modifications) (31.12.2020) by [The Citizens' Rights \(Application Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1209\)](#), regs. 1(1), **3(3)**, 4(4), 11(t)

Marginal Citations

- M30** Regulation 15A was inserted by [S.I. 2012/1547](#) and paragraph (4A) of that regulation was inserted by [S.I.2012/2560](#).
- M31** [1971 c.77](#).
- M32** The Destitution Domestic Violence concession is published by the Home Office at: <http://www.ukba.homeoffice.gov.uk/>.
- M33** [S.I. 2005/1379](#) as amended by [S.I. 2013/630](#) and other amending instruments which are not relevant for this amendment.
- M34** [1999 c.33](#).

Crown servants and members of Her Majesty's forces posted overseas

- 10.—(1)** The following persons do not have to meet the basic condition to be in Great Britain—
- (a) a Crown servant or member of Her Majesty's forces posted overseas;
 - (b) in the case of joint claimants, the partner of a person mentioned in sub-paragraph (a) while they are accompanying the person on that posting.
- (2) A person mentioned in paragraph (1)(a) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before their posting or the first of consecutive postings, habitually resident in the United Kingdom.

(3) In this regulation—

“Crown servant” means a person holding an office or employment under the Crown; and

“Her Majesty's forces” has the meaning in the Armed Forces Act 2006^{M35}.

Modifications etc. (not altering text)

C4 Reg. 10 applied (with modifications) (29.4.2013) by [The Universal Credit \(Transitional Provisions\) Regulations 2013 \(S.I. 2013/386\)](#), regs. 1(2), **30(5)**

C5 Reg. 10 applied (with modifications) (29.4.2013) by [The Universal Credit \(Transitional Provisions\) Regulations 2013 \(S.I. 2013/386\)](#), regs. 1(2), **32(5)**

Marginal Citations

M35 2006 c.52.

Temporary absence from Great Britain

11.—(1) A person's temporary absence from Great Britain is disregarded in determining whether they meet the basic condition to be in Great Britain if—

- (a) the person is entitled to universal credit immediately before the beginning of the period of temporary absence; and
- (b) either—
 - (i) the absence is not expected to exceed, and does not exceed, one month, or
 - (ii) paragraph (3) or (4) applies.

(2) The period of one month in paragraph (1)(b) may be extended by up to a further month if the temporary absence is in connection with the death of—

- (a) the person's partner or a child or qualifying young person for whom the person was responsible; or
- (b) a close relative of the person, or of their partner or of a child or qualifying young person for whom the person or their partner was responsible,

and the Secretary of State considers that it would be unreasonable to expect the person to return to Great Britain within the first month.

(3) This paragraph applies where the absence is not expected to exceed, and does not exceed, 6 months and is solely in connection with—

- (a) the person undergoing—
 - (i) treatment for an illness or physical or mental impairment by, or under the supervision of, a qualified practitioner, or
 - (ii) medically approved convalescence or care as a result of treatment for an illness or physical or mental impairment, where the person had that illness or impairment before leaving Great Britain; or
- (b) the person accompanying their partner or a child or qualifying young person for whom they are responsible for treatment or convalescence or care as mentioned in sub-paragraph (a).

(4) This paragraph applies where the absence is not expected to exceed, and does not exceed, 6 months and the person is—

- (a) a mariner; or
- (b) a continental shelf worker who is in a designated area or a prescribed area.

(5) In this regulation—

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any activity mentioned in section 11(2) of the Petroleum Act 1998 ^{M36};

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 ^{M37} as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel where—

- (a) the employment in that other capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
- (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

“medically approved” means certified by a registered medical practitioner;

“prescribed area” means any area over which Norway or any member State ^{F51}... exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;

“qualified practitioner” means a person qualified to provide medical treatment, physiotherapy or a form of treatment which is similar to, or related to, either of those forms of treatment.

Textual Amendments

F51 Words in reg. 11(5) omitted (31.12.2020) by virtue of [The Social Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/128\)](#), reg. 1(2), [Sch. para. 11](#); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M36 1998 c.17.

M37 1964 c.29.

Receiving education

Meaning of “receiving education”

12.—^{F52}(1) This regulation applies for the basic condition in section 4(1)(d) of the Act (not receiving education).

(1A) A qualifying young person is to be treated as receiving education, unless the person is participating in a [^{F53}relevant training scheme].

(1B) In paragraph (1A)

[^{F54c}“relevant training scheme” means—

- (a) a traineeship, or
- (b) a course or scheme which—
 - (i) comprises education or training designed to assist a claimant to gain the skills needed to obtain paid work (or more paid work or better-paid work);

- (ii) is attended by a claimant falling within section 22 of the Act as a work preparation requirement or as voluntary work preparation, and
- (iii) the claimant has been referred to by the Secretary of State;

“traineeship means a course which—

- (a) is funded (in whole or in part) by, or under arrangements made by, the—
 - (i) Secretary of State under section 14 of the Education Act 2002, or
 - (ii) Chief Executive of [^{F55}Education and Skills Funding];
- (b) lasts no more than 6 months;
- (c) includes training to help prepare the participant for work and a work experience placement; and
- (d) is open to persons who on the first day of the course have reached the age of 16 but not 25;]

(2) [^{F56}Except in circumstances where paragraph (1A) applies] “receiving education” means—

- (a) undertaking a full-time course of advanced education; or
- (b) undertaking any other full-time course of study or training at an educational establishment for which a student loan or grant is provided for the person's maintenance.

(3) In paragraph (2)(a) “course of advanced education” means—

- (a) a course of study leading to—
 - (i) a postgraduate degree or comparable qualification,
 - (ii) a first degree or comparable qualification,
 - (iii) a diploma of higher education,
 - (iv) a higher national diploma; or
- (b) any other course of study which is of a standard above advanced GNVQ or equivalent, including a course which is of a standard above a general certificate of education (advanced level), or above a Scottish national qualification (higher or advanced higher).

(4) A claimant who is not a qualifying young person and is not undertaking a course described in paragraph (2) is nevertheless to be treated as receiving education if the claimant is undertaking a course of study or training that is not compatible with any work-related requirement imposed on the claimant by the Secretary of State.

Textual Amendments

- F52** Reg. 12(1)-(1B) substituted for reg. 12(1) (27.3.2015) by [The Social Security \(Traineeships and Qualifying Young Persons\) Amendment Regulations 2015 \(S.I. 2015/336\)](#), regs. 1, **4(a)**
- F53** Words in reg. 12(1A) substituted (6.11.2017) by [The Social Security \(Qualifying Young Persons Participating in Relevant Training Schemes\) \(Amendment\) Regulations 2017 \(S.I. 2017/987\)](#), regs. 1, **4(2)(a)** (with reg. 6)
- F54** Words in reg. 12(1B) inserted (6.11.2017) by [The Social Security \(Qualifying Young Persons Participating in Relevant Training Schemes\) \(Amendment\) Regulations 2017 \(S.I. 2017/987\)](#), regs. 1, **4(2)(b)(i)** (with reg. 6)
- F55** Words in reg. 12(1B) substituted (6.11.2017) by [The Social Security \(Qualifying Young Persons Participating in Relevant Training Schemes\) \(Amendment\) Regulations 2017 \(S.I. 2017/987\)](#), regs. 1, **4(2)(b)(ii)**
- F56** Words in reg. 12(2) substituted (27.3.2015) by [The Social Security \(Traineeships and Qualifying Young Persons\) Amendment Regulations 2015 \(S.I. 2015/336\)](#), regs. 1, **4(b)**

Meaning of “undertaking a course”

13.—(1) For the purposes of these Regulations a person is to be regarded as undertaking a course of education [^{F57}, study] or training—

- (a) throughout the period beginning on the date on which the person starts undertaking the course and ending on the last day of the course or on such earlier date (if any) as the person finally abandons it or is dismissed from it; or
- (b) where a person is undertaking a part of a modular course, for the period beginning on the day on which that part of the course starts and ending—
 - (i) on the last day on which the person is registered as undertaking that part, or
 - (ii) on such earlier date (if any) as the person finally abandons the course or is dismissed from it.

(2) The period referred to in paragraph (1)(b) includes—

- (a) where a person has failed examinations or has failed to complete successfully a module relating to a period when the person was undertaking a part of the course, any period in respect of which the person undertakes the course for the purpose of retaking those examinations or completing that module; and
- (b) any period of vacation within the period specified in paragraph (1)(b) or immediately following that period except where the person has registered to attend or undertake the final module in the course and the vacation immediately follows the last day on which the person is to attend or undertake the course.

(3) In this regulation “modular course” means a course which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

(4) A person is not to be regarded as undertaking a course for any part of the period mentioned in paragraph (1) during which the following conditions are met—

- (a) the person has, with the consent of the relevant educational establishment, ceased to attend or undertake the course because they are ill or caring for another person;
- (b) the person has recovered from that illness or ceased caring for that person within the past year, but not yet resumed the course; and
- (c) the person is not eligible for a grant or student loan.

Textual Amendments

F57 Word in reg. 13(1) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **38(3)**

Exceptions to the requirement not to be receiving education

14.—^{F58}(1) A person does not have to meet the basic condition in section 4(1)(d) of the Act (not receiving education) if—

- (a) the person—
 - (i) is undertaking a full-time course of study or training which is not a course of advanced education,
 - (ii) is under the age of 21, or is 21 and reached that age whilst undertaking the course, and
 - (iii) is without parental support (as defined in regulation 8(3));

- [^{F59}(b) the person is entitled to attendance allowance, disability living allowance or personal independence payment and it has been determined—
- (i) that the person has limited capability for work or limited capability for work and work-related activity on the basis of an assessment under Part 5 of these Regulations or Part 4 or 5 of the ESA Regulations;
 - (ii) that the person is to be treated as having limited capability for work under Schedule 8 or limited capability for work and work-related activity under Schedule 9;
 - (iii) that the person is to be treated as having limited capability for work or limited capability for work and work-related activity under regulation 19(2)(b) or (4)(b) of the Universal Credit (Transitional Provisions) Regulations 2014,
- and that determination was made on or before the date of claim to universal credit, where the person is receiving education on the date the claim is made, or the date on which the person starts receiving education, where the person starts receiving education after the date of claim to universal credit;]
- (c) the person is responsible for a child or a qualifying young person;
 - (d) the person is a single person and a foster parent with whom a child is placed;
 - (e) the person is a member of a couple, both of whom are receiving education, and the other member is—
 - (i) responsible for a child or qualifying young person, or
 - (ii) a foster parent with whom a child is placed; or
 - (f) the person—
 - (i) has reached the qualifying age for state pension credit, and
 - (ii) is a member of a couple the other member of which has not reached that age.

[^{F60}(2) Where regulation 9(6)(a) or 9(10) of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (award of universal credit without a claim) applies to a person who is receiving education, paragraph (1)(b) is to be read as if each reference to “date of claim” was a reference to “date of award”.]

Textual Amendments

- F58** Reg. 14(1): reg. 14 renumbered as reg. 14(1) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit \(Exceptions to the Requirement not to be receiving Education\) \(Amendment\) Regulations 2020 \(S.I. 2020/827\)](#), regs. 1(1), **2(1)(a)**
- F59** Reg. 14(1)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit \(Exceptions to the Requirement not to be receiving Education\) \(Amendment\) Regulations 2020 \(S.I. 2020/827\)](#), regs. 1(1), **2(1)(b)**
- F60** Reg. 14(2) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit \(Exceptions to the Requirement not to be receiving Education\) \(Amendment\) Regulations 2020 \(S.I. 2020/827\)](#), regs. 1(1), **2(1)(c)**

Accepting a claimant commitment

Claimant commitment – date and method of acceptance

15.—(1) For the basic condition in section 4(1)(e) of the Act, a person who has accepted a claimant commitment within such period after making a claim as the Secretary of State specifies is

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Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

to be treated as having accepted that claimant commitment on the first day of the period in respect of which the claim is made.

(2) In a case where an award may be made without a claim, a person who accepts a claimant commitment within such period as the Secretary of State specifies is to be treated as having accepted a claimant commitment on the day that would be the first day of the first assessment period in relation to the award in accordance with regulation 21(3) [^{F61} or (3A)].

(3) The Secretary of State may extend the period within which a person is required to accept a claimant commitment or an updated claimant commitment where the person requests that the Secretary of State review—

- (a) any action proposed as a work search requirement or a work availability requirement; or
- (b) whether any limitation should apply to those requirements,

and the Secretary of State considers that the request is reasonable.

(4) A person must accept a claimant commitment by one of the following methods, as specified by the Secretary of State—

- (a) electronically;
- (b) by telephone; or
- (c) in writing.

Textual Amendments

F61 Words in reg. 15(2) inserted (26.11.2014) by [The Universal Credit \(Digital Service\) Amendment Regulations 2014 \(S.I. 2014/2887\)](#), regs. 1, **3(1)(a)** (with reg. 5)

Claimant commitment – exceptions

16. A person does not have to meet the basic condition to have accepted a claimant commitment if the Secretary of State considers that—

- (a) the person cannot accept a claimant commitment because they lack the capacity to do so; or
- (b) there are exceptional circumstances in which it would be unreasonable to expect the person to accept a claimant commitment.

Financial conditions

Minimum amount

17. For the purposes of section 5(1)(b) and (2)(b) of the Act (financial conditions: amount payable not less than any prescribed minimum) the minimum is one penny.

Capital limit

18.—(1) For the purposes of section 5(1)(a) and (2)(a) of the Act (financial conditions: capital limit)—

- (a) the prescribed amount for a single claimant is £16,000; and
- (b) the prescribed amount for joint claimants is £16,000.

(2) In a case where the claimant is a member of a couple, but makes a claim as a single person, the claimant's capital is to be treated as including the capital of the other member of the couple.

Restrictions on entitlement

Restrictions on entitlement – prisoners etc.

- 19.—(1) Entitlement to universal credit does not arise where a person is—
(a) a member of a religious order who is fully maintained by their order;
(b) a prisoner; or
(c) serving a sentence of imprisonment detained in hospital.
(2) Paragraph (1)(b) does not apply during the first 6 months when the person is a prisoner where—
(a) the person was entitled to universal credit [F62as a single person] immediately before becoming a prisoner, and the calculation of their award included an amount for the housing costs element; and
(b) the person has not been sentenced to a term in custody that is expected to extend beyond that 6 months.
(3) In the case of a prisoner to whom paragraph (2) applies, an award of universal credit is not to include any element other than the housing costs element.
(4) In paragraph (1)(c) a person serving a sentence of imprisonment detained in hospital is a person who is—
(a) being detained—
(i) under section 45A or 47 of the Mental Health Act 1983 M38 (power of higher courts to direct hospital admission; removal to hospital of persons serving sentence of imprisonment etc), and
(ii) before the day which the Secretary of State certifies to be that person's release date within the meaning of section 50(3) of that Act (in any case where there is such a release date); or
(b) being detained under—
(i) section 59A of the Criminal Procedure (Scotland) Act 1995 M39 (hospital direction), or
(ii) section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003 M40 (transfer of prisoners for treatment of mental disorder).

Textual Amendments
F62 Words in reg. 19(2)(a) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), 38(4)
Marginal Citations
M38 1983 c.20. Section 45A was inserted by section 45A was inserted by section 46 of the Crime (Sentences) Act 1997.
M39 1995 c.46. Section 59A was inserted by section 133 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
M40 2003 asp13.

[F63Waiting Days]

F6419A.

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

Textual Amendments

- F63** Reg. 19A inserted (3.8.2015) by [The Universal Credit \(Waiting Days\) \(Amendment\) Regulations 2015 \(S.I. 2015/1362\)](#), regs. 1, **2(1)(a)**
- F64** Reg. 19A omitted (14.2.2018) by virtue of [The Universal Credit \(Miscellaneous Amendments, Saving and Transitional Provision\) Regulations 2018 \(S.I. 2018/65\)](#), regs. 1(2), **3(3)**

PART 3 AWARDS

Introduction

20. This Part contains provisions for the purposes of sections 7 and 8 of the Act about assessment periods and about the calculation of the amount of an award of universal credit.

[^{F65}Awards]

^{F66}**20A.**

Textual Amendments

- F65** Reg. 20A inserted (3.8.2015) by [The Universal Credit \(Waiting Days\) \(Amendment\) Regulations 2015 \(S.I. 2015/1362\)](#), regs. 1, **2(1)(b)**
- F66** Reg. 20A omitted (14.2.2018) by virtue of [The Universal Credit \(Miscellaneous Amendments, Saving and Transitional Provision\) Regulations 2018 \(S.I. 2018/65\)](#), regs. 1(2), **3(4)**

Assessment periods

21.—(1) An assessment period is^{F67}... a period of one month beginning with the first date of entitlement and each subsequent period of one month during which entitlement subsists.

^{F68}(1A)

- (2) 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 begins 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.

[^{F69}(2A) But paragraphs (1) and (2) are subject to regulation 21A (assessment period cycle to remain the same following change in the first date of entitlement).]

[^{F70}(3) Where a new award is made to a single person without a claim by virtue of regulation 9(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.

(3A) Where a new award is made to members of a couple jointly without claim by virtue of regulation 9(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.

(3B) Where a claim is treated as made by virtue of regulation 9(8) of the Claims and Payments Regulations (old award ended when a claimant formed a couple with a person not entitled to 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.

(3C) 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 section 4 of the Act (disregarding the requirement to have accepted a claimant commitment and any temporary period of absence from Great Britain 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.

(3D) 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 section 4(1)(a) and (c) of the Act (at least 18 years old and in Great Britain) 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 (3B) applies, the member of the couple who was not entitled to universal credit; or
- (b) in a case to which paragraph (3C) applies, the member of the couple who does not meet the conditions mentioned in that paragraph.

(3E) 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 2013.]

- F71(5)
- F71(6)

Textual Amendments	
F67	Words in reg. 21(1) omitted (11.4.2018) by virtue of The Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018 (S.I. 2018/65) , regs. 1(4), 3(5)(a) (with reg. 8(1))
F68	Reg. 21(1A) omitted (14.2.2018) by virtue of The Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018 (S.I. 2018/65) , regs. 1(2), 3(5)(b)
F69	Reg. 21(2A) inserted (11.4.2018) by The Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018 (S.I. 2018/65) , regs. 1(4), 3(5)(c) (with reg. 8(1))
F70	Reg. 21(3)-(3E) substituted for reg. 21(3)(4) (26.11.2014) by The Universal Credit (Digital Service) Amendment Regulations 2014 (S.I. 2014/2887) , regs. 1, 3(1)(b) (with reg. 5)

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

F71 Reg. 21(5)(6) omitted (26.11.2014) by virtue of [The Universal Credit \(Digital Service\) Amendment Regulations 2014 \(S.I. 2014/2887\)](#), regs. 1, **3(1)(c)** (with reg. 5)

[^{F72}Assessment period cycle to remain the same following change in the first date of entitlement

21A.—(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 regulation 21(1) and (2) following that subsequent determination (and thereby changing the beginning of each assessment period) would, in the opinion of the Secretary of State, cause unnecessary disruption to the administration of the claim.

(2) Where this regulation applies—

- (a) the first assessment period is to be a period of a length determined by the Secretary of State beginning with the start date;
- (b) the amount payable in respect of that first assessment period is to be calculated as follows—

$$N \#? (A \#? 12 \ 365)$$

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 21(1) and (2) 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

F72 [Reg. 21A](#) inserted (11.4.2018) by [The Universal Credit \(Miscellaneous Amendments, Saving and Transitional Provision\) Regulations 2018 \(S.I. 2018/65\)](#), regs. 1(4), **3(6)** (with reg. 8(1))

Deduction of income and work allowance

22.—(1) The amounts to be deducted from the maximum amount in accordance with section 8(3) of the Act 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
- ^{F73}(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), [^{F74}63%] of that earned income; or
 - (ii) in any other case, [^{F75}63%] 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.

[^{F76}(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 section 8(3) of the Act is the same as the amount that would be deducted in accordance with paragraph (1) if the couple were joint claimants.]

[^{F77}Higher work allowance

Single claimant—

responsible for one or more children or qualifying young persons and/or has limited capability for work [^{F78}£512]

Joint claimants

responsible for one or more children or qualifying young persons and/or where one or both have limited capability for work [^{F78}£512]

Lower work allowance

Single claimant—

responsible for one or more children or qualifying young persons and/or has limited capability for work [^{F79}£292]

Joint claimants—

responsible for one or more children or qualifying young persons and/or where one or both have limited capability for work [^{F79}£292]]

Textual Amendments

- F73** Reg. 22(1)(b) substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Universal Credit \(Work Allowance\) Amendment Regulations 2015 \(S.I. 2015/1649\)](#), regs. 1(1), **2(2)**
- F74** Word in reg. 22(1)(b)(i) substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Universal Credit \(Reduction of the Earnings Taper Rate\) Amendment Regulations 2017 \(S.I. 2017/348\)](#), regs. 1, **2(2)**
- F75** Word in reg. 22(1)(b)(ii) substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Universal Credit \(Reduction of the Earnings Taper Rate\) Amendment Regulations 2017 \(S.I. 2017/348\)](#), regs. 1, **2(2)**
- F76** Reg. 22(3) substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Universal Credit \(Work Allowance\) Amendment Regulations 2015 \(S.I. 2015/1649\)](#), regs. 1(1), **2(3)**
- F77** Reg. 22 table substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Universal Credit \(Work Allowance\) Amendment Regulations 2015 \(S.I. 2015/1649\)](#), regs. 1(1), **2(4)**
- F78** Sum in reg. 22 substituted (coming into force in accordance with art. 1(3)(o) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2020 \(S.I. 2020/234\)](#), **art. 33(1)(a)**
- F79** Sum in reg. 22 substituted (coming into force in accordance with art. 1(3)(o) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2020 \(S.I. 2020/234\)](#), **art. 33(1)(b)**

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

[^{F80}Apportionment where re-claim delayed after loss of employment

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

- (a) a new award is made in a case to which regulation 21(3C) (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 section 8 of the Act—

- (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—

$$N \times (A \times 12\,365)$$

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 Secretary of State considers there is good reason for the delay in making the claim.]

Textual Amendments

F80 Reg. 22A inserted (26.11.2014) by [The Universal Credit \(Digital Service\) Amendment Regulations 2014 \(S.I. 2014/2887\)](#), regs. 1, **3(1)(d)** (with reg. 5)

PART 4

ELEMENTS OF AN AWARD

Introduction

23.—(1) This Part contains provisions about the amounts (“the elements”) under—

- (a) section 9 (the standard allowance);
- (b) section 10 (responsibility for children and young persons);
- (c) section 11 (housing costs); and
- (d) section 12 (particular needs and circumstances),

of the Act that make up the maximum amount of an award of universal credit, as provided in section 8(2) of the Act.

(2) The elements to be included in an award under section 12 of the Act in respect of particular needs or circumstances are—

- (a) ^{F81}... the LCWRA element (see regulations 27 and 28);

- (b) the carer element (see regulations 29 and 30); and
- (c) the childcare costs element (see regulations 31 to 35).

Textual Amendments

- F81** Words in reg. 23(2)(a) omitted (3.4.2017) by virtue of [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), regs. 1, **4(3)** (with Sch. 2 paras. 8-15)

Responsibility for children or young persons

The child element

24.—(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 [^{F82}and in respect of whom an amount may be included under section 10] (“the child element”) is given in the table in regulation 36.

(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 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 or the daily living component of personal independence payment at the enhanced rate, or
 - (ii) ^{F83} ... blind.

Textual Amendments

- F82** Words in [reg. 24\(1\)](#) inserted (6.4.2017) by [Welfare Reform and Work Act 2016 \(c. 7\)](#), **ss. 14(5)(a)**, [36\(6\)](#); [S.I. 2017/111](#), [reg. 4](#)
- F83** Words in [reg. 24\(2\)\(b\)\(ii\)](#) omitted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by virtue of [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014 \(S.I. 2014/2888\)](#), regs. 1(1), **3(1)(b)**

[^{F84} Availability of the child element where maximum exceeded

24A.—(1) Where a claimant is responsible for more than two children or qualifying young persons, the amount mentioned in section 10(1) of the Act is to be available in respect of—

[any child or qualifying young person in relation to whom an exception applies in the ^{F85}(za) circumstances set out in—

- (i) paragraph 3 (adoptions) or paragraph 4 (non-parental caring arrangements) of Schedule 12; or
- (ii) paragraph 6 of Schedule 12 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

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(ii) an exception applies in relation to that child or qualifying young person [F86; in the circumstances set out in paragraph 2 (multiple births), paragraph 5 (non-consensual conception) or, except where sub-paragraph (za)(ii) 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 24B.

(3) A child or qualifying young person is transitionally protected [F87; if the child or qualifying young person was born before 6th April 2017.]

F88(4)]

Textual Amendments	
F84	Regs. 24A-24B inserted (6.4.2017) by The Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) Amendment Regulations 2017 (S.I. 2017/376) , regs. 1, 2(3)
F85	Reg. 24A(1)(za) inserted (28.11.2018) by The Universal Credit and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 2018 (S.I. 2018/1129) , regs. 1(2), 3(3)(a)(i)
F86	Words in reg. 24A(1)(b)(ii) inserted (28.11.2018) by The Universal Credit and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 2018 (S.I. 2018/1129) , regs. 1(2), 3(3)(a)(ii)
F87	Words in reg. 24A(3) substituted (1.2.2019) by The Universal Credit (Restriction on Amounts for Children and Qualifying Young Persons) (Transitional Provisions) Amendment Regulations 2019 (S.I. 2019/27) , regs. 1(2), 3
F88	Reg. 24A(4) omitted (28.11.2018) by virtue of The Universal Credit and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 2018 (S.I. 2018/1129) , regs. 1(2), 3(3)(b)

[F84 **Order of children and qualifying young persons**

24B.—(1) Subject to [F89; paragraphs (2) and (2A)], the order of children or qualifying young persons in a claimant’s household is to be determined by reference to [F90; 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,^{F91}...

(b)^{F91}

the order of those children or qualifying young persons (as between themselves only) in the claimant’s household is the order determined by the Secretary of State that ensures that the amount mentioned in section 10(1) of the Act is available in respect of the greatest number of children or qualifying young persons.

[^{F92}(2A) Any child or qualifying young person to whom regulation 24A(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

- F84** Regs. 24A-24B inserted (6.4.2017) by [The Social Security \(Restrictions on Amounts for Children and Qualifying Young Persons\) Amendment Regulations 2017](#) (S.I. 2017/376), regs. 1, **2(3)**
- F89** Words in reg. 24B(1) substituted (28.11.2018) by [The Universal Credit and Jobseeker's Allowance \(Miscellaneous Amendments\) Regulations 2018](#) (S.I. 2018/1129), regs. 1(2), **3(4)(a)(i)**
- F90** Words in reg. 24B(1) substituted (28.11.2018) by [The Universal Credit and Jobseeker's Allowance \(Miscellaneous Amendments\) Regulations 2018](#) (S.I. 2018/1129), regs. 1(2), **3(4)(a)(ii)**
- F91** Reg. 24B(2)(b) and word omitted (28.11.2018) by virtue of [The Universal Credit and Jobseeker's Allowance \(Miscellaneous Amendments\) Regulations 2018](#) (S.I. 2018/1129), regs. 1(2), **3(4)(b)**
- F92** Reg. 24B(2A) inserted (28.11.2018) by [The Universal Credit and Jobseeker's Allowance \(Miscellaneous Amendments\) Regulations 2018](#) (S.I. 2018/1129), regs. 1(2), **3(4)(c)**

Housing costs

The housing costs element

25.—(1) Paragraphs (2) to (4) specify for the purposes of section 11 of the Act (award of universal credit to include an amount in respect of any liability of a claimant to make payments in respect of the accommodation they occupy as their home)—

- (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));
 - (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”);
 - ^{F93}(b)
 - (c) payments within the meaning of paragraph 7 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 section 11 of the Act;

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- (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

F93 Reg. 25(2)(b) omitted (with effect in accordance with regs. 19 - 21 of the amending S.I.) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 5(a)**

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

26.—(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 25.

- (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—
 - ^{F94}(i)
 - (ii) service charge payments ^{F95}....
- (4) Where both paragraphs (2) and (3) apply in relation to a claimant who occupies accommodation under a shared ownership tenancy—
 - (a) an amount is to be calculated under each of Schedules 4 and 5; and
 - (b) the amount of the claimant's housing cost element is the aggregate of those amounts.
- (5) But 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) “Shared ownership tenancy” means—
 - (a) in England and Wales, a lease granted on payment of a premium calculated by reference to a percentage of the value of accommodation or the cost of providing it;
 - (b) in Scotland, an agreement by virtue of which the tenant of accommodation of which the tenant and landlord are joint owners is the tenant in respect of the landlord's interest in the accommodation or by virtue of which the tenant has the right to purchase the accommodation or the whole or part of the landlord's interest in it.

Textual Amendments

F94 Reg. 26(3)(b)(i) omitted (with effect in accordance with regs. 19 - 21 of the amending S.I.) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 5(b)**

F95 Word in reg. 26(3)(b)(ii) omitted (with effect in accordance with regs. 19 - 21 of the amending S.I.) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 5(c)**

*Particular needs or circumstances - capability for work***Award to include [^{F96}LCWRA element]**

27.—^{F97}(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 [^{F98}amount of that element is] given in the table in regulation 36.

(3) Whether a claimant has limited capability for ^{F99}... work and work-related activity is determined in accordance with Part 5.

^{F100}(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

- F96** Words in reg. 27 heading substituted (3.4.2017) by [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), regs. 1, **4(4)(a)** (with Sch. 2 paras. 8-15)
- F97** Reg. 27(1) substituted (3.4.2017) by [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), regs. 1, **4(4)(b)** (with Sch. 2 paras. 8-15)
- F98** Words in reg. 27(2) substituted (3.4.2017) by [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), regs. 1, **4(4)(c)** (with Sch. 2 paras. 8-15)
- F99** Words in reg. 27(3) omitted (3.4.2017) by virtue of [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), regs. 1, **4(4)(d)** (with Sch. 2 paras. 8-15)
- F100** Reg. 27(4) substituted (3.4.2017) by [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), regs. 1, **4(4)(e)** (with Sch. 2 paras. 8-15)

Modifications etc. (not altering text)

- C6** Reg. 27(3) excluded (29.4.2013) by [The Universal Credit \(Transitional Provisions\) Regulations 2013 \(S.I. 2013/386\)](#), regs. 1(2), **23(3)(a)(5)(a)**
- C7** Reg. 27(3) excluded (29.4.2013) by [The Universal Credit \(Transitional Provisions\) Regulations 2013 \(S.I. 2013/386\)](#), regs. 1(2), **26(2)(a)(3)(a)**
- C8** Reg. 27(3) excluded (29.4.2013) by [The Universal Credit \(Transitional Provisions\) Regulations 2013 \(S.I. 2013/386\)](#), regs. 1(2), **27(2)(a)(4)(a)**
- C9** Reg. 27(3) excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), regs. 1(2), **24(4)**
- C10** Reg. 27(3) excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), regs. 1(2), **26(2)(a)**
- C11** Reg. 27(3) excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), regs. 1(2), **21(4)**
- C12** Reg. 27(3) excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), regs. 1(2), **21(2)**
- C13** Reg. 27(3) excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), regs. 1(2), **24(2)**
- C14** Reg. 27(3) excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), regs. 1(2), **26(3)(a)**
- C15** Reg. 27(3) excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), regs. 1(2), **23(3)**

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

- C16** Reg. 27(3) excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), regs. 1(2), **23(2)**
- C17** Reg. 27(3) excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), regs. 1(2), **19(2)(a)**
- C18** Reg. 27(3) excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), regs. 1(2), **19(4)(a)**
- C19** Reg. 27(3) excluded (cond.) by S.I. 2014/1230 reg. 23(1A) (as inserted (13.10.2014) by [The Universal Credit \(Transitional Provisions\) \(Amendment\) Regulations 2014 \(S.I. 2014/1626\)](#), regs. 1(2), **5(2)(c)**)

Period for which the ^{F101}... LCWRA element is not to be included

28.—(1) An award of universal credit is not to include the ^{F102}... 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 three months beginning with—

- (a) if regulation 41(2) applies (claimant with [^{F103}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 ^{F104}... 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) But 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 ^{F105}... 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 section 5(1)(b) (or, if it was a joint claim, section 5(2)(b)) of the Act 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 ^{F106}..., 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 2007 ^{M41} (duration of contributory allowance).

^{F107}(6)

(7) Where, by virtue of this regulation, the condition in section 5(1)(b) or 5(2)(b) of the Act 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

- F101** Words in reg. 28 heading omitted (3.4.2017) by virtue of [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), regs. 1, **4(5)(a)** (with Sch. 2 paras. 8-15)
- F102** Words in reg. 28(1) omitted (3.4.2017) by virtue of [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), regs. 1, **4(5)(a)** (with Sch. 2 paras. 8-15)
- F103** Word in reg. 28(2)(a) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), reg. 1(1), **2(3)**
- F104** Words in reg. 28(2)(a) omitted (3.4.2017) by virtue of [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), regs. 1, **4(5)(a)** (with Sch. 2 paras. 8-15)
- F105** Words in reg. 28(3)(a) omitted (3.4.2017) by virtue of [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), regs. 1, **4(5)(a)** (with Sch. 2 paras. 8-15)
- F106** Words in reg. 28(5)(b)(i) omitted (3.4.2017) by virtue of [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), regs. 1, **4(5)(b)** (with Sch. 2 paras. 8-15)
- F107** Reg. 28(6) omitted (3.4.2017) by virtue of [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), regs. 1, **4(5)(c)** (with Sch. 2 paras. 8-15)

Modifications etc. (not altering text)

- C20** Reg. 28 excluded (29.4.2013) by [The Universal Credit \(Transitional Provisions\) Regulations 2013 \(S.I. 2013/386\)](#), reg. 1(2), **23(4)(a)(6)(a)**
- C21** Reg. 28 excluded (29.4.2013) by [The Universal Credit \(Transitional Provisions\) Regulations 2013 \(S.I. 2013/386\)](#), reg. 1(2), **24(4)(a)**
- C22** Reg. 28 excluded (29.4.2013) by [The Universal Credit \(Transitional Provisions\) Regulations 2013 \(S.I. 2013/386\)](#), reg. 1(2), **25(2)(a)(ii)**
- C23** Reg. 28 excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), reg. 1(2), **21(3)**
- C24** Reg. 28 excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), reg. 1(2), **27(2)(a)**
- C25** Reg. 28 excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), reg. 1(2), **21(5)**
- C26** Reg. 28 excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), reg. 1(2), **21(7)**
- C27** Reg. 28 excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), reg. 1(2), **19(3)(a)**
- C28** Reg. 28 excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), reg. 1(2), **27(2)(b)**
- C29** Reg. 28 excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), reg. 1(2), **20(3)(4)**
- C30** Reg. 28 excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), reg. 1(2), **19(5)(a)**
- C31** Reg. 28 excluded (cond.) by S.I. 2014/1230 reg. 26(4)(a) (as inserted (13.10.2014) by [The Universal Credit \(Transitional Provisions\) \(Amendment\) Regulations 2014 \(S.I. 2014/1626\)](#), reg. 1(2), **5(4)(b)**)
- C32** Reg. 28 excluded (cond.) by S.I. 2014/1230 reg. 26(4)(b) (as inserted (13.10.2014) by [The Universal Credit \(Transitional Provisions\) \(Amendment\) Regulations 2014 \(S.I. 2014/1626\)](#), reg. 1(2), **5(4)(b)**)
- C33** Reg. 28(1) excluded (29.4.2013) by [The Universal Credit \(Transitional Provisions\) Regulations 2013 \(S.I. 2013/386\)](#), reg. 1(2), **26(2)(c)(3)(c)**

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Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

- C34** Reg. 28(1) excluded (29.4.2013) by [The Universal Credit \(Transitional Provisions\) Regulations 2013 \(S.I. 2013/386\)](#), reg. 1(2), **27(2)(c)(4)(c)**
- C35** Reg. 28(1) excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), regs. 1(2), **26(2)(c)**
- C36** Reg. 28(1) excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), regs. 1(2), **24(4)**
- C37** Reg. 28(1) excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), regs. 1(2), **24(2)**
- C38** Reg. 28(1) excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), regs. 1(2), **23(2)**
- C39** Reg. 28(1) excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), regs. 1(2), **23(3)**
- C40** Reg. 28(1) excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), regs. 1(2), **26(3)(c)**
- C41** Reg. 28(2) excluded (29.4.2013) by [The Universal Credit \(Transitional Provisions\) Regulations 2013 \(S.I. 2013/386\)](#), reg. 1(2), **24(3)(a)**
- C42** Reg. 28(2) excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), regs. 1(2), **21(6)**
- C43** Reg. 28(2) excluded (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014 \(S.I. 2014/1230\)](#), reg. 1(2), **20(2)**
- C44** Reg. 28(2) excluded by [S.I. 2014/1230 reg. 20A \(as inserted \(30.3.2015\) by The Jobseeker s Allowance \(Extended Period of Sickness\) Amendment Regulations 2015 \(S.I. 2015/339\)](#), regs. 1, **6**

Marginal Citations

- M41** [2007 c.5](#). Section 1A was inserted by section 51 of the Welfare Reform Act 2012.

Particular needs or circumstances – carers

Award to include the carer element

29.—(1) An award of universal credit is to include an amount (“the carer element”) specified in the table in regulation 36 where a claimant has regular and substantial caring responsibilities for a severely disabled person, but subject to paragraphs (2) to (4) [^{F108}and section 70(7) of the Contributions and Benefits Act (entitlement by different persons to the carer element and to carer’s allowance 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 them and that is the one they jointly elect or, in default of election, the one the Secretary of State determines.

[^{F109}(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

F108 Words in reg. 29(1) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015](#) (S.I. 2015/1754), regs. 1(1), **13**

F109 Reg. 29(4) substituted (3.4.2017) by [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017](#) (S.I. 2017/204), regs. 1, **4(6)** (with Sch. 2 paras. 8-15)

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

30.—(1) For the purposes of Part 1 of the Act and these Regulations, a person has regular and substantial caring responsibilities for a severely disabled person if they satisfy the conditions for entitlement to a carer's allowance or would do so but for the fact that their earnings have exceeded the limit prescribed for the purposes of that allowance.

(2) Paragraph (1) applies whether or not the person has made a claim for a carer's allowance.

(3) But 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.

Particular needs or circumstances - childcare costs

Award to include childcare costs element

31. 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 32); and
- (b) the childcare costs condition (see regulation 33).

The work condition

32.—(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

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- (b) the claimant is receiving statutory sick pay, statutory maternity pay,^{F110} ... statutory paternity pay,^{F111} ... statutory adoption pay [^{F112}, statutory shared parental pay][^{F113}, statutory parental bereavement pay] or a maternity allowance.

Textual Amendments

- F110** Word in reg. 32(2)(b) omitted (5.4.2015) by virtue of [The Shared Parental Leave and Statutory Shared Parental Pay \(Consequential Amendments to Subordinate Legislation\) Order 2014 \(S.I. 2014/3255\)](#), arts. 1(3), **28(3)(a)** (with art. 35(1))
- F111** Words in reg. 32(2)(b) omitted (5.4.2015) by virtue of [The Shared Parental Leave and Statutory Shared Parental Pay \(Consequential Amendments to Subordinate Legislation\) Order 2014 \(S.I. 2014/3255\)](#), arts. 1(3), **28(3)(b)** (with art. 35(1))
- F112** Words in reg. 32(2)(b) inserted (31.12.2014) by [The Shared Parental Leave and Statutory Shared Parental Pay \(Consequential Amendments to Subordinate Legislation\) Order 2014 \(S.I. 2014/3255\)](#), arts. 1(2), **28(3)(c)**
- F113** Words in reg. 32(2)(b) inserted (6.4.2020) by [The Parental Bereavement Leave and Pay \(Consequential Amendments to Subordinate Legislation\) Regulations 2020 \(S.I. 2020/354\)](#), regs. 1, **28(3)**

The childcare costs condition

- 33.**—(1) The childcare costs condition is met in respect of an assessment period if—
- [^{F114}(za) the claimant has paid charges for relevant childcare that are attributable to that assessment period (see regulation 34A) and those charges have been reported to the Secretary of State [^{F115}before the end of the assessment period that follows the assessment period in which they were paid];]
- (a) [^{F116}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
- (b) 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 32(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.

[^{F117}(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 2013 and, in such cases, subject to regulation 34A below, all or part of any such charges may be taken into account in any assessment period to which they relate.]

[^{F118}(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 2013 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.]

Textual Amendments

- F114** Reg. 33(1)(za) inserted (26.11.2014) by [The Universal Credit \(Digital Service\) Amendment Regulations 2014 \(S.I. 2014/2887\)](#), regs. 1, **2(2)(a)** (with reg. 5)
- F115** Words in reg. 33(1)(za) substituted (16.10.2019) by [The Universal Credit \(Childcare Costs and Minimum Income Floor\) \(Amendment\) Regulations 2019 \(S.I. 2019/1249\)](#), regs. 1(3), **2(a)**
- F116** Words in reg. 33(1)(a) substituted (26.11.2014) by [The Universal Credit \(Digital Service\) Amendment Regulations 2014 \(S.I. 2014/2887\)](#), regs. 1, **2(2)(b)** (with reg. 5)
- F117** Reg. 33(2) substituted (26.11.2014) by [The Universal Credit \(Digital Service\) Amendment Regulations 2014 \(S.I. 2014/2887\)](#), regs. 1, **2(2)(c)** (with reg. 5)
- F118** Reg. 33(3) inserted (16.10.2019) by [The Universal Credit \(Childcare Costs and Minimum Income Floor\) \(Amendment\) Regulations 2019 \(S.I. 2019/1249\)](#), regs. 1(3), **2(b)**

Amount of childcare costs element

- 34.**—(1) The amount of the childcare costs element for an assessment period is the lesser of—
- [^{F119}(a) [^{F120}85%] 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 36.
- (2) In determining the amount of charges paid for relevant childcare, there is to be left out of account any amount—
- (a) that the Secretary of State 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 Secretary of State or by Scottish or Welsh Ministers in connection with the claimant's participation in work-related activity or training.

Textual Amendments

- F119** Reg. 34(1)(a) substituted (26.11.2014) by [The Universal Credit \(Digital Service\) Amendment Regulations 2014 \(S.I. 2014/2887\)](#), regs. 1, **2(3)** (with reg. 5)
- F120** Word in reg. 34(1)(a) (as it has effect both as amended by and apart from the amendment made by SI 2014/2887, reg. 2(3)) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), **regs. 1(2), 6(2)**

Modifications etc. (not altering text)

- C45** Reg. 34(1)(a) percentage maintained (coming into force in accordance with art. 1(2)(o) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2017 \(S.I. 2017/260\)](#), arts. 1(2)(o), **28(1)**

[^{F121}Charges attributable to an assessment period

- 34A.**—(1) Charges paid for relevant childcare are attributable to an assessment period where—
- (a) those charges are paid in that assessment period for relevant childcare in respect of that assessment period; or

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- (b) those charges are paid in that assessment period for relevant childcare in respect of a previous assessment period; or
- (c) those charges 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 34(2)). *Step 2* Apply the formula—

$$(P A D) \times A P$$

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, a 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.]

Textual Amendments

F121 Reg. 34A inserted (26.11.2014) by [The Universal Credit \(Digital Service\) Amendment Regulations 2014 \(S.I. 2014/2887\)](#), regs. 1, **2(4)** (with reg. 5)

Modifications etc. (not altering text)

C46 Reg. 34A(2) sum maintained (coming into force in accordance with art. 1(2)(o) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2017 \(S.I. 2017/260\)](#), arts. 1(2)(o), 28(4), **Sch. 17**

Meaning of “relevant childcare”

35.—(1) “Relevant childcare” means any of the care described in paragraphs (2) to (5) other than care excluded by paragraph (7) or (8).

(2) Care provided in England for a child—

(a) by a person registered under Part 3 of the Childcare Act 2006 ^{M42}; or

^{F122}(b) by or under the direction of the proprietor of a school as part of the school's activities—

(i) out of school hours, where a child has reached compulsory school age, or

(ii) at any time, where a child has not yet reached compulsory school age; or]

^{F123}(c) by a domiciliary care provider registered with the Care Quality Commission in accordance with the requirements of the Health and Social Care Act 2008 ^{M43}.]

(3) Care provided in Scotland for a child—

(a) by a person in circumstances in which the care service provided by the person consists of child minding or of day care of children within the meaning of ^{F124} schedule 12 to the Public Services Reform (Scotland) Act 2010 ^{M44} and is registered under Part 5 of that Act; or]

(b) by a childcare agency where the care service consists of or includes supplying, or introducing to persons who use the service, childcarers within the meaning of ^{F125} paragraph 5 of schedule 12 to the Public Services Reform (Scotland) Act 2010; or]

- (c) by a local authority in circumstances in which the care service provided by the local authority consists of child minding or of day care of children within the meaning of [F126]schedule 12 to the Public Services Reform (Scotland) Act 2010 and is registered under Part 5 of that Act]
- (4) Care provided in Wales for a child—
- (a) by a person registered under Part 2 of the Children and Families (Wales) Measure 2010 ^{M45};
- (b) in circumstances in which, but for article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010 ^{M46}, the care would be day care for the purposes of Part 2 of the Children and Families (Wales) Measure 2010;
- (c) by a childcare provider approved in accordance with a scheme made by the National Assembly for Wales under section 12(5) of the Tax Credits Act 2002 ^{M47}[F127]or made by the Welsh Ministers under section 60 (promotion etc. of well-being) of the Government of Wales Act 2006];
- [F128](d) out of school hours, by a school on school premises or by a local authority;]
- [F129](e) by a person who is employed, or engaged under a contract for services, to provide care and support by the provider of a domiciliary support service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016; or]
- (f) by a foster parent in relation to the child (other than one whom the foster parent is fostering) in circumstances in which the care would be child minding or day care for the purposes of Part 2 of the Children and Families (Wales) Measure 2010 but for the fact that the child is over the age of the children to whom that Measure applies.
- (5) Care provided anywhere outside Great Britain by a childcare provider approved by an organisation accredited by the Secretary of State.
- [F130](5A) In paragraph (2)(b), “school” means a school that Her Majesty's Chief Inspector of Education, Children's Services and Skills is, or may be, required to inspect.]
- (6) In paragraphs (2)(b) and (4)(d)—
- (a) “proprietor”, in relation to a school, means—
- (i) the governing body incorporated under section 19 of the Education Act 2002 ^{M48}, or
- (ii) if there is no such governing body, the person or body of persons responsible for the management of the school; and
- (b) “school premises” means premises that may be inspected as part of an inspection of the school.
- (7) The following are not relevant childcare—
- (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.
- (8) Care is not within paragraph (2)(a) if it is provided in breach of a requirement to register under Part 3 of the Childcare Act 2006.
- (9) In this regulation “child” includes a qualifying young person mentioned in regulation 33(1)(a)(ii).

Textual Amendments

F122 Reg. 35(2)(b) substituted (29.7.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(a), **3(6)(a)**

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

- F123** Reg. 35(2)(c) inserted (29.7.2013) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2013 (S.I. 2013/1508), regs. 1(2)(a), **3(6)(b)**
- F124** Words in reg. 35(3)(a) substituted (29.7.2013) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2013 (S.I. 2013/1508), regs. 1(2)(a), **3(6)(c)**
- F125** Words in reg. 35(3)(b) substituted (29.7.2013) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2013 (S.I. 2013/1508), regs. 1(2)(a), **3(6)(d)**
- F126** Words in reg. 35(3)(c) substituted (29.7.2013) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2013 (S.I. 2013/1508), regs. 1(2)(a), **3(6)(e)**
- F127** Words in reg. 35(4)(c) inserted (25.3.2021) by The Universal Credit (Childcare in Wales) (Amendment) Regulations 2021 (S.I. 2021/228), regs. 1, **2**
- F128** Reg. 35(4)(d) substituted (29.7.2013) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2013 (S.I. 2013/1508), regs. 1(2)(a), **3(6)(f)**
- F129** Reg. 35(4)(e) substituted (2.4.2018) by The Social Security and Child Support (Regulation and Inspection of Social Care (Wales) Act 2016) (Consequential Provision) Regulations 2018 (S.I. 2018/228), regs. 1, **14(2)**
- F130** Reg. 35(5A) inserted (29.7.2013) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2013 (S.I. 2013/1508), regs. 1(2)(a), **3(6)(g)**

Marginal Citations

- M42** 2006 c.21.
- M43** 2008 c.14.
- M44** 2010 asp.8.
- M45** 2010 nawm. 1.
- M46** S.I. 2010/2839 (W 233).
- M47** 2002 c.21.
- M48** 2002 c. 32. Section 19 has been amended by S.I. 2010/1158.

General

Table showing amounts of elements

36.—(1) The amounts of the standard allowance, the child element, the [^{F131}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 26.

(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.

Element	Amount for each assessment period
Standard allowance—	
single claimant aged under 25	[^{F132} [^{F133} £256.05][^{F133} £342.72]]
single claimant aged 25 or over	[^{F132} [^{F134} £323.22][^{F134} £409.89]]
joint claimants both aged under 25	[^{F132} [^{F135} £401.92][^{F135} £488.59]]
joint claimants where either is aged 25 or over	[^{F132} [^{F136} £507.37][^{F136} £594.04]]
Child element—	

[^{F137} first child or qualifying young person]	[^{F137} [^{F132} £281.25]]
[^{F138} second and each subsequent][^{F138} each] child or qualifying young person	[^{F132} £235.83]
Additional amount for disabled child or qualifying young person—	
lower rate	[^{F132} £128.25]
higher rate	[^{F132} £400.29]
[^{F139} LCWRA element]—	
F140	F140
...	...
limited capability for work and work-related activity	[^{F132} £341.92]
Carer element	[^{F132} £162.92]
Childcare costs element—	
maximum amount for one child	[^{F132} £646.35]
maximum amount for two or more children	[^{F132} £1,108.04]

Textual Amendments

- F131** Words in reg. 36(1) substituted (3.4.2017) by [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), regs. 1, **4(7)(a)** (with Sch. 2 paras. 8-15)
- F132** Sums in reg. 36 substituted (coming into force in accordance with art. 1(3)(o) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2020 \(S.I. 2020/234\)](#), art. 33, **Sch. 13**
- F133** Sum in reg. 36 substituted (temp.) (with effect in accordance with reg. 3(2) of the amending S.I.) by virtue of [The Social Security \(Coronavirus\) \(Further Measures\) Regulations 2020 \(S.I. 2020/371\)](#), regs. 1(1), **3(1)(a)** (as amended (6.4.2020) by [The Social Security \(Coronavirus\) \(Further Measures\) Amendment Regulations 2020 \(S.I. 2020/397\)](#), regs. 1, **2(1)**)
- F134** Sum in reg. 36 substituted (temp.) (with effect in accordance with reg. 3(2) of the amending S.I.) by virtue of [The Social Security \(Coronavirus\) \(Further Measures\) Regulations 2020 \(S.I. 2020/371\)](#), regs. 1(1), **3(1)(b)** (as amended (6.4.2020) by [The Social Security \(Coronavirus\) \(Further Measures\) Amendment Regulations 2020 \(S.I. 2020/397\)](#), regs. 1, **2(1)**)
- F135** Sum in reg. 36 substituted (temp.) (with effect in accordance with reg. 3(2) of the amending S.I.) by virtue of [The Social Security \(Coronavirus\) \(Further Measures\) Regulations 2020 \(S.I. 2020/371\)](#), regs. 1(1), **3(1)(c)** (as amended (6.4.2020) by [The Social Security \(Coronavirus\) \(Further Measures\) Amendment Regulations 2020 \(S.I. 2020/397\)](#), regs. 1, **2(1)**)
- F136** Sum in reg. 36 substituted (temp.) (with effect in accordance with reg. 3(2) of the amending S.I.) by virtue of [The Social Security \(Coronavirus\) \(Further Measures\) Regulations 2020 \(S.I. 2020/371\)](#), regs. 1(1), **3(1)(d)** (as amended (6.4.2020) by [The Social Security \(Coronavirus\) \(Further Measures\) Amendment Regulations 2020 \(S.I. 2020/397\)](#), regs. 1, **2(1)**)
- F137** Words in reg. 36 table omitted (6.4.2017) by virtue of [Welfare Reform and Work Act 2016 \(c. 7\)](#), **ss. 14(5)(b)(i)**, 36(6); S.I. 2017/111, reg. 4
- F138** Word in reg. 36 substituted (6.4.2017) by [Welfare Reform and Work Act 2016 \(c. 7\)](#), **ss. 14(5)(b)(ii)**, 36(6); S.I. 2017/111, reg. 4
- F139** Words in reg. 36 table substituted (3.4.2017) by [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), regs. 1, **4(7)(b)(i)** (with Sch. 2 paras. 8-15)

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

F140 Words in reg. 36 table omitted (6.4.2017) by virtue of [Welfare Reform and Work Act 2016 \(c. 7\), ss. 14\(5\)\(b\)\(i\), 36\(6\); S.I. 2017/111, reg. 4](#); and sum in reg. 36 table (as saved) substituted (coming into force in accordance with [art. 1\(3\)\(o\)](#) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2020 \(S.I. 2020/234\), art. 33, Sch. 13](#)

Modifications etc. (not altering text)

C47 Reg. 36 sums maintained (coming into force in accordance with [art. 1\(3\)\(m\)](#) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2019 \(S.I. 2019/480\)](#), arts. 1(3)(m), 29(2), Sch. 9

Run-on after a death

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

- (a) in the case of a joint award, one member of the couple;
- (b) a child or qualifying young person for whom a claimant was responsible; ^{F141} ...
- (c) in the case of a claimant who had regular and substantial caring responsibilities for a severely disabled person, that person^{F142}; or
- (d) a person who was a non-dependant within the meaning of paragraph 9(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.

Textual Amendments

F141 Word in reg. 37(b) omitted (28.4.2014) by virtue of [The Universal Credit and Miscellaneous Amendments Regulations 2014 \(S.I. 2014/597\), regs. 1, 2\(3\)](#)

F142 Reg. 37(d) and word inserted (28.4.2014) by [The Universal Credit and Miscellaneous Amendments Regulations 2014 \(S.I. 2014/597\), regs. 1, 2\(3\)](#)

PART 5

CAPABILITY FOR WORK OR WORK-RELATED ACTIVITY

Introduction

38. The question whether a claimant has limited capability for work, or for work and work-related activity, is to be determined for the purposes of the Act and these Regulations in accordance with this Part.

Modifications etc. (not altering text)

C48 [Reg. 38](#) excluded (cond.) by S.I. 2014/1230 reg. 23(1A) (as inserted (13.10.2014) by [The Universal Credit \(Transitional Provisions\) \(Amendment\) Regulations 2014 \(S.I. 2014/1626\), regs. 1\(2\), 5\(2\)\(c\)](#))

Limited capability for work

39.—(1) A claimant has limited capability for work if—

- (a) it has been determined that the claimant has limited capability for work on the basis of an assessment under this Part or under Part 4 of the ESA Regulations; or
 - (b) the claimant is to be treated as having limited capability for work (see paragraph (6)).
- (2) An assessment under this Part is an assessment as to the extent to which a claimant who has some specific disease or bodily or mental disablement is capable of performing the activities prescribed in Schedule 6 or is incapable by reason of such disease or bodily or mental disablement of performing those activities.
- (3) A claimant has limited capability for work on the basis of an assessment under this Part if, by adding the points listed in column (3) of Schedule 6 against each descriptor listed in column (2) of that Schedule that applies in the claimant's case, the claimant obtains a total score of at least—
- (a) 15 points whether singly or by a combination of descriptors specified in Part 1 of that Schedule;
 - (b) 15 points whether singly or by a combination of descriptors specified in Part 2 of that Schedule; or
 - (c) 15 points by a combination of descriptors specified in Parts 1 and 2 of that Schedule.
- (4) In assessing the extent of a claimant's capability to perform any activity listed in Schedule 6, it is a condition that the claimant's incapability to perform the activity arises—
- (a) in respect of any descriptor listed in Part 1 of Schedule 6, from a specific bodily disease or disablement;
 - (b) in respect of any descriptor listed in Part 2 of Schedule 6, from a specific mental illness or disablement; or
 - (c) in respect of any descriptor or descriptors listed in—
 - (i) Part 1 of Schedule 6, as a direct result of treatment provided by a registered medical practitioner for a specific physical disease or disablement, or
 - (ii) Part 2 of Schedule 6, as a direct result of treatment provided by a registered medical practitioner for a specific mental illness or disablement.
- (5) Where more than one descriptor specified for an activity applies to a claimant, only the descriptor with the highest score in respect of each activity which applies is to be counted.
- (6) ^{F143}Subject to paragraph (7),] a claimant is to be treated as having limited capability for work if any of the circumstances set out in Schedule 8 applies.
- ^{F144}(7) Where the circumstances set out in paragraph 4 or 5 of Schedule 8 apply, a claimant may only be treated as having limited capability for work if the claimant does not have limited capability for work as determined in accordance with an assessment under this Part.]

Textual Amendments

F143 Words in [reg. 39\(6\)](#) inserted (28.4.2014) by [The Universal Credit and Miscellaneous Amendments Regulations 2014 \(S.I. 2014/597\)](#), regs. 1, **2(4)(a)**

F144 [Reg. 39\(7\)](#) inserted (28.4.2014) by [The Universal Credit and Miscellaneous Amendments Regulations 2014 \(S.I. 2014/597\)](#), regs. 1, **2(4)(b)**

Limited capability for work and work-related activity

- 40.**—(1) A claimant has limited capability for work and work-related activity if—
- (a) it has been determined that—

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

- (i) the claimant has limited capability for work and work-related activity on the basis of an assessment under this Part, or
 - (ii) the claimant has limited capability for work related activity on the basis of an assessment under Part 5 of ESA Regulations; or
 - (b) the claimant is to be treated as having limited capability for work and work-related activity (see paragraph (5)).
- (2) A claimant has limited capability for work and work-related activity on the basis of an assessment under this Part if, by reason of the claimant's physical or mental condition,—
- (a) at least one of the descriptors set out in Schedule 7 applies to the claimant;
 - (b) the claimant's capability for work and work-related activity is limited; and
 - (c) the limitation is such that it is not reasonable to require that claimant to undertake such activity.
- (3) In assessing the extent of a claimant's capability to perform any activity listed in Schedule 7, it is a condition that the claimant's incapability to perform the activity arises—
- (a) in respect of descriptors 1 to 8, 15(a), 15(b), 16(a) and 16(b)—
 - (i) from a specific bodily disease or disablement; or
 - (ii) as a direct result of treatment provided by a registered medical practitioner for a specific physical disease or disablement; or
 - (b) in respect of descriptors 9 to 14, 15(c), 15(d), 16(c) and 16(d)—
 - (i) from a specific mental illness or disablement; or
 - (ii) as a direct result of treatment provided by a registered medical practitioner for a specific mental illness or disablement.
- (4) A descriptor applies to a claimant if that descriptor applies to the claimant for the majority of the time or, as the case may be, on the majority of the occasions on which the claimant undertakes or attempts to undertake the activity described by that descriptor.
- (5) ^{F145}Subject to paragraph (6),] a claimant is to be treated as having limited capability for work and work-related activity if any of the circumstances set out in Schedule 9 applies.
- ^{F146}(6) Where the circumstances set out in paragraph 4 of Schedule 9 apply, a claimant may only be treated as having limited capability for work and work-related activity if the claimant does not have limited capability for work and work-related activity as determined in accordance with an assessment under this Part.]

Textual Amendments

F145 Words in [reg. 40\(5\)](#) inserted (28.4.2014) by [The Universal Credit and Miscellaneous Amendments Regulations 2014 \(S.I. 2014/597\)](#), [regs. 1, 2\(5\)\(a\)](#)

F146 [Reg. 40\(6\)](#) inserted (28.4.2014) by [The Universal Credit and Miscellaneous Amendments Regulations 2014 \(S.I. 2014/597\)](#), [regs. 1, 2\(5\)\(b\)](#)

Work Capability Assessment

When an assessment may be carried out

- 41.—**(1) The Secretary of State may carry out an assessment under this Part where—

- (a) it falls to be determined for the first time whether a claimant has limited capability for work or for work and work-related activity; or
- (b) there has been a previous determination and the Secretary of State wishes to determine whether there has been a relevant change of circumstances in relation to the claimant's physical or mental condition or whether that determination was made in ignorance of, or was based on a mistake as to, some material fact,

but subject to paragraphs (2) to (4).

(2) If the claimant has [^{F147}monthly] earnings that are equal to or exceed the relevant threshold, the Secretary of State may not carry out an assessment under this Part unless—

- (a) the claimant is entitled to attendance allowance, disability living allowance or personal independence payment; or
- (b) the assessment is for the purposes of reviewing a previous determination that a claimant has limited capability for work or for work and work-related activity that was made on the basis of an assessment under this Part or under Part 4 or 5 of the ESA Regulations,

and, in a case where no assessment may be carried out by virtue of this paragraph, the claimant is to be treated as not having limited capability for work unless they are treated as having limited capability for work or for work and work-related activity by virtue of regulation 39(6) or 40(5).

(3) The relevant threshold for the purposes of paragraph (2) is the amount that a person would be paid at the hourly rate set out in [^{F148}regulation 4 of the National Minimum Wage Regulations] for 16 hours a week [^{F149}, converted to a monthly amount by multiplying by 52 and dividing by 12].

(4) If it has previously been determined on the basis of an assessment under this Part or under Part 4 or 5 of the ESA Regulations that the claimant does not have limited capability for work, no further assessment is to be carried out unless there is evidence to suggest that—

- (a) the determination was made in ignorance of, or was based on a mistake as to, some material fact; or
- (b) there has been a relevant change of circumstances in relation to the claimant's physical or mental condition.

Textual Amendments

F147 Word in reg. 41(2) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **2(4)**
(a)

F148 Words in reg. 41(3) substituted (25.7.2016) by [The Social Security \(Jobseeker's Allowance, Employment and Support Allowance and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/678\)](#), regs. 1, **5(3)**

F149 Words in reg. 41(3) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **2(4)**
(b)

Assessment - supplementary

42.—(1) The following provisions apply to an assessment under this Part.

(2) The claimant is to be assessed as if the claimant were fitted with or wearing any prosthesis with which the claimant is normally fitted or normally wears or, as the case may be, wearing or using any aid or appliance which is normally, or could reasonably be expected to be, worn or used.

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

(3) If a descriptor applies in the case of the claimant as a direct result of treatment provided by a registered medical practitioner for a specific disease, illness or disablement, it is to be treated as applying by reason of the disease, illness or disablement.

Information requirement

43.—(1) The information required to determine whether a claimant has limited capability for work or for work and work-related activity is—

- (a) any information relating to the descriptors specified in Schedule 6 or 7 requested by the Secretary of State in the form of a questionnaire; and
- (b) any additional information that may be requested by the Secretary of State.

(2) But where the Secretary of State is satisfied that there is enough information to make the determination without the information mentioned in paragraph (1)(a), that information is not required.

(3) Where a claimant fails without a good reason to comply with a request under paragraph (1), the claimant is to be treated as not having limited capability for work or, as the case may be, for work and work-related activity.

(4) But paragraph (3) does not apply unless the claimant was sent a further request to provide the information at least 3 weeks after the date of the first request and at least 1 week has passed since the further request was sent.

Medical examinations

44.—(1) Where it falls to be determined whether a claimant has limited capability for work or for work and work-related activity, the claimant may be called by or on behalf of a health care professional approved by the Secretary of State to attend a medical examination.

(2) Where a claimant who is called by or on behalf of such a health care professional to attend a medical examination [^{F150}in person, by telephone or by video] fails without a good reason to attend or submit to the examination, the claimant is to be treated as not having limited capability for work or, as the case may be, for work and work-related activity.

(3) But paragraph (2) does not apply unless—

- (a) notice of the date, time and place of the examination was given to the claimant at least 7 days in advance; or
- (b) notice was given less than 7 days in advance and the claimant agreed to accept it.

Textual Amendments

F150 Words in reg. 44(1) inserted (25.3.2021) by [The Social Security \(Claims and Payments, Employment and Support Allowance, Personal Independence Payment and Universal Credit\) \(Telephone and Video Assessment\) \(Amendment\) Regulations 2021 \(S.I. 2021/230\)](#), regs. 1(1), **4(2)**

PART 6

CALCULATION OF CAPITAL AND INCOME

CHAPTER 1

CAPITAL

Introduction

45. This Chapter provides for the calculation of a person's capital for the purpose of section 5 of the Act (financial conditions) and section 8 of the Act (calculation of awards).

What is included in capital?

46.—(1) The whole of a person's capital is to be taken into account unless—

- (a) it is to be treated as income (see paragraphs (3) and (4)); or
- (b) it is to be disregarded (see regulation 48).

(2) A person's personal possessions are not to be treated as capital.

(3) Subject to paragraph (4), any sums that are paid regularly and by reference to a period, for example payments under an annuity, are to be treated as income even if they would, apart from this provision, be regarded as capital or as having a capital element.

(4) Where capital is payable by instalments, each payment of an instalment is to be treated as income if the amount outstanding, combined with any other capital of the person (and, if the person is a member of a couple, the other member), exceeds £16,000, but otherwise such payments are to be treated as capital.

Jointly held capital

47. Where a person and one or more other persons have a beneficial interest in a capital asset, those persons are to be treated, in the absence of evidence to the contrary, as if they were each entitled to an equal share of the whole of that beneficial interest.

Capital disregarded

48.—(1) Any capital specified in Schedule 10 is to be disregarded from the calculation of a person's capital (see also regulations 75 to 77).

(2) Where a period of 6 months is specified in that Schedule, that period may be extended by the Secretary of State where it is reasonable to do so in the circumstances of the case.

Valuation of capital

49.—(1) Capital is to be calculated at its current market value or surrender value less—

- (a) where there would be expenses attributable to sale, 10%; and
- (b) the amount of any encumbrances secured on it.

(2) The market value of a capital asset possessed by a person in a country outside the United Kingdom is—

- (a) if there is no prohibition in that country against the transfer of an amount equal to the value of that asset to the United Kingdom, the market value in that country; or
- (b) if there is such a prohibition, the amount it would raise if sold in the United Kingdom to a willing buyer.

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

(3) Where capital is held in currency other than sterling, it is to be calculated after the deduction of any banking charge or commission payable in converting that capital into sterling.

Notional capital

50.—(1) A person is to be treated as possessing capital of which the person has deprived themselves for the purpose of securing entitlement to universal credit or to an increased amount of universal credit.

(2) A person is not to be treated as depriving themselves of capital if the person disposes of it for the purposes of—

- (a) reducing or paying a debt owed by the person; or
- (b) purchasing goods or services if the expenditure was reasonable in the circumstances of the person's case.

(3) Where a person is treated as possessing capital in accordance with this regulation, then for each subsequent assessment period (or, in a case where the award has terminated, each subsequent month) the amount of capital the person is treated as possessing (“the notional capital”) reduces—

- (a) in a case where the notional capital exceeds £16,000, by the amount which the Secretary of State considers would be the amount of an award of universal credit that would be made to the person (assuming they met the conditions in section 4 and 5 of the Act) if it were not for the notional capital; or
- (b) in a case where the notional capital exceeds £6,000 but not £16,000 (including where the notional capital has reduced to an amount equal to or less than £16,000 in accordance with sub-paragraph (a)) by the amount of unearned income that the notional capital is treated as yielding under regulation 72.

CHAPTER 2

EARNED INCOME

Modifications etc. (not altering text)

C49 Pt. 6 Ch. 2 excluded in part (27.7.2013) by [S.I. 2013/1508](#), regs. 1(2), **7(3)(b)**

C50 Pt. 6 Ch. 2 applied (with modifications) by [S.I. 2013/383](#), reg. 13(7) as substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **7**

Introduction

51. This Chapter provides for the calculation or estimation of a person's earned income for the purposes of section 8 of the Act (calculation of awards).

Meaning of “earned income”

52. “Earned income” means—

- (a) the remuneration or profits derived from—
 - (i) employment under a contract of service or in an office, including elective office,
 - (ii) a trade, profession or vocation, or
 - (iii) any other paid work; or
- (b) any income treated as earned income in accordance with this Chapter.

Meaning of other terms relating to earned income

53.—(1) In this Chapter—

- “car” has the meaning in section 268A of the Capital Allowances Act 2001 ^{M49};
- “employed earnings” has the meaning in regulation 55;
- “gainful self-employment” has the meaning in regulation 64;
- “HMRC” means Her Majesty's Revenue and Customs;
- “motor cycle” has the meaning in section 268A of the Capital Allowances Act 2001;
- “PAYE Regulations” means the Income Tax (Pay As You Earn) Regulations 2003 ^{M50};
- “relievable pension contributions” has the meaning in section 188 of the Finance Act 2004 ^{M51};
- “self-employed earnings” has the meaning in regulation 57; and
- “start-up period” has the meaning in regulation 63.

(2) References in this Chapter to a person participating as a service user are to—

- (a) a person who is being consulted by or on behalf of—
 - (i) a body which has a statutory duty to provide services in the field of health, social care or social housing; or
 - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services,
 in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services; or
- [^{F151}(ab) a person who is being consulted by or on behalf of—
 - (i) the Secretary of State in relation to any of the Secretary of State's functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or
 - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions,
 in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person;]
- (b) the carer of a person consulted under [^{F152}sub-paragraphs (a) or (ab)].

Textual Amendments

F151 Reg. 53(2)(ab) inserted (23.2.2015) by [The Social Security \(Miscellaneous Amendments\) Regulations 2015 \(S.I. 2015/67\)](#), regs. 1, **2(1)(2)(a)**

F152 Words in reg. 53(2)(b) substituted (23.2.2015) by [The Social Security \(Miscellaneous Amendments\) Regulations 2015 \(S.I. 2015/67\)](#), regs. 1, **2(1)(2)(b)**

Marginal Citations

M49 2001 c.2. Section 268A was inserted by section 30 of the [Finance Act 2009 \(c.10\)](#).

M50 S.I. 2003/2682.

M51 2004 c.12.

Calculation of earned income - general principles

54.—(1) The calculation of a person's earned income in respect of an assessment period is, unless otherwise provided in this Chapter, to be based on the actual amounts received in that period.

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

(2) Where the Secretary of State—

- (a) makes a determination as to whether the financial conditions in section 5 of the Act are met before the expiry of the first assessment period in relation to a claim for universal credit; or
- (b) makes a determination as to the amount of a person's earned income in relation to an assessment period where a person has failed to report information in relation to that earned income,

that determination may be based on an estimate of the amounts received or expected to be received in that assessment period.

^{F153}Surplus earnings

54A.—(1) This regulation applies in relation to a claim for universal credit where—

- (a) the claimant, or either of joint claimants, had an award of universal credit (the “old award”) that terminated within the 6 months ending on the first day in respect of which the claim is made;
- (b) the claimant has not, or neither of joint claimants has, been entitled to universal credit since the old award terminated; and
- (c) the total earned income in the month that would have been the final assessment period for the old award, had it not terminated, exceeded the relevant threshold.

(2) Where this regulation applies in relation to a claim, any surplus earnings determined in accordance with paragraph (3) are to be treated as earned income for the purposes of determining whether there is entitlement to a new award and, if there is entitlement, calculating the amount of the award.

(3) Surplus earnings are—

- (a) if the claim in question is the first since the termination of the old award, the amount of the excess referred to in paragraph (1)(c) (“the original surplus”);
- (b) if the claim in question is the second since the termination of the old award, the amount, if any, by which—
 - (i) the original surplus, plus
 - (ii) the total earned income in the month that would have been the first assessment period in relation to the first claim,
 exceeded the relevant threshold (“the adjusted surplus”);
- (c) if the claim in question is the third since the termination of the old award, the amount, if any, by which—
 - (i) the adjusted surplus from the second claim, plus
 - (ii) the total earned income in the month that would have been the first assessment period in relation to the second claim,
 exceeded the relevant threshold;
- (d) if the claim in question is the fourth or fifth since the termination of the old award, an amount calculated in the same manner as for the third claim (that is by taking the adjusted surplus from the previous claim).

(4) For the purposes of paragraph (3)—

- (a) if the claim in question is the first joint claim by members of a couple, each of whom had an old award (because each was previously entitled to universal credit as a single person or as a member of a different couple), the amounts of any surplus earnings from the old

award or from a previous claim that would have been treated as earned income if they had each claimed as a single person are to be aggregated; and

- (b) if the claim in question is—
- (i) a single claim where the claimant had an old award, or made a subsequent claim, as a joint claimant, or
 - (ii) a joint claim where either claimant had an old award, or made a subsequent claim, as a member of a different couple,

the original surplus, or any adjusted surplus, in relation to the old award is to be apportioned in the manner determined by the Secretary of State.

(5) No amount of surplus earnings is to be taken into account in respect of a claimant who has, or had at the time the old award terminated, recently been a victim of domestic violence (within the meaning given by regulation 98).

(6) In this regulation—

“total earned income” is the earned income of the claimant or, if the claimant is a member of a couple, the couple’s combined earned income, but does not include any amount a claimant would be treated as having by virtue of regulation 62 (the minimum income floor);

“the nil UC threshold” is the amount of total earned income above which there would be no entitlement to universal credit, expressed by the following formula—

$$(M-U)63 \times 100 + WA$$

where—

M is the maximum amount of an award of universal credit;

U is unearned income;

WA is the work allowance; and

“the relevant threshold” is the nil UC threshold plus £300.]

Textual Amendments

F153 Reg. 54A inserted (11.4.2018) by [The Universal Credit \(Surpluses and Self-employed Losses\) \(Digital Service\) Amendment Regulations 2015 \(S.I. 2015/345\)](#), regs. 1, **2(2)** (with regs. 4, 5) (as amended by [S.I. 2017/197](#), reg. 2 and [S.I. 2018/65](#), reg. 7)

Employed earnings

55.—(1) This regulation applies for the purposes of calculating earned income from employment under a contract of service or in an office, including elective office (“employed earnings”).

(2) Employed earnings comprise any amounts that are general earnings, as defined in section 7(3) of ITEPA, but excluding—

- (a) amounts that are treated as earnings under Chapters 2 to 11 of Part 3 of ITEPA (the benefits code); and
- (b) amounts that are exempt from income tax under Part 4 of ITEPA.

(3) In the calculation of employed earnings the following are to be disregarded—

- (a) expenses that are allowed to be deducted under Chapter 2 of Part 5 of ITEPA; and
- (b) expenses arising from participation as a service user (see regulation 53(2)).

(4) The following benefits are to be treated as employed earnings—

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

- (a) statutory sick pay;
- (b) statutory maternity pay;
- (c) ^{F154}... statutory paternity pay;
- ^{F155}(d)
- (e) statutory adoption pay; ^{F156}...
- [^{F157}(f) statutory shared parental pay;][^{F158}and
- (g) statutory parental bereavement pay.]

[^{F159}(4A) A repayment of income tax or national insurance contributions received by a person from HMRC in respect of a tax year in which the person was in paid work is to be treated as employed earnings unless it is taken into account as self-employed earnings under regulation 57(4).]

(5) In calculating the amount of a person's employed earnings in respect of an assessment period, there are to be deducted from the amount of general earnings or benefits specified in paragraphs (2) to (4)—

- (a) any relievable pension contributions made by the person in that period;
- (b) any amounts paid by the person in that period in respect of the employment by way of income tax or primary Class 1 contributions under section 6(1) of the Contributions and Benefits Act; and
- (c) any sums withheld as donations to an approved scheme under Part 12 of ITEPA (payroll giving) by a person required to make deductions or repayments of income tax under the PAYE Regulations.

Textual Amendments

F154 Word in reg. 55(4)(c) omitted (5.4.2015) by virtue of [The Shared Parental Leave and Statutory Shared Parental Pay \(Consequential Amendments to Subordinate Legislation\) Order 2014 \(S.I. 2014/3255\)](#), arts. 1(3), **28(4)(a)** (with art. 35(1))

F155 Reg. 55(4)(d) omitted (5.4.2015) by virtue of [The Shared Parental Leave and Statutory Shared Parental Pay \(Consequential Amendments to Subordinate Legislation\) Order 2014 \(S.I. 2014/3255\)](#), arts. 1(3), **28(4)(b)** (with art. 35(1))

F156 Word in reg. 55(4)(e) omitted (6.4.2020) by virtue of [The Parental Bereavement Leave and Pay \(Consequential Amendments to Subordinate Legislation\) Regulations 2020 \(S.I. 2020/354\)](#), regs. 1, **28(4)**

F157 Reg. 55(4)(f) inserted (31.12.2014) by [The Shared Parental Leave and Statutory Shared Parental Pay \(Consequential Amendments to Subordinate Legislation\) Order 2014 \(S.I. 2014/3255\)](#), arts. 1(2), **28(4)(d)**

F158 Reg. 55(4)(g) and word inserted (6.4.2020) by [The Parental Bereavement Leave and Pay \(Consequential Amendments to Subordinate Legislation\) Regulations 2020 \(S.I. 2020/354\)](#), regs. 1, **28(4)**

F159 Reg. 55(4A) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014 \(S.I. 2014/2888\)](#), regs. 1(1), **4(2)**

Employee involved in trade dispute

56. A person who has had employed earnings and has withdrawn their labour in furtherance of a trade dispute is, unless their contract of service has been terminated, to be assumed to have employed earnings at the same level as they would have had were it not for the trade dispute.

Self-employed earnings

57.—(1) This regulation applies for the purpose of calculating earned income that is not employed earnings and is derived from carrying on a trade, profession or vocation (“self-employed earnings”).

[^{F160}(2) A person’s self-employed earnings in respect of an assessment period are to be calculated as follows.

Step 1

Calculate the amount of the person’s profit or loss in respect of each trade, profession or vocation carried on by the person by—

- (a) taking the actual receipts in that assessment period; and
- (b) deducting any amounts allowed as expenses under regulation 58 or 59.

Where a trade, profession or vocation is carried on in a partnership, take the amount of the profit or loss attributable to the person’s share in the partnership.

Step 2

If the person has carried on more than one trade, profession or vocation in the assessment period, add together the amounts resulting from step 1 in respect of each trade, profession or vocation.

Step 3

Deduct from the amount resulting from step 1 or (if applicable) step 2 any payment made by the person to HMRC in the assessment period by way of national insurance contributions or income tax in respect of any trade, profession or vocation carried on by the person.

If the amount resulting from steps 1 to 3 is nil or a negative amount, the amount of the person’s self-employed earnings in respect of the assessment period is nil (and ignore the following steps).

Step 4

If the amount resulting from step 3 is greater than nil, deduct from that amount 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 the person’s employed earnings).

If the amount resulting from this step is nil or a negative amount, the person’s self-employed earnings in respect of the assessment period are nil (and ignore the following step).

Step 5

If the amount resulting from step 4 is greater than nil, deduct from that amount any unused losses (see regulation 57A), taking the oldest first.

If the amount resulting from this step is greater than nil, that is the amount of the person’s self-employed earnings for the assessment period.

If the amount resulting from this step is nil or a negative amount, the amount of the person’s self-employed earnings in respect of the assessment period is nil.]

(4) The receipts referred to in [^{F161}paragraph (2)] include receipts in kind and any refund or repayment of income tax, value added tax or national insurance contributions relating to the trade, profession or vocation.

[^{F162}(5) Where the purchase of an asset has been deducted as an expense in any assessment period and, in a subsequent assessment period, the asset is sold or ceases to be used for the purposes of a trade, profession or vocation carried on by the person, the proceeds of sale (or, as the case may be, the amount that would be received for the asset if it were sold at its current market value) are to be treated as a receipt in that subsequent assessment period.]

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

Textual Amendments

- F160** Reg. 57(2) substituted for reg. 57(2)(3) (11.4.2018) by [The Universal Credit \(Surpluses and Self-employed Losses\) \(Digital Service\) Amendment Regulations 2015](#) (S.I. 2015/345), regs. 1, **3(2)** (with reg. 4) (as amended by S.I. 2017/197, reg. 2 and S.I. 2018/65, reg. 7)
- F161** Words in reg. 57(4) substituted (11.4.2018) by [The Universal Credit \(Surpluses and Self-employed Losses\) \(Digital Service\) Amendment Regulations 2015](#) (S.I. 2015/345), regs. 1, **3(3)** (with reg. 4) (as amended by S.I. 2017/197, reg. 2 and S.I. 2018/65, reg. 7)
- F162** Reg. 57(5) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014](#) (S.I. 2014/2888), regs. 1(1), **4(3)**

Modifications etc. (not altering text)

- C51** [Reg. 57](#) modified (21.5.2020) by [The Universal Credit \(Coronavirus\) \(Self-employed Claimants and Reclaims\) \(Amendment\) Regulations 2020](#) (S.I. 2020/522), regs. 1, **2(1)(3)**

[^{F163}Unused losses

57A.—(1) For the purposes of regulation 57(2), a person has an unused loss if—

- (a) in calculating the person’s self-employed earnings for any of the previous assessment periods, the amount resulting from steps 1 to 3 in regulation 57(2) was a negative amount (a “loss”); and
- (b) the loss has not been extinguished in a subsequent assessment period.

(2) For the purposes of paragraph (1)(b) a loss is extinguished if no amount of that loss remains after it has been deducted at step 5 in regulation 57(2).

(3) Where a person was entitled to a previous award of universal credit and the last day of entitlement in respect of that award fell within the 6 months preceding the first day of entitlement in respect of the new award, the Secretary of State may, for the purposes of this regulation (provided the person provides such information as the Secretary of State requires), treat—

- (a) the assessment periods under the previous award; and
- (b) any months between that award and the current award in respect of which a claim has been made,

as assessment periods under the current award.]

Textual Amendments

- F163** Reg. 57A inserted (11.4.2018) by [The Universal Credit \(Surpluses and Self-employed Losses\) \(Digital Service\) Amendment Regulations 2015](#) (S.I. 2015/345), **regs. 1, 3(4)** (with reg. 4) (as amended by S.I. 2017/197, **reg 2** and S.I. 2018/65, **reg. 7**)

Permitted expenses

58.—(1) The deductions allowed in the calculation of self-employed earnings are amounts paid in the assessment period in respect of—

- (a) expenses that have been wholly and exclusively incurred for purposes of the trade, profession or vocation; or
- (b) in the case of expenses that have been incurred for more than one purpose, an identifiable part or proportion that has been wholly and exclusively incurred for the purposes of the trade, profession or vocation,

excluding any expenses that were incurred unreasonably.

(2) Payments deducted under paragraph (1) may include value added tax.

(3) No deduction may be made for payments in respect of—

(a) expenditure on non-depreciating assets (including property, shares or other assets held for investment purposes);

^{F164}(b)

(c) repayment of capital ^{F165} . . . in relation to a loan taken out for the purposes of the trade, profession or vocation;

(d) expenses for business entertainment.

[^{F166}(3A) A deduction for a payment of interest in relation to a loan taken out for the purposes of the trade, profession or vocation may not exceed £41.]

(4) This regulation is subject to regulation 59.

Textual Amendments

F164 Reg. 58(3)(b) omitted (11.4.2018) by virtue of [The Universal Credit \(Surpluses and Self-employed Losses\) \(Digital Service\) Amendment Regulations 2015 \(S.I. 2015/345\)](#), **regs. 1, 2(3)** (with **reg. 4**) (as amended by [S.I. 2017/197](#), **reg. 2** and [S.I. 2018/65](#), **reg. 7**)

F165 Words in reg. 58(3)(c) omitted (29.7.2013) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), **regs. 1(2)(a), 3(7)(a)**

F166 Reg. 58(3A) inserted (29.7.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), **regs. 1(2)(a), 3(7)(b)**

Flat rate deductions for mileage and use of home and adjustment for personal use of business premises

59.—(1) This regulation provides for alternatives to the deductions that would otherwise be allowed under regulation 58.

(2) Instead of a deduction in respect of the actual expenses incurred in relation to the acquisition or use of a motor vehicle, the following deductions are allowed according to the mileage covered on journeys undertaken in the assessment period for the purposes of the trade, profession or vocation—

(a) in a car, van or other motor vehicle (apart from a motorcycle), 45 pence per mile for the first 833 miles and 25 pence per mile thereafter; and

(b) on a motorcycle, 24 pence per mile,

and, if the motor vehicle is a car ^{F167} . . . , the only deduction allowed for the acquisition or use of that vehicle is a deduction under this paragraph.

(3) Where a person carrying on a trade, profession or vocation incurs expenses in relation to the use of accommodation occupied as their home, instead of a deduction in respect of the actual expenses, a deduction is allowed according to the number of hours spent in the assessment period on income generating activities related to the trade, profession or vocation as follows—

(a) at least 25 hours but no more than 50 hours, £10;

(b) more than 50 hours but no more than 100 hours, £18;

(c) more than 100 hours, £26.

(4) Where premises which are used by a person mainly for the purposes of a trade, profession or vocation are also occupied by that person for their personal use, whether alone or with other persons, the deduction allowed for expenses in relation to those premises is the amount that would be allowed

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

under regulation 58(1) if the premises were used wholly and exclusively for purposes of the trade, profession or vocation, but reduced by the following amount according to the number of persons occupying the premises for their personal use—

- (a) £350 for one person;
- (b) £500 for two persons;
- (c) £650 for three or more persons.

Textual Amendments

F167 Words in reg. 59(2) omitted (29.7.2013) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013](#) (S.I. 2013/1508), regs. 1(2)(a), **3(8)**

Notional earned income

60.—(1) A person who has deprived themselves of earned income, or whose employer has arranged for them to be so deprived, for the purpose of securing entitlement to universal credit or to an increased amount of universal credit is to be treated as possessing that earned income.

(2) Such a purpose is to be treated as existing if, in fact, entitlement or higher entitlement to universal credit did result and, in the opinion of the Secretary of State, this was a foreseeable and intended consequence of the deprivation.

(3) If a person provides services for another person and—

- (a) the other person makes no payment for those services or pays less than would be paid for comparable services in the same location; and
- (b) the means of the other person were sufficient to pay for, or pay more for, those services,

the person who provides the services is to be treated as having received the remuneration that would be reasonable for the provision of those services.

(4) Paragraph (3) does not apply where—

- (a) the person is engaged to provide the services by a charitable or voluntary organisation and the Secretary of State is satisfied that it is reasonable to provide the services free of charge or at less than the rate that would be paid for comparable services in the same location;
- (b) the services are provided by a person who is participating as a service user (see regulation 53(2)); or
- (c) the services are provided under or in connection with a person's participation in an employment or training programme approved by the Secretary of State.

^{F168}Information for calculating earned income – real time information etc.

61.—(1) Unless paragraph (2) applies, a person must provide such information for the purposes of calculating their earned income at such times as the Secretary of State may require.

Real time information

(2) Where a person is, or has been, engaged in an employment in respect of which their employer is a Real Time Information employer—

- (a) the amount of the person's employed earnings from that employment in respect of each assessment period is to be based on the information reported to HMRC under the PAYE Regulations and received by the Secretary of State from HMRC in that assessment period; and

- (b) in respect of an assessment period in which no information is received from HMRC, the amount of employed earnings in relation to that employment is to be taken to be nil.

Exceptions to use of Real Time Information

(3) Paragraph (2) does not apply where—

- (a) in relation to a particular employment the Secretary of State considers that the employer is unlikely to report information to HMRC in a sufficiently accurate or timely manner;
- (b) it appears to the Secretary of State that the amount of a payment reported to HMRC is incorrect, or fails to reflect the definition of employed earnings in regulation 55 (employed earnings), in some material respect; or
- (c) no information is received from HMRC in an assessment period and the Secretary of State considers that this is likely to be because of a failure to report information (which includes the failure of a computer system operated by HMRC, the employer or any other person).

(4) Where paragraph (2) does not apply by virtue of any of the exceptions in paragraph (3) the Secretary of State must determine the amount of employed earnings for the assessment period in question (or, where the exception in paragraph (3)(a) applies, for each assessment period in which the person is engaged in that employment) in accordance with regulation 55 (employed earnings) using such information or evidence as the Secretary of State thinks fit.

Reallocation of reported payments

(5) Where it appears to the Secretary of State that a payment of employed earnings has been reported late, or otherwise reported in the wrong assessment period, the Secretary of State may determine that the payment is to be treated as employed earnings in the assessment period in which it was received.

(6) Where a person is engaged in an employment where they are paid on a regular monthly basis and more than one payment in relation to that employment is reported in the same assessment period, the Secretary of State may, for the purposes of maintaining a regular pattern, determine that one of those payments is to be treated as employed earnings in respect of a different assessment period.

Consequential adjustments

(7) Where the Secretary of State makes a determination under any of paragraphs (4) to (6), the Secretary of State may make such other adjustments to the calculation of the person's employed earnings as may be necessary to avoid duplication or to maintain a regular payment pattern.

(8) In this regulation "Real Time Information Employer" has the meaning in regulation 2A(1) of the PAYE Regulations.]

Textual Amendments

F168 Reg. 61 substituted (16.11.2020) by [The Universal Credit \(Earned Income\) Amendment Regulations 2020 \(S.I. 2020/1138\)](#), regs. 1, 2

Gainful self-employment

[^{F169}Minimum income floor

62.—(1) This regulation applies to a claimant who—

- (a) is in gainful self-employment (see regulation 64); and

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

(b) would, apart from this regulation [^{F170}or regulation 90], fall within section 22 of the Act (claimants subject to all work-related requirements).

(2) Where this regulation applies to a single claimant, for any assessment period in respect of which the claimant’s earned income is less than their individual threshold, the claimant is to be treated as having earned income equal to that threshold.

(3) Where this regulation applies to a claimant who is a member of a couple, for any assessment period in respect of which—

- (a) the claimant’s earned income is less than their individual threshold; and
- (b) the couple’s combined earned income is less than the couple threshold,

the claimant is to be treated as having earned income equal to their individual threshold minus any amount by which that amount of earned income combined with their partner’s earned income would exceed the couple threshold.

(4) In this regulation, references to the claimant’s individual threshold and to the couple threshold are to the amounts set out in regulation 90(2) and 90(3) respectively, converted to net ^{F171}... amounts by—

- ^{F172}(a)
- (b) deducting such amount for income tax and national insurance contributions as the Secretary of State considers appropriate.

(4A) [^{F173}Where this regulation applies in respect of an assessment period in which surplus earnings are treated as an amount of earned income under regulation 54A (surplus earnings), that amount is to be added to the claimant’s earned income before this regulation is applied and, in the case of joint claimants, it is to be added to the earned income of either member of the couple so as to produce the lowest possible amount of combined earned income after this regulation is applied.]

(5) An assessment period referred to in this regulation does not include an assessment period which falls wholly within a start-up period or begins or ends in a start-up period.]

Textual Amendments

- F169** Reg. 62 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014 \(S.I. 2014/2888\)](#), regs. 1(1), **4(5)**
- F170** Words in reg. 62(1)(b) inserted (3.10.2019) by [The Universal Credit \(Childcare Costs and Minimum Income Floor\) \(Amendment\) Regulations 2019 \(S.I. 2019/1249\)](#), regs. 1(2), **3**
- F171** Word in reg. 62(4) omitted (with effect in accordance with reg. 1(3) of the amending S.I.) by virtue of [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **2(5)(a)**
- F172** Reg. 62(4)(a) omitted (with effect in accordance with reg. 1(3) of the amending S.I.) by virtue of [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **2(5)(b)**
- F173** Reg. 62(4A) inserted (11.4.2018) by [The Universal Credit \(Surpluses and Self-employed Losses\) \(Digital Service\) Amendment Regulations 2015 \(S.I. 2015/345\)](#), **regs. 1, 2(3)** (with reg. 4) (as amended by [S.I. 2017/197](#), **reg. 2** and [S.I. 2018/65](#), **reg. 7**)

Modifications etc. (not altering text)

- C52** Reg. 62 excluded (29.7.2013) by [S.I. 2013/383](#), reg. 13(3) (as substituted by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(a), **7(3)(b)**)
- C53** Reg. 62 restricted (temp.) (13.3.2020) by [The Employment and Support Allowance and Universal Credit \(Coronavirus Disease\) Regulations 2020 \(S.I. 2020/289\)](#), regs. 1(1), **4** (with reg. 5) (as

amended (30.3.2020) by [The Social Security \(Coronavirus\) \(Further Measures\) Regulations 2020 \(S.I. 2020/371\)](#), regs. 1(1), **10(3)**

Start-up period

63.—(1) A “start-up period” is a period of 12 months and applies from the beginning of the assessment period in which the Secretary of State determines that a claimant is in gainful self-employment where—

[^{F174}(a) regulation 62 (minimum income floor) has not previously applied to the claimant in relation to the trade, profession or vocation which is currently the claimant's main employment (whether in relation to the current award or a previous award); and]

(b) the claimant is taking active steps to increase their earnings from that employment to the level of the claimant's individual threshold (see regulation 90).

(2) But no start-up period may apply in relation to a claimant where a start-up period has previously applied in relation to that claimant, whether in relation to the current award or any previous award of universal credit, unless that previous start-up period—

(a) began more than 5 years before the beginning of assessment period referred to in paragraph (1); and

(b) applied in relation to a different trade, profession or vocation which the claimant has ceased to carry on.

(3) The Secretary of State may terminate a start-up period at any time if the person is no longer in gainful self-employment or is no longer taking the steps referred to in paragraph (1)(b).

Textual Amendments

F174 Reg. 63(1)(a) substituted (23.9.2020) by [The Universal Credit \(Managed Migration Pilot and Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1152\)](#), regs. 1(4), **6(1)**

Modifications etc. (not altering text)

C54 Reg. 63 applied (with modifications) by S.I. 2014/1230, reg. 59 (as inserted (24.7.2019) by [The Universal Credit \(Managed Migration Pilot and Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1152\)](#), regs. 1(2), **3(7)**)

Meaning of “gainful self-employment”

64. A claimant is in gainful self-employment for the purposes of regulations 62 and 63 where the Secretary of State has determined that—

(a) the claimant is carrying on a trade, profession or vocation as their main employment;

(b) their earnings from that trade, profession or vocation are self-employed earnings; and

(c) the trade, profession or vocation is organised, developed, regular and carried on in expectation of profit.

CHAPTER 3

UNEARNED INCOME

Introduction

65. This Chapter provides for the calculation of a person's unearned income for the purposes of section 8 of the Act (calculation of awards).

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

What is included in unearned income?

66.—(1) A person's unearned income is any of their income, including income the person is treated as having by virtue of regulation 74 (notional unearned income), falling within the following descriptions—

- (a) retirement pension income (see regulation 67) [^{F175}to which the person is entitled, subject to any adjustment to the amount payable in accordance with regulations under section 73 of the Social Security Administration Act 1992 (overlapping benefits)];
- (b) any of the following benefits to which the person is entitled, subject to any adjustment to the amount payable in accordance with regulations under section 73 of the Social Security Administration Act 1992 ^{M52} (overlapping benefits)—
 - (i) jobseeker's allowance,
 - (ii) employment and support allowance,
 - (iii) carer's allowance,
 - ^{F176}(iv)
 - (v) widowed mother's allowance,
 - (vi) widowed parent's allowance,
 - (vii) widow's pension,
 - (viii) maternity allowance, or
 - (ix) industrial injuries benefit, excluding any increase in that benefit under section 104 or 105 of the Contributions and Benefits Act (increases where constant attendance needed and for exceptionally severe disablement);
- (c) any benefit, allowance, or other payment which is paid under the law of a country outside the United Kingdom and is analogous to a benefit mentioned in sub-paragraph (b);
- (d) payments made towards the maintenance of the person by their spouse, civil partner, former spouse or former civil partner under a court order or an agreement for maintenance;
- [^{F177}(da) foreign state retirement pension;]
- (e) student income (see regulation 68);
- (f) a payment made under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 which is a substitute for universal credit or is for a person's living expenses;
- (g) a payment made by one of the Sports Councils named in section 23(2) of the National Lottery etc. Act 1993 ^{M53} out of sums allocated to it for distribution where the payment is for the person's living expenses;
- (h) a payment received under an insurance policy to insure against—
 - (i) the risk of losing income due to illness, accident or redundancy, or
 - ^{F178}(ii)
- (i) income from an annuity (other than retirement pension income), unless disregarded under regulation 75 (compensation for personal injury);
- (j) income from a trust, unless disregarded under regulation 75 (compensation for personal injury) or 76 (special schemes for compensation);
- (k) income that is treated as the yield from a person's capital by virtue of regulation 72;
- (l) capital that is treated as income by virtue of regulation 46(3) or (4);
- [^{F179}(la) PPF periodic payments;]

- (m) income that does not fall within sub-paragraphs [^{F180}(a) to (la)] and is taxable under Part 5 of the Income Tax (Trading and Other Income) Act 2005 ^{M54}(miscellaneous income).

[^{F181}(2) In this regulation—

- (a) in paragraph (1)(da) “foreign state retirement pension” means any pension which is paid under the law of a country outside the United Kingdom and is in the nature of social security;
- (b) in paragraph (1)(f) and (g) a person's “living expenses” are the cost of—
- (i) food;
 - (ii) ordinary clothing or footwear;
 - (iii) household fuel, rent or other housing costs (including council tax),
- for the person, their partner and any child or qualifying young person for whom the person is responsible;
- (c) in paragraph (1)(la) “PPF periodic payments” has the meaning given in section 17(1) of the State Pension Credit Act 2002 .]

Textual Amendments

- F175** Words in reg. 66(1)(a) inserted (11.4.2018) by [The Universal Credit \(Miscellaneous Amendments, Saving and Transitional Provision\) Regulations 2018 \(S.I. 2018/65\)](#), regs. 1(4), **3(9)(a)**
- F176** Reg. 66(1)(b)(iv) omitted (coming into force in accordance with arts. 1-3 of the amending S.I.) by virtue of [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2017 \(S.I. 2017/422\)](#), arts. 1(2), **43(3)**
- F177** Reg. 66(1)(da) inserted (11.4.2018) by [The Universal Credit \(Miscellaneous Amendments, Saving and Transitional Provision\) Regulations 2018 \(S.I. 2018/65\)](#), regs. 1(4), **3(9)(b)**
- F178** Reg. 66(1)(h)(ii) omitted (with effect in accordance with regs. 19 - 21 of the amending S.I.) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 5(d)**
- F179** Reg. 66(1)(la) inserted (11.4.2018) by [The Universal Credit \(Miscellaneous Amendments, Saving and Transitional Provision\) Regulations 2018 \(S.I. 2018/65\)](#), regs. 1(4), **3(9)(c)**
- F180** Words in reg. 66(1)(m) substituted (11.4.2018) by [The Universal Credit \(Miscellaneous Amendments, Saving and Transitional Provision\) Regulations 2018 \(S.I. 2018/65\)](#), regs. 1(4), **3(9)(d)**
- F181** Reg. 66(2) substituted (11.4.2018) by [The Universal Credit \(Miscellaneous Amendments, Saving and Transitional Provision\) Regulations 2018 \(S.I. 2018/65\)](#), regs. 1(4), **3(9)(e)**

Marginal Citations

- M52** 1992 c.5.
- M53** 1983 c.44.
- M54** 2005 c. 5.

Meaning of “retirement pension income”

67.—(1) Subject to paragraph (2), in regulation 66(1)(a) “retirement pension income” has the same meaning as in section 16 of the State Pension Credit Act 2002 ^{M55} as extended by regulation 16 of the State Pension Credit Regulations 2002 ^{M56}.

(2) Retirement pension income includes any increase in a Category A or Category B retirement pension mentioned in section 16(1)(a) of the State Pension Credit Act 2002 which is payable under Part 4 of the Contributions and Benefits Act in respect of a person's partner.

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

Marginal Citations

M55 2002 c.16.

M56 S.I. 2002/1792.

Person treated as having student income

68.—(1) A person who is undertaking a course [^{F182}of education, study or training] (see regulation 13) and has a student loan [^{F183}, a postgraduate ^{F184}... loan] or a grant in respect of that course, is to be treated as having student income in respect of—

- (a) an assessment period in which the course begins;
- (b) in the case of a course which lasts for two or more years, an assessment period in which the second or subsequent year begins;
- (c) any other assessment period in which, or in any part of which, the person is undertaking the course, excluding—
 - (i) an assessment period in which the long vacation begins or which falls within the long vacation, or
 - (ii) an assessment period in which the course ends.

(2) Where a person has a student loan [^{F185} or a postgraduate ^{F186}... loan], their student income for any assessment period referred to in paragraph (1) is to be based on the amount of that loan.

(3) Where paragraph (2) applies, any grant in relation to the period to which the loan applies is to be disregarded except for—

- (a) any specific amount included in the grant to cover payments which are rent payments in respect of which an amount is included in an award of universal credit for the housing costs element;
- (b) any amount intended for the maintenance of another person in respect of whom an amount is included in the award.

(4) Where paragraph (2) does not apply, the person's student income for any assessment period in which they are treated as having that income is to be based on the amount of their grant.

(5) A person is to be treated as having a student loan [^{F187} or a postgraduate ^{F188}... loan] where the person could acquire [^{F189} a student loan or a postgraduate ^{F188}... loan] by taking reasonable steps to do so.

(6) Student income does not include any payment referred to in regulation 66(1)(f) (training allowances).

(7) In this regulation and regulations 69 to 71—

“grant” means any kind of educational grant or award, excluding a student loan or a payment made under a scheme to enable persons under the age of 21 to complete courses of education or training that are not advanced education;

“the long vacation” is a period of no less than one month which, in the opinion of the Secretary of State, is the longest vacation during a course which is intended to last for two or more years;

[^{F190}“postgraduate loan” means a loan to a student undertaking a postgraduate master’s degree course or a postgraduate doctoral degree course pursuant to regulations made under section 22 of the Teaching and Higher Education Act 1998;]

“student loan” means a loan towards a student's maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998 ^{M57}, section 73 of the

Education (Scotland) Act 1980^{M58} or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998^{M59} and includes, in Scotland, a young student's bursary paid under regulation 4(1)(c) of the Students' Allowances (Scotland) Regulation 2007^{M60}.

Textual Amendments

- F182** Words in reg. 68(1) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **38(5)**
- F183** Words in reg. 68(1) inserted (4.8.2016) by [The Social Security \(Treatment of Postgraduate Masters Degree Loans and Special Support Loans\) \(Amendment\) Regulations 2016 \(S.I. 2016/743\)](#), regs. 1, **6(2)(a)**
- F184** Words in reg. 68(1) omitted (15.7.2020) by virtue of [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **8(2)(a)**
- F185** Words in reg. 68(2) inserted (4.8.2016) by [The Social Security \(Treatment of Postgraduate Masters Degree Loans and Special Support Loans\) \(Amendment\) Regulations 2016 \(S.I. 2016/743\)](#), regs. 1, **6(2)(b)**
- F186** Words in reg. 68(2) omitted (15.7.2020) by virtue of [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **8(2)(a)**
- F187** Words in reg. 68(5) inserted (4.8.2016) by [The Social Security \(Treatment of Postgraduate Masters Degree Loans and Special Support Loans\) \(Amendment\) Regulations 2016 \(S.I. 2016/743\)](#), regs. 1, **6(2)(c)(i)**
- F188** Words in reg. 68(5) omitted (15.7.2020) by virtue of [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **8(2)(b)**
- F189** Words in reg. 68(5) substituted (4.8.2016) by [The Social Security \(Treatment of Postgraduate Masters Degree Loans and Special Support Loans\) \(Amendment\) Regulations 2016 \(S.I. 2016/743\)](#), regs. 1, **6(2)(c)(ii)**
- F190** Words in reg. 68(7) substituted (15.7.2020) by [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **8(2)(c)**

Marginal Citations

- M57** 1998 c.30.
- M58** 1980 c.44.
- M59** S.I. 1998/1760 (N.I. 14).
- M60** S.S.I. 2007/153.

Calculation of student income - student loans [^{F191}and postgraduate ^{F192}... loans]

69.—(1) Where, in accordance with regulation 68(2), a person's student income is to be based on the amount of a student loan for a year, the amount to be taken into account is the maximum student loan (including any increases for additional weeks) that the person would be able to acquire in respect of that year by taking reasonable steps to do so.

[^{F193}(1A) Where, in accordance with regulation 68(2), a person's student income is to be based on the amount of a postgraduate ^{F194}... loan for a year, the amount to be taken into account is 30 per cent. of the maximum postgraduate ^{F194}... loan that the person would be able to acquire by taking reasonable steps to do so.]

(2) For the purposes of calculating the maximum student loan in paragraph (1) [^{F195}or the maximum postgraduate ^{F196}... loan in paragraph (1A)] it is to be assumed no reduction has been made on account of—

- (a) the person's means or the means of their partner, parent or any other person; or

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

- (b) any grant made to the person.

Textual Amendments

- F191** Words in reg. 69 heading inserted (4.8.2016) by [The Social Security \(Treatment of Postgraduate Masters Degree Loans and Special Support Loans\) \(Amendment\) Regulations 2016 \(S.I. 2016/743\)](#), regs. 1, **6(3)(a)**
- F192** Words in reg. 69 heading omitted (15.7.2020) by virtue of [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **8(3)(a)**
- F193** Reg. 69(1A) inserted (4.8.2016) by [The Social Security \(Treatment of Postgraduate Masters Degree Loans and Special Support Loans\) \(Amendment\) Regulations 2016 \(S.I. 2016/743\)](#), regs. 1, **6(3)(b)**
- F194** Words in reg. 69(1A) omitted (15.7.2020) by virtue of [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **8(3)(b)**
- F195** Words in reg. 69(2) inserted (4.8.2016) by [The Social Security \(Treatment of Postgraduate Masters Degree Loans and Special Support Loans\) \(Amendment\) Regulations 2016 \(S.I. 2016/743\)](#), regs. 1, **6(3)(c)**
- F196** Words in reg. 69(2) omitted (15.7.2020) by virtue of [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **8(3)(c)**

Calculation of student income - grants

70. Where, in accordance with regulation 68(4), a person's student income is to be based on the amount of a grant, the amount to be taken into account is the whole of the grant excluding any payment—

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the person's disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the person's educational establishment;
- (d) intended to meet the cost of the person maintaining a home at a place other than that at which they reside during their course, except where an award of universal credit includes an amount for the housing costs element in respect of those costs;
- (e) intended for the maintenance of another person, but only if an award of universal credit does not include any amount in respect of that person;
- (f) intended to meet the cost of books and equipment;
- (g) intended to meet travel expenses incurred as a result of the person's attendance on the course; or
- (h) intended to meet childcare costs.

Calculation of student income - amount for an assessment period

71. The amount of a person's student income in relation to each assessment period in which the person is to be treated as having student income in accordance with regulation 68(1) is calculated as follows.

Step 1

Determine whichever of the following amounts is applicable—

- (a) (a) [^{F197}in so far as regulation 68(2) applies to a person with a student loan,] the amount of the loan (and, if applicable, the amount of any grant) in relation to the year of the course in which the assessment period falls; ^{F198} ...

- [^{F199}(aa) in so far as regulation 68(2) applies to a person with a postgraduate ^{F200} ... loan, 30 per cent. of the amount of the loan in relation to the year of the course in which the assessment period falls; or]
- (b) (b) if regulation 68(4) applies (person with a grant but no student loan [^{F201}or postgraduate ^{F200} ... loan]) the amount of the grant in relation to the year of the course in which the assessment period falls.

But if the period of the course is less than a year determine the amount of the grant or loan in relation to the course.

Step 2

Determine in relation to—

- (a) (a) the year of the course in which the assessment period falls; or
(b) (b) if the period of the course is less than a year, the period of the course,

the number of assessment periods for which the person is to be treated as having student income under regulation 68(1).

Step 3

Divide the amount produced by step 1 by the number of assessment periods produced by step 2.

Step 4

Deduct £110.

Textual Amendments

F197 Words in reg. 71 substituted (4.8.2016) by [The Social Security \(Treatment of Postgraduate Masters Degree Loans and Special Support Loans\) \(Amendment\) Regulations 2016 \(S.I. 2016/743\)](#), regs. 1, **6(4)(a)**

F198 Word in reg. 71 omitted (4.8.2016) by virtue of [The Social Security \(Treatment of Postgraduate Masters Degree Loans and Special Support Loans\) \(Amendment\) Regulations 2016 \(S.I. 2016/743\)](#), regs. 1, **6(4)(b)**

F199 Reg. 71 Step 1 (aa) inserted (4.8.2016) by [The Social Security \(Treatment of Postgraduate Masters Degree Loans and Special Support Loans\) \(Amendment\) Regulations 2016 \(S.I. 2016/743\)](#), regs. 1, **6(4)(c)**

F200 Words in reg. 71 omitted (15.7.2020) by virtue of [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **8(4)**

F201 Words in reg. 71 inserted (4.8.2016) by [The Social Security \(Treatment of Postgraduate Masters Degree Loans and Special Support Loans\) \(Amendment\) Regulations 2016 \(S.I. 2016/743\)](#), regs. 1, **6(4)(d)**

General

Assumed yield from capital

72.—(1) A person's capital is to be treated as yielding a monthly income of £4.35 for each £250 in excess of £6,000 and £4.35 for any excess which is not a complete £250.

(2) Paragraph (1) does not apply where the capital is disregarded or the actual income from that capital is taken into account under regulation 66(1)(i) (income from an annuity) or (j) (income from a trust).

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Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

(3) Where a person's capital is treated as yielding income, any actual income derived from that capital, for example rental, interest or dividends, is to be treated as part of the person's capital from the day it is due to be paid to the person.

Unearned income calculated monthly

73.—(1) A person's unearned income is to be calculated as a monthly amount.

(2) Where the period in respect of which a payment of income is made is not a month, an amount is to be calculated as the monthly equivalent, so for example—

- (a) weekly payments are multiplied by 52 and divided by 12;
- (b) four weekly payments are multiplied by 13 and divided by 12;
- (c) three monthly payments are multiplied by 4 and divided by 12; and
- (d) annual payments are divided by 12.

[^{F202}(2A) Where the period in respect of which unearned income is paid begins or ends during an assessment period the amount of unearned income for that assessment period is to be calculated as follows—

$$N \times (M \times 12 \text{ } 365)$$

where N is the number of days in respect of which unearned income is paid that fall within the assessment period and M is the monthly amount referred to in paragraph (1) or, as the case may be, the monthly equivalent referred to in paragraph (2).]

(3) Where the amount of a person's unearned income fluctuates, the monthly equivalent is to be calculated—

- (a) where there is an identifiable cycle, over the duration of one such cycle; or
 - (b) where there is no identifiable cycle, over three months or such other period as may, in the particular case, enable the monthly equivalent of the person's income to be determined more accurately.
- (4) This regulation does not apply to student income.

Textual Amendments

F202 Reg. 73(2A) inserted (26.11.2014) by [The Universal Credit \(Digital Service\) Amendment Regulations 2014 \(S.I. 2014/2887\)](#), regs. 1, **4(2)** (with reg. 5)

Notional unearned income

74.—(1) If unearned income would be available to a person upon the making of an application for it, the person is to be treated as having that unearned income.

(2) Paragraph (1) does not apply to the benefits listed in regulation 66(1)(b).

(3) A person who has reached the qualifying age for state pension credit is to be treated as possessing the amount of any retirement pension income for which no application has been made and to which the person might expect to be entitled if a claim were made.

(4) The circumstances in which a person is to be treated as possessing retirement pension income for the purposes of universal credit are the same as the circumstances set out in regulation 18 of the State Pension Credit Regulations 2002 ^{M61} in which a person is treated as receiving retirement pension income for the purposes of state pension credit.

Marginal Citations

M61 S.I. 2002/1972 amended by S.I. 2005/2677, 2006/2378, 2007/2618, 2009/2655 and 2010/641.

CHAPTER 4

MISCELLANEOUS

Compensation for personal injury

75.—(1) This regulation applies where a sum has been awarded to a person, or has been agreed by or behalf of a person, in consequence of a personal injury to that person.

(2) If, in accordance with an order of the court or an agreement, the person receives all or part of that sum by way of regular payments, those payments are to be disregarded in the calculation of the person's unearned income.

(3) If the sum has been used to purchase an annuity, payments under the annuity are to be disregarded in the calculation of the person's unearned income.

(4) If the sum is held in trust, any capital of the trust derived from that sum is to be disregarded in the calculation of the person's capital and any income from the trust is to be disregarded in the calculation of the person's unearned income.

(5) If the sum is administered by the court on behalf of the person or can only be disposed of by direction of the court, it is to be disregarded in the calculation of the person's capital and any regular payments from that amount are to be disregarded in the calculation of the person's unearned income.

(6) If the sum is not held in trust or has not been used to purchase an annuity or otherwise disposed of, but has been paid to the person within the past 12 months, that sum is to be disregarded in the calculation of the person's capital.

Special schemes for compensation etc.

76.—(1) This regulation applies where a person receives a payment from a scheme established or approved by the Secretary of State or from a trust established with funds provided by the Secretary of State for the purpose of—

- (a) providing compensation [^{F203}or support] in respect of—
 - (i) a person having been diagnosed with variant Creutzfeldt-Jacob disease or infected from contaminated blood products,
 - (ii) the bombings in London on 7th July 2005,
 - (iii) persons who have been interned or suffered forced labour, injury, property loss or loss of a child during the Second World War; ^{F204} ...
 - ^{F205}(iv) the terrorist attacks in London on 22nd March 2017 or 3rd June 2017,
 - (v) the bombing in Manchester on 22nd May 2017; ^{F206} ...]
 - ^{F207}(vi) the fire at Grenfell Tower on 14th June 2017; or]
- (b) supporting persons with a disability to live independently in their accommodation.

^{F208}(1A) This regulation also applies where a person receives a payment from—

- (a) the National Emergencies Trust, registered charity number 1182809;
- (b) the Child Migrants Trust, registered charity number 1171479, under the scheme for former British child migrants; or

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

(c) the Royal Borough of Kensington and Chelsea or a registered charity where the payment is made because that person was affected by the fire at Grenfell Tower on 14th June 2017 or is a personal representative of such a person.]

(2) Any such payment, if it is capital, is to be disregarded in the calculation of the person's capital and, if it is income, is to be disregarded in the calculation of the person's income.

(3) In relation to a claim for universal credit made by the partner, parent, son or daughter of a diagnosed or infected person referred to in paragraph (1)(a)(i) a payment received from the scheme or trust, or from the diagnosed or infected person or from their estate is to be disregarded if it would be disregarded in relation to an award of state pension credit by virtue of paragraph 13 or 15 of Schedule 5 to the State Pension Credit Regulations 2002.

Textual Amendments

- F203** Words in reg. 76(1)(a) inserted (19.6.2017) by [The Social Security \(Emergency Funds\) \(Amendment\) Regulations 2017 \(S.I. 2017/689\)](#), regs. 1, **9(a)**
- F204** Word in reg. 76(1)(a)(iii) omitted (19.6.2017) by virtue of [The Social Security \(Emergency Funds\) \(Amendment\) Regulations 2017 \(S.I. 2017/689\)](#), regs. 1, **9(b)**
- F205** Reg. 76(1)(a)(iv)(v) inserted (19.6.2017) by [The Social Security \(Emergency Funds\) \(Amendment\) Regulations 2017 \(S.I. 2017/689\)](#), regs. 1, **9(c)**
- F206** Word in reg. 76(1)(a)(v) omitted (15.7.2020) by virtue of [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **8(5)(a)(i)**
- F207** Reg. 76(1)(a)(vi) inserted (15.7.2020) by [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **8(5)(a)(ii)**
- F208** Reg. 76(1A) inserted (15.7.2020) by [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **8(5)(b)**

Company analogous to a partnership or one person business

77.—(1) Where a person stands in a position analogous to that of a sole owner or partner in relation to a company which is carrying on a trade or a property business, the person is to be treated, for the purposes of this Part, as the sole owner or partner.

(2) Where paragraph (1) applies, the person is to be treated, subject to paragraph (3)(a), as possessing an amount of capital equal to the value, or the person's share of the value, of the capital of the company and the value of the person's holding in the company is to be disregarded.

(3) Where paragraph (1) applies in relation to a company which is carrying on a trade—

- (a) any assets of the company that are used wholly and exclusively for the purposes of the trade are to be disregarded from the person's capital while they are engaged in activities in the course of that trade;
- (b) the income of the company or the person's share of that income is to be treated as the person's income and calculated in the manner set out in regulation 57 as if it were self-employed earnings; and
- (c) where the person's activities in the course of the trade are their main employment, the person is to be treated as if they were in gainful self-employment and, accordingly, regulation 62 (minimum income floor) applies.^{F209}....

(4) Any self-employed earnings which the person is treated as having by virtue of paragraph (3) (b) are in addition to any employed earnings the person receives as a director or employee of the company.

(5) This regulation does not apply where the person derives income from the company that is employed earnings by virtue of Chapter 8 (workers under arrangements made by intermediaries)^{F210},

Chapter 9 (managed service companies) or Chapter 10 (workers’ services provided through intermediaries) of Part 2 of ITEPA and that income is derived from activities that are the person’s main employment].

(6) In paragraph (1) “property business” has the meaning in section 204 of the Corporation Tax Act 2009 ^{M62}.

Textual Amendments

F209 Words in reg. 77(3)(c) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014 \(S.I. 2014/2888\)](#), regs. 1(1), **4(6)**

F210 Words in reg. 77(5) substituted (28.11.2018) by [The Universal Credit and Jobseeker's Allowance \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1129\)](#), regs. 1(2), **3(5)**

Marginal Citations

M62 2009 c.4.

PART 7

THE BENEFIT CAP

Introduction

78.—(1) This Part makes provision for a benefit cap under section 96 of the Act which, if applicable, reduces the amount of an award of universal credit.

(2) In this Part “couple” means—

- (a) joint claimants; or
- (b) a single claimant who is a member of a couple within the meaning of section 39 of the Act and the other member of that couple,

and references to a couple include each member of that couple individually.

Circumstances where the benefit cap applies

79.—(1) Unless regulation 82 or 83 applies, the benefit cap applies where the welfare benefits to which a single person or couple is entitled during the reference period exceed the relevant amount [^{F211}determined under regulation 80A (relevant amount)].

(2) The reference period for the purposes of the benefit cap is the assessment period for an award of universal credit.

^{F212}(3)

^{F212}(4)

Textual Amendments

F211 Words in reg. 79(1) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Benefit Cap \(Housing Benefit and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/909\)](#), regs. 1(1), **3(2)(a)**

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

F212 Reg. 79(3)(4) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Benefit Cap \(Housing Benefit and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/909\)](#), regs. 1(1), **3(2)(b)**

Modifications etc. (not altering text)

C55 Reg. 79 modified by S.I. 2014/1230, reg. 8B (as inserted (22.7.2020) by [The Universal Credit \(Managed Migration Pilot and Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1152\)](#), regs. 1(3), **4(4)**)

Manner of determining total entitlement to welfare benefits

80.—(1) Subject to the following provisions of this regulation, the amount of a welfare benefit to be used when determining total entitlement to welfare benefits is the amount to which the single person or couple is entitled during the reference period subject to any adjustment to the amount payable in accordance with regulations under section 73 of the Social Security Administration Act 1992 ^{M63} (overlapping benefits).

(2) Where the welfare benefit is universal credit, the amount to be used is the amount to which the claimant is entitled before any reduction under regulation 81 or under section 26 or 27 of the Act.

[^{F213}(2A) Where the welfare benefit is housing benefit under section 130 of the Contributions and Benefits Act, the amount to be used is nil.]

(3) Where a person is disqualified for receiving an employment and support allowance by virtue of section 18 of the Welfare Reform Act 2007, it is disregarded as a welfare benefit.

(4) Where an amount of a welfare benefit is taken into account in assessing a single person's or a couple's unearned income for the purposes of an award of universal credit the amount to be used is the amount taken into account as unearned income in accordance with regulation 66.

(5) Where a welfare benefit is awarded in respect of a period that is not a month, the amount is to be calculated as the monthly equivalent as set out in regulation 73 (unearned income calculated monthly).

Textual Amendments

F213 Reg. 80(2A) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Benefit Cap \(Housing Benefit and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/909\)](#), regs. 1(1), **3(3)**

Marginal Citations

M63 1992 c.5.

[^{F214}Relevant amount

80A.—(1) The relevant amount is determined by dividing the applicable annual limit by 12.

(2) The applicable annual limit is—

- (a) £15,410 for a single claimant resident in Greater London who is not responsible for a child or qualifying young person;
- (b) £23,000 for—
 - (i) joint claimants where either joint claimant is resident in Greater London;
 - (ii) a single claimant resident in Greater London who is responsible for a child or qualifying young person;

- (c) £13,400 for a single claimant not resident in Greater London who is not responsible for a child or qualifying young person;
 - (d) £20,000 for—
 - (i) joint claimants not resident in Greater London;
 - (ii) a single claimant not resident in Greater London who is responsible for a child or qualifying young person.
- (3) For the purposes of section 96 of the Act (benefit cap) and this regulation a claimant is resident in Greater London if—
- (a) where the housing costs element is included in the claimant’s award of universal credit—
 - (i) accommodation in respect of which the claimant meets the occupation condition is in Greater London; or
 - (ii) the claimant is in receipt of housing benefit in respect of a dwelling (which has the meaning given in section 137 of the Contributions and Benefits Act) in Greater London;
 - (b) where the housing costs element is not included in the claimant’s award of universal credit—
 - (i) accommodation that the claimant normally occupies as their home is in Greater London; or
 - (ii) where there is no accommodation that the claimant normally occupies as their home, the Jobcentre Plus office to which the Secretary of State has allocated their claim is in Greater London.]

Textual Amendments

F214 Reg. 80A inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Benefit Cap \(Housing Benefit and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/909\)](#), regs. 1(1), 3(4)

Reduction of universal credit

81.—(1) Where the benefit cap applies in relation to an assessment period for an award of universal credit, the amount of the award for that period is to be reduced by—

- (a) the excess; minus
- (b) any amount included in the award for the childcare costs element in relation to that assessment period.

(2) But no reduction is to be applied where the amount of the childcare costs element is greater than the excess.

(3) The excess is the total amount of welfare benefits that the single person or the couple are entitled to in the reference period, minus the relevant amount [^{F215}determined under regulation 80A].

Textual Amendments

F215 Words in [reg. 81\(3\)](#) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Benefit Cap \(Housing Benefit and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/909\)](#), regs. 1(1), 3(5)

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

Exceptions - earnings

82.—(1) The benefit cap does not apply to an award of universal credit in relation to an assessment period where—

- (a) the claimant's earned income or, if the claimant is a member of a couple, the couple's combined earned income, is equal to or exceeds [^{F216}the amount of earnings that a person would be paid at the hourly rate set out in regulation 4 of the National Minimum Wage Regulations for 16 hours per week, converted to a monthly amount by multiplying by 52 and dividing by 12]; or
- (b) the assessment period falls within a grace period or is an assessment period in which a grace period begins or ends.

(2) A grace period is a period of 9 consecutive months that begins on the most recent of the following days in respect of which the condition in paragraph (3) is met—

- (a) a day falling within the current period of entitlement to universal credit which is the first day of an assessment period in which the claimant's earned income (or, if the claimant is a member of a couple, the couple's combined earned income) is [^{F217}less than—
 - ^{F218}(i)
 - (ii) ^{F219}...the amount calculated in accordance with paragraph (1)(a);]
- (b) a day falling before the current period of entitlement to universal credit which is the day after a day on which the claimant has ceased paid work.

(3) The condition is that, in each of the 12 months immediately preceding that day, the claimant's earned income or, if the claimant was a member of a couple, the couple's combined earned income was equal to or [^{F220}exceeded—

- ^{F221}(a)
- (b) ^{F222}...the amount calculated in accordance with paragraph (1)(a).]

(4) “Earned income” for the purposes of this regulation does not include income a person is treated as having by virtue of regulation 62 (minimum income floor).

[^{F223}(5) For the purposes of paragraphs (2)(a) and (3), when calculating the amount in accordance with paragraph (1)(a) the reference to regulation 4 of the National Minimum Wage Regulations is a reference to regulation 4 as in force at the beginning of the assessment period or month for which the amount is calculated.]

Textual Amendments

- F216** Words in reg. 82(1)(a) substituted (coming into force in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit \(Benefit Cap Earnings Exception\) Amendment Regulations 2017 \(S.I. 2017/138\)](#), regs. 1, **2(3)(a)**
- F217** Words in reg. 82(2)(a) substituted (coming into force in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit \(Benefit Cap Earnings Exception\) Amendment Regulations 2017 \(S.I. 2017/138\)](#), regs. 1, **2(3)(b)**
- F218** Reg. 82(2)(a)(i) omitted (13.7.2020) by virtue of [The Universal Credit \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/611\)](#), regs. 1(2), **2(a)**
- F219** Words in reg. 82(2)(a)(ii) omitted (13.7.2020) by virtue of [The Universal Credit \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/611\)](#), regs. 1(2), **2(b)**
- F220** Words in reg. 82(3) substituted (coming into force in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit \(Benefit Cap Earnings Exception\) Amendment Regulations 2017 \(S.I. 2017/138\)](#), regs. 1, **2(3)(c)**

- F221** Reg. 82(3)(a) omitted (13.7.2020) by virtue of [The Universal Credit \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/611\)](#), regs. 1(2), **2(c)**
- F222** Words in reg. 82(3)(b) omitted (13.7.2020) by virtue of [The Universal Credit \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/611\)](#), regs. 1(2), **2(d)**
- F223** Reg. 82(5) inserted (13.7.2020) by [The Universal Credit \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/611\)](#), regs. 1(2), **2(e)**

Exceptions - entitlement or receipt of certain benefits

- 83.**—(1) The benefit cap does not apply in relation to any assessment period where—
- (a) the LCWRA element is included in the award of universal credit or the claimant is receiving an employment and support allowance that includes the support component;
 - (b) a claimant is receiving industrial injuries benefit;
 - (c) a claimant is receiving attendance allowance;
 - (d) a claimant is receiving a war pension;
 - (e) a claimant is receiving a payment under article 15(1)(c) or article 29(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 ^{M64};
 - (f) a claimant, or a child or qualifying young person for whom a claimant is responsible, is receiving disability living allowance;
 - (g) a claimant, or a qualifying young person for whom a claimant is responsible, is receiving personal independence payment;
 - (h) a claimant, or a child or qualifying young person for whom a claimant is responsible, is entitled to a payment listed in [^{F224}sub-paragraphs (b) to (g)] but—
 - (i) is not receiving it by virtue of regulation 6 (hospitalisation) or regulation 7 (persons in care homes) of the Social Security (Attendance Allowance) Regulations 1991 ^{M65},
 - (ii) it is being withheld by virtue of article 53 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006 ^{M66} (maintenance in hospital or an institution),
 - (iii) is not receiving it by virtue of regulation 8 (hospitalisation) or regulation 9 (persons in care homes) of the Social Security (Disability Living Allowance) Regulations 1991 ^{M67}, or
 - (iv) in the case of personal independence payment, is not receiving it by virtue of regulations under section 85 (care home residents) or 86 (hospital in-patients) of the Act.
- [^{F225}(i) a claimant, or a qualifying young person for whom a claimant is responsible, is entitled to carer’s allowance;
- (j) the carer element is included in the award of universal credit;
 - (k) a claimant is entitled to guardian’s allowance under section 77 of the Contributions and Benefits Act.]
- (2) For the purposes of this regulation, “war pension” means—
- (a) any pension or allowance payable under any of the instruments listed in section 639(2) of ITEPA—
 - (i) to a widow, widower or a surviving civil partner, or
 - (ii) in respect of disablement;

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- (b) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (c) a payment which is made under any of—
- (i) the Order in Council of 19th December 1881,
 - (ii) the Royal Warrant of 27th October 1884, or
 - (iii) the Order by His Majesty of 14th January 1922,
- to a widow, widower or surviving civil partner of a person whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown and whose service in such capacity terminated before 31st March 1973;
- (d) a pension paid by the government of a country outside the United Kingdom which is analogous to any of the pensions, allowances or payments mentioned in paragraphs (a) to (c).

Textual Amendments

- F224** Words in reg. 83(1)(h) substituted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **38(6)**
- F225** Reg. 83(1)(i)-(k) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Benefit Cap \(Housing Benefit and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/909\)](#), regs. 1(1), **3(6)**

Marginal Citations

- M64** [S.I. 2011/517](#).
- M65** [S.I. 1991/2740](#). Relevant amendments made by [S.I. 1992/2869](#), 1999/1326 and 2007/2875.
- M66** [S.I. 2006/606](#).
- M67** [S.I. 1991/2890](#). Relevant amendments made by [S.I. 1992/2869](#), 1999/1326, 2000/1401, 2007/2875 and 2010/1172.

PART 8

CLAIMANT RESPONSIBILITIES

CHAPTER 1

WORK-RELATED REQUIREMENTS

Introductory

Introduction

84. This Chapter contains provisions about the work-related requirements under sections 15 to 25 of the Act, including the persons to whom they are to be applied, the limitations on those requirements and other related matters.

Meaning of terms relating to carers

85. 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 86.

Nomination of responsible carer and responsible foster parent

86.—(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 Secretary of State considers that there has been a change of circumstances which is relevant to the nomination.

References to paid work

87. References in this Chapter to obtaining paid work include obtaining more paid work or [^{F226}better-paid work].

Textual Amendments

F226 Words in reg. 87 substituted (6.11.2017) by [The Social Security \(Qualifying Young Persons Participating in Relevant Training Schemes\) \(Amendment\) Regulations 2017 \(S.I. 2017/987\)](#), regs. 1, 4(3) (with reg. 6)

Expected hours

88.—(1) The “expected number of hours per week” in relation to a claimant for the purposes of determining their individual threshold in regulation 90 or for the purposes of regulation 95 or 97 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 [^{F227}(subject to the following subparagraphs)] or a responsible foster parent, and
- (ii) the Secretary of State is satisfied that the claimant has reasonable prospects of obtaining paid work,

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

- [^{F228}(aa) where the claimant is a responsible carer of a child who has not yet reached compulsory school age, the number of hours that the Secretary of State considers is compatible with those caring responsibilities;]
- (b) where the claimant is a responsible carer for a child [^{F229}who has reached compulsory school age but who is] under the age of 13, the number of hours that the Secretary of State 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 Secretary of State considers is reasonable in light of the impairment.

Textual Amendments

F227 Words in reg. 88(2)(a)(i) inserted (3.4.2017) by [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), regs. 1, **6(a)**

F228 Reg. 88(2)(aa) inserted (3.4.2017) by [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), regs. 1, **6(b)**

F229 Words in reg. 88(2)(b) inserted (3.4.2017) by [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), regs. 1, **6(c)**

Work-related groups

Claimants subject to no work-related requirements

89.—(1) A claimant falls within section 19 of the Act (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 Secretary of State 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 section 17(4) or 18(3) of the Act;
- (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;
- [^{F230}(da) the claimant is a member of a couple entitled to universal credit by virtue of regulation 3(2)(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 section 4(1)(d) of the Act (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 1.
- (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.
- [^{F231}(4) For the purposes of paragraph (1)(e)(ii), a claimant is not to be treated as having student income where—
- (a) that income is a postgraduate ^{F232}... loan; and
 - (b) the course in respect of which that loan is paid is not a full-time course.
- (5) In paragraph (4), “postgraduate ^{F233}... loan” has the meaning given in regulation 68(7).]

Textual Amendments

- F230** Reg. 89(1)(da) inserted (11.4.2018) by [The Universal Credit \(Miscellaneous Amendments, Saving and Transitional Provision\) Regulations 2018 \(S.I. 2018/65\)](#), regs. 1(4), **3(10)**
- F231** Reg. 89(4)(5) inserted (4.8.2016) by [The Social Security \(Treatment of Postgraduate Masters Degree Loans and Special Support Loans\) \(Amendment\) Regulations 2016 \(S.I. 2016/743\)](#), regs. 1, **6(5)**
- F232** Words in reg. 89(4)(a) omitted (15.7.2020) by virtue of [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **8(6)**
- F233** Words in reg. 89(5) omitted (15.7.2020) by virtue of [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **8(6)**

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

90.—(1) A claimant falls within section 19 of the Act (claimants subject to no work-related requirements) if the claimant's [^{F234}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 [^{F235}regulation 4 or regulation 4A(1)(a) to (c)] of the National Minimum Wage Regulations for—

- (a) 16 hours per week, in the case of a claimant who would otherwise fall within section 20 (claimants subject to work-focused interview requirement only) or section 21 (claimants subject to work-preparation requirement) of the Act; or
- (b) the expected number of hours per week in the case of a claimant who would otherwise fall within section 22 of the Act (claimants subject to all work-related requirements)[^{F236}, converted to a monthly amount by multiplying by 52 and dividing by 12].

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(3) A claimant who is a member of a couple falls within section 19 of the Act if the couple's combined [^{F237}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(3), 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 [^{F238}regulation 4] of the National Minimum Wage Regulations [^{F239}, converted to a monthly amount by multiplying by 52 and dividing by 12].

(4) A claimant falls within section 19 of the Act if the claimant is employed under a contract of apprenticeship and has [^{F240}monthly] earnings that are equal to or exceed the amount they 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 [^{F241}regulation 4A(1)(d)] of the National Minimum Wage Regulations [^{F242}, converted to a monthly amount by multiplying by 52 and dividing by 12].

[^{F243}(5) A claimant falls within section 19 of the Act if they are treated as having earned income in accordance with regulation 62 (minimum income floor).]

- (6) [^{F244}A person's monthly earnings are]—
 - (a) [^{F245}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 [^{F246}, 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 three months or such other period as may, in the particular case, enable the [^{F247}monthly] average to be determined more accurately

[^{F248}and the Secretary of State may, in order to enable monthly earnings to be determined more accurately, disregard earned income received in respect of an employment which has ceased].

^{F249}(7)

Textual Amendments

- F234** Word in reg. 90(1) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **2(6)(a)**
- F235** Words in [reg. 90\(2\)](#) substituted (25.7.2016) by [The Social Security \(Jobseeker's Allowance, Employment and Support Allowance and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/678\)](#), regs. 1, **5(4)(a)**
- F236** Words in [reg. 90\(2\)](#) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **2(6)(b)**

- F237** Word in reg. 90(3) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **2(6)(c)(i)**
- F238** Words in reg. 90(3)(b)(ii) substituted (25.7.2016) by The Social Security (Jobseeker's Allowance, Employment and Support Allowance and Universal Credit) (Amendment) Regulations 2016 (S.I. 2016/678), regs. 1, **5(4)(b)**
- F239** Words in reg. 90(3)(b)(ii) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **2(6)(c)(ii)**
- F240** Word in reg. 90(4) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **2(6)(d)(i)**
- F241** Words in reg. 90(4) substituted (25.7.2016) by The Social Security (Jobseeker's Allowance, Employment and Support Allowance and Universal Credit) (Amendment) Regulations 2016 (S.I. 2016/678), regs. 1, **5(4)(c)**
- F242** Words in reg. 90(4) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **2(6)(d)(ii)**
- F243** Reg. 90(5) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888), regs. 1(1), **4(7)**
- F244** Words in reg. 90(6) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **2(6)(e)(i)**
- F245** Words in reg. 90(6)(a) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **2(6)(e)(ii)**
- F246** Words in reg. 90(6)(b) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **2(6)(e)(iii)**
- F247** Word in reg. 90(6)(b)(ii) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **2(6)(e)(iv)**
- F248** Words in reg. 90(6) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **2(6)(e)(v)**
- F249** Reg. 90(7) omitted (25.7.2016) by virtue of The Social Security (Jobseeker's Allowance, Employment and Support Allowance and Universal Credit) (Amendment) Regulations 2016 (S.I. 2016/678), regs. 1, **5(4)(d)**

Claimants subject to work-focused interview requirement only

- 91.**—^{F250}(1)
- (2) A claimant falls within section 20 of the Act if—
 - (a) the claimant is the responsible foster parent in relation to a child aged at least 1;
 - (b) the claimant is the responsible foster parent in relation to a qualifying young person, and the Secretary of State is satisfied that the 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 section 17(4) or 18(3) of the Act;
 - (c) the claimant is a foster parent, but not the responsible foster parent, in relation to a child or qualifying young person, and the Secretary of State is satisfied that the child or qualifying

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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 section 17(4) or 18(3) of the Act;

(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 a local authority because of concerns in relation to the child's welfare.

Textual Amendments

F250 Reg. 91(1) omitted (3.4.2017) by virtue of [Welfare Reform and Work Act 2016 \(c. 7\)](#), **ss. 17(2)(a)**, 36(6); S.I. 2017/111, reg. 3(c)

[^{F251}Claimants subject to work preparation requirement]

^{F252}**91A.**

Textual Amendments

F251 Reg. 91A inserted (28.4.2014) by [The Income Support \(Work-Related Activity\) and Miscellaneous Amendments Regulations 2014 \(S.I. 2014/1097\)](#), regs. 1(1), **16(3)**

F252 Reg. 91A revoked (3.4.2017) by [Welfare Reform and Work Act 2016 \(c. 7\)](#), **ss. 17(2)(b)**, 36(6); S.I. 2017/111, reg. 3(c)

Claimants subject to all work-related requirements - EEA jobseekers

^{F253}**92.**

Textual Amendments

F253 Reg. 92 revoked (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit \(EEA Jobseekers\) Amendment Regulations 2015 \(S.I. 2015/546\)](#), regs. 1(1), **3**

The work-related requirements

Purposes of a work-focused interview

93. 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 63 (start-up period).

Work search requirement - interviews

94. 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

95.—(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 Secretary of State 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 Secretary of State—

- (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.

(3) For the purpose of paragraph (2)(a) the time agreed by the Secretary of State for the claimant to carry out voluntary work must not exceed 50% 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 Secretary of State for the purpose of making it more likely that the claimant will obtain paid work, but which is not specified by the Secretary of State as a work preparation requirement under section 16 of the Act.

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

96.—(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) But 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—

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

- (a) a claimant is a responsible carer or a relevant carer;
 - (b) the Secretary of State is satisfied that, as a consequence the claimant needs a longer period of up to 1 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 Secretary of State is satisfied that, as a consequence, the claimant needs a longer period of up to 1 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 section 86 of the Employment Rights Act 1996 ^{M68}, 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

M68 1996 c.18.

Work search requirement and work availability requirement - limitations

97.—(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 88.

(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 Secretary of State considers appropriate, but only if the Secretary of State 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 section 19 of the Act by virtue of regulation 90 (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

98.—(1) Where a claimant has recently been a victim of domestic violence, and the circumstances set out in paragraph (3) 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 (3) (a); and
- (b) the Secretary of State must not impose any other work-related requirement on that claimant during that period.

[^{F254}(1A) Where a claimant referred to in paragraph (1) is a person who falls within section 22 of the Act (claimants subject to all work-related requirements) and is the responsible carer of a child, the Secretary of State 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.]

(2) 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.

(3) The circumstances are that—

- (a) the claimant notifies the Secretary of State, in such manner as the Secretary of State 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
- (d) as soon as possible, and no later than 1 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.

(4) In this regulation—

[^{F255}“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;

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Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

- (c) sexual abuse;
- (d) emotional abuse;
- (e) financial abuse,

regardless of the 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 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 ^{M69};

“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) [^{F256}Social Work England;]
- (b) [^{F257}Social Care Wales;]
- (c) The Scottish Social Services Council; or
- (d) The Northern Ireland Social Care Council.

Textual Amendments

F254 Reg. 98(1A) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014 \(S.I. 2014/2888\)](#), regs. 1(1), **8(2)**

F255 Words in reg. 98(4) substituted (29.10.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(b), **3(9)**

F256 Words in reg. 98(4) substituted (2.12.2019) by [The Children and Social Work Act 2017 \(Consequential Amendments\) \(Social Workers\) Regulations 2019 \(S.I. 2019/1094\)](#), reg. 1, **Sch. 3 para. 30**; S.I. 2019/1436, reg. 2(b)

F257 Words in reg. 98(4) substituted (1.4.2017) by [The Social Security \(Social Care Wales\) \(Amendment\) Regulations 2017 \(S.I. 2017/291\)](#), regs. 1, **2**

Marginal Citations

M69 2002 c.17.

Circumstances in which requirements must not be imposed

99.—(1) Where paragraph (3), (4)[^{F258}, (4A),]^{F259}... or (6) applies—

- (a) the Secretary of State must not impose a work search requirement on a claimant; and
- (b) “able and willing immediately to 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 (3), (4)[^{F258}, (4A),]^{F259}... or (6) 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 (3), (4)[^{F260}, (4A),]^{F261}... or (6) begin to apply.

[^{F262}(2A) Where paragraph (5) applies—

- (a) the Secretary of State 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 (5) begin to apply.

(2B) Where paragraph (5A) applies “able and willing to 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 (5A) no longer apply.

(2C) Where paragraph (5B) applies, “able and willing to 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 (5B) no longer apply; and
- (b) able and willing to attend an interview before those circumstances no longer apply.]

(3) This paragraph applies where—

- (a) the claimant is attending a 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 Great Britain 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 ^{M70}; or
- (g) the claimant is engaged in an activity of a kind approved by the Secretary of State as being in the nature of a public duty.

(4) [^{F263}Subject to paragraph (4ZA), 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 Secretary of State 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 Secretary of State approves that the claimant is unfit for work, and
 - (ii) for any further days when they are unfit for work, if requested by the Secretary of State, 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.

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Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

[^{F264}(4ZA) Where paragraph (4ZB) applies, paragraph (4) will only apply to a claimant if the Secretary of State makes a decision to carry out an assessment under regulation 41(1)(b).]

[^{F264}(4ZB) 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, as the case may be, for work and work-related activity under regulation 43(3) or 44(2); and
- (b) the condition specified in the evidence provided by the claimant in accordance with paragraph (4)(b) is in the opinion of the Secretary of State the same, or substantially the same, as the condition specified in the evidence provided by the claimant 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.]

[^{F265}(4A) This paragraph applies for one or more periods of one month, as provided for in paragraphs (4B) and (4C), where the claimant is the responsible carer of a child and an event referred to in sub-paragraph (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 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.

(4B) Paragraph (4A) 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 98 or paragraph (3)(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).

(4C) Each period of one month begins on the date specified by the Secretary of State after the claimant has notified the Secretary of State of the circumstances in paragraph (4A) provided that the Secretary of State is satisfied that the circumstances apply.]

(5) This paragraph applies where the Secretary of State is satisfied that it would be unreasonable to require the claimant to comply with a work search requirement ^{F266}..., including if such a requirement were limited in accordance with section 17(4) ^{F266}... of the Act, because ^{F267}...—

- (a) [^{F268}the claimant] is carrying out a work preparation requirement or voluntary work preparation (as defined in regulation 95(4));
- (b) [^{F269}the claimant] has temporary child care responsibilities or is dealing with a domestic emergency, funeral arrangements or other temporary circumstances; ^{F270}...
- (c) [^{F271}the claimant] is unfit for work for longer than the period of 14 days specified in paragraph (4)(a) or for more than 2 such periods in any period of 12 months and, where

requested by the Secretary of State, provides the evidence mentioned in paragraph (4)(b)(ii)^{F272}; or

(d) paragraph (4) would apply to the claimant but for paragraph (4ZA).]

^{F273}(5A) This paragraph applies where the Secretary of State 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 section 18(3) of the Act) because the claimant falls within ^{F274}sub-paragraph (a), (b), (c) or (d)] of paragraph (5).

(5B) This paragraph applies where the Secretary of State 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 ^{F275}sub-paragraph (a), (b), (c) or (d)] of paragraph (5); 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 section 18(3) of the Act.]

^{F276}(6) 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 1996); or
- (b) in the case of 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).]

^{F277}(6A) In paragraph (6) “employed earnings” has the meaning in regulation 55.]

(7) In this regulation “tribunal” means any tribunal listed in Schedule 1 to the Tribunals and Inquiries Act 1992 ^{M71}.

Textual Amendments

- F258** Words in reg. 99(1) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014 \(S.I. 2014/2888\)](#), regs. 1(1), **8(3)(a)**
- F259** Words in reg. 99(1) omitted (28.4.2014) by virtue of [The Universal Credit and Miscellaneous Amendments Regulations 2014 \(S.I. 2014/597\)](#), regs. 1, **2(7)(a)**
- F260** Words in reg. 99(2) inserted (with effect in accordance with of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014 \(S.I. 2014/2888\)](#), regs. 1(1), **8(3)(a)**
- F261** Word in reg. 99(2) omitted (28.4.2014) by virtue of [The Universal Credit and Miscellaneous Amendments Regulations 2014 \(S.I. 2014/597\)](#), regs. 1, **2(7)(a)**
- F262** Reg. 99(2A)-(2C) inserted (28.4.2014) by [The Universal Credit and Miscellaneous Amendments Regulations 2014 \(S.I. 2014/597\)](#), regs. 1, **2(7)(b)**
- F263** Words in reg. 99(4) substituted (11.4.2018) by [The Universal Credit \(Miscellaneous Amendments, Saving and Transitional Provision\) Regulations 2018 \(S.I. 2018/65\)](#), regs. 1(4), **3(11)(a)**

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

- F264** Reg. 99(4ZA)(4ZB) inserted (11.4.2018) by The Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018 (S.I. 2018/65), regs. 1(4), **3(11)(b)**
- F265** Reg. 99(4A)-(4C) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888), regs. 1(1), **8(3)(b)**
- F266** Words in reg. 99(5) omitted (28.4.2014) by virtue of The Universal Credit and Miscellaneous Amendments Regulations 2014 (S.I. 2014/597), regs. 1, **2(7)(c)**
- F267** Words in reg. 99(5) omitted (11.4.2018) by virtue of The Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018 (S.I. 2018/65), regs. 1(4), **3(11)(c)(i)**
- F268** Words in reg. 99(5)(a) inserted (11.4.2018) by The Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018 (S.I. 2018/65), regs. 1(4), **3(11)(c)(ii)**
- F269** Words in reg. 99(5)(b) inserted (11.4.2018) by The Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018 (S.I. 2018/65), regs. 1(4), **3(11)(c)(iii)(aa)**
- F270** Word in reg. 99(5)(b) omitted (11.4.2018) by virtue of The Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018 (S.I. 2018/65), regs. 1(4), **3(11)(c)(iii)(bb)**
- F271** Words in reg. 99(5)(c) inserted (11.4.2018) by The Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018 (S.I. 2018/65), regs. 1(4), **3(11)(c)(iv)**
- F272** Reg. 99(5)(d) and word inserted (11.4.2018) by The Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018 (S.I. 2018/65), regs. 1(4), **3(11)(c)(v)**
- F273** Reg. 99(5A)(5B) inserted (28.4.2014) by The Universal Credit and Miscellaneous Amendments Regulations 2014 (S.I. 2014/597), regs. 1, **2(7)(d)**
- F274** Words in reg. 99(5A) substituted (11.4.2018) by The Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018 (S.I. 2018/65), regs. 1(4), **3(11)(d)**
- F275** Words in reg. 99(5B)(a) substituted (11.4.2018) by The Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018 (S.I. 2018/65), regs. 1(4), **3(11)(d)**
- F276** Reg. 99(6) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **2(7)**
- F277** Reg. 99(6)-(6A) substituted for reg. 99(6) (19.2.2015) by The Universal Credit (Work-Related Requirements) In Work Pilot Scheme and Amendment Regulations 2015 (S.I. 2015/89), regs. 1, **3**

Modifications etc. (not altering text)

- C56** Reg. 99 applied (with modifications) (temp.) (19.2.2015) by The Universal Credit (Work-Related Requirements) In Work Pilot Scheme and Amendment Regulations 2015 (S.I. 2015/89), regs. 1, **4, 8**

Marginal Citations

- M70** 2005 c.15.
M71 1992 c.53.

CHAPTER 2 SANCTIONS

Introduction

100.—(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 section 26 or 27 of the Act (“a sanctionable failure”).

[^{F278}(1A) In this Chapter references to a “current sanctionable failure” are to a sanctionable failure in relation to which the Secretary of State has not yet determined whether the amount of an award of universal credit is to be reduced under section 26 or 27 of the Act.]

(2) How the period of the reduction for each sanctionable failure is to be determined is dealt with in regulations 101 to 105.

(3) When the reduction begins or ceases to have effect is dealt with in regulations 106 to 109.

(4) How the amount of a reduction is calculated for an assessment period in which the reduction has effect is set out in regulations 110 and 111.

(5) Regulations 112 to 114 provide for some miscellaneous matters (movement of sanctions from a jobseeker's allowance or an employment and support allowance, cases in which no reduction is made for a sanctionable failure and prescription of work placement scheme for the purposes of section 26(2)(a) of the Act).

Textual Amendments

F278 Reg. 100(1A) inserted (with application in accordance with reg. 2 of the amending S.I.) by [The Social Security \(Jobseeker's Allowance, Employment and Support Allowance and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/678\)](#), regs. 1, **5(5)**

Reduction periods

General principles for calculating reduction periods

101.—(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 102 to 105, but 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 102 to 105 would result in the total outstanding reduction period exceeding 1095 days, the reduction period in relation to that failure is to be adjusted so that the total outstanding reduction period does not exceed 1095 days.

^{F279}(4)

(5) In paragraph (3) “the total outstanding reduction period” is the total number of days for which no reduction in an award under section 26 or 27 of the Act has yet been applied.

Textual Amendments

F279 Reg. 101(4) omitted (with application in accordance with reg. 2 of the amending S.I.) by virtue of [The Social Security \(Jobseeker's Allowance, Employment and Support Allowance and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/678\)](#), regs. 1, **5(6)**

Higher-level sanction

102.—(1) This regulation specifies the reduction period for a sanctionable failure under section 26 of the Act (“higher level sanction”).

[^{F280}(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 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

Circumstances in which reduction period applies	Reduction period where claimant aged 18 or over	Reduction period where claimant aged 16 or 17
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	[^{F281} 182 days]	—
(e) ^{F282} ...	^{F282} ...	—
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) ^{F283} ...	^{F283}	—]
	...	

(3) But 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.

[^{F284}(5) In this regulation—

“higher-level sanction” means a sanction under section 26 of the Act;

“pre-claim failure” means a failure sanctionable under section 26(4) of the Act.]

Textual Amendments

F280 Reg. 102(2) substituted (with application in accordance with reg. 2 of the amending S.I.) by [The Social Security \(Jobseeker's Allowance, Employment and Support Allowance and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/678\)](#), regs. 1, **5(7)(a)**

F281 Words in [reg. 102\(2\)](#) substituted (27.11.2019) by [The Jobseeker's Allowance and Universal Credit \(Higher-Level Sanctions\) \(Amendment\) Regulations 2019 \(S.I. 2019/1357\)](#), regs. 1, **3(a)(i)** (with reg. 5)

F282 Words in [reg. 102\(2\)](#) omitted (27.11.2019) by virtue of [The Jobseeker's Allowance and Universal Credit \(Higher-Level Sanctions\) \(Amendment\) Regulations 2019 \(S.I. 2019/1357\)](#), regs. 1, **3(a)(ii)** (with reg. 5)

F283 Words in [reg. 102\(2\)](#) omitted (27.11.2019) by virtue of [The Jobseeker's Allowance and Universal Credit \(Higher-Level Sanctions\) \(Amendment\) Regulations 2019 \(S.I. 2019/1357\)](#), regs. 1, **3(b)** (with reg. 5)

F284 Reg. 102(5) substituted (with application in accordance with reg. 2 of the amending S.I.) by [The Social Security \(Jobseeker's Allowance, Employment and Support Allowance and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/678\)](#), regs. 1, **5(7)(b)**

Medium-level sanction

103.—(1) This regulation specifies the reduction period for a sanctionable failure under section 27 of the Act (other sanctions) where it is a failure by the claimant to comply with—

- (a) a work search requirement under section 17(1)(a) (to take all reasonable action to obtain paid work etc.); or
- (b) a work availability requirement under section 18(1).

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

^{F285}(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.

Circumstances in which reduction period applies	Reduction period where claimant aged 18 or over	Reduction period where claimant aged 16 or 17
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 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

F285 Reg. 103(2) substituted (with application in accordance with reg. 2 of the amending S.I.) by [The Social Security \(Jobseeker's Allowance, Employment and Support Allowance and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/678\)](#), regs. 1, **5(8)**

Low-level sanction

104.—(1) This regulation specifies the reduction period for a sanctionable failure under section 27 of the Act (other sanctions) where —

- (a) the claimant falls within section 21 (claimants subject to work preparation requirement) or 22 (claimants subject to all work-related requirements) of the Act on the date of that failure; and
- (b) it is a failure to comply with—
 - (i) a work-focused interview requirement under section 15(1),
 - (ii) a work preparation requirement under section 16(1),
 - (iii) a work search requirement under section 17(1)(b) (to take any particular action specified by the Secretary of State to obtain work etc.), or
 - (iv) a requirement under section 23(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 Secretary of State,
 - (ii) the day before the date on which the claimant falls within section 19 of the Act (claimant 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 Secretary of State under section 16, 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

[^{F286}(b) in the circumstances described in the first column of the following table, the number of days set out in the second column.

Circumstances applicable to claimant’s case	Number of days
Where there has been no previous sanctionable failure by the claimant that falls within paragraph (1)	7 days

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

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 Secretary of State,
 - (ii) the day before the date on which the claimant falls within section 19 of the Act (claimant 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 Secretary of State under section 16, or
 - (iv) 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

- [^{F287}(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

- F286** Reg. 104(2)(b) substituted (with application in accordance with reg. 2 of the amending S.I.) by [The Social Security \(Jobseeker's Allowance, Employment and Support Allowance and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/678\)](#), regs. 1, **5(9)(a)**
- F287** Reg. 104(3)(b) substituted (with application in accordance with reg. 2 of the amending S.I.) by [The Social Security \(Jobseeker's Allowance, Employment and Support Allowance and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/678\)](#), regs. 1, **5(9)(b)**

Lowest-level sanction

105.—(1) This regulation specifies the reduction period for a sanctionable failure under section 27 of the Act (other sanctions) where it is a failure by a claimant who falls within section 20 of the Act (claimants subject to work-focused interview requirement only) to comply with a requirement under that section.

(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 Secretary of State;
- (b) the day before the date on which the claimant falls within section 19 of the Act (claimant 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

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

- (a) the first day of the assessment period in which the Secretary of State determines that the amount of the award is to be reduced under section 26 or 27 of the Act (but see also regulation 107(2));
- (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

107.—(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 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 Secretary of State determines that the amount of the award is to be reduced under section 26 or 27 of the Act in relation to a sanctionable failure and that determination is made after the claimant becomes entitled to a new award the

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Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

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)

- C57** Reg. 107 excluded (29.4.2013) by [The Universal Credit \(Transitional Provisions\) Regulations 2013](#) (S.I. 2013/386), regs. 1(2), **34(a)**
- C58** Reg. 107 disapplied (cond.) (16.6.2014) by [The Universal Credit \(Transitional Provisions\) Regulations 2014](#) (S.I. 2014/1230), regs. 1(2), **34**

Suspension of a reduction where fraud penalty applies

108.—(1) A reduction in the amount of an award under section 26 or 27 of the Act is to be suspended for any period during which the provisions of section 6B, 7 or 9 of the Social Security Fraud Act 2001 ^{M72} 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

- M72** [2001 c.11](#). Section 6B was inserted by section 24(1) of the Welfare Reform Act 2009.

When a reduction is to be terminated

109.—(1) A reduction in the amount of an award under section 26 or 27 of the Act 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 [^{F288}six months]; and
- (b) the claimant's [^{F289}monthly] earnings during that period or those periods were equal to or exceeded—
 - (i) the claimant's individual threshold, ^{F290} ...
 - [^{F291}(ia) where the claimant has no individual threshold, the amount that a person 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, or]
 - (ii) if paragraph (4) of regulation 90 applies (threshold for an apprentice) 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 62 (minimum income floor) in respect of an assessment period is to be taken to have [^{F292}monthly] earnings equal to their individual threshold in respect of ^{F293} ... that assessment period.

Textual Amendments

- F288** Words in reg. 109(1)(a) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **2(8)(a)**
- F289** Word in reg. 109(1)(b) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **2(8)(b)**
- F290** Word in reg. 109(1)(b)(i) omitted (25.7.2016) by virtue of [The Social Security \(Jobseeker's Allowance, Employment and Support Allowance and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/678\)](#), regs. 1, **5(10)(a)**
- F291** Reg. 109(1)(b)(ia) inserted (25.7.2016) by [The Social Security \(Jobseeker's Allowance, Employment and Support Allowance and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/678\)](#), regs. 1, **5(10)(b)**
- F292** Word in reg. 109(3) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **2(8)(c)**
- F293** Words in reg. 109(3) omitted (with effect in accordance with reg. 1(3) of the amending S.I.) by virtue of [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **2(8)(c)**

Amount of reduction

Amount of reduction for each assessment period

110. Where it has been determined that an award of universal credit is to be reduced under section 26 or 27 of the Act, 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) 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 108.

Step 2

Multiply the number of days produced by step 1 by the daily reduction rate (see regulation 111).

Step 3

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

- (a) (a) the amount of the standard allowance applicable to the award; or
- (b) in the case of a joint claim where a determination under section 26 or 27 of the Act 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).

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

Daily reduction rate

111.—(1) The daily reduction rate for the purposes of regulation 110 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 section 19 of the Act (claimant subject to no work-related requirements) by virtue of—
 - (i) subsection (2)(c) of that section (responsible carer for a child under the age of 1), or
 - (ii) regulation 89(1)(c),(d) or (f) (adopter, claimant within 11 weeks before or 15 weeks after confinement or responsible foster parent of a child under the age of 1); or
- (c) the claimant falls within section 20 (claimant subject to work-focused interview only).

(3) The daily reduction rate is nil if, at the end of the assessment period, the claimant falls within section 19 of the Act by virtue of having limited capability for work and work-related activity.

(4) The amount of the rate in [^{F294}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.

Textual Amendments

F294 Words in [reg. 111\(4\)](#) substituted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **38(7)**

Modifications etc. (not altering text)

C59 [Reg. 111\(1\)](#) applied (with modifications) (29.4.2013) [The Universal Credit \(Transitional Provisions\) Regulations 2013 \(S.I. 2013/386\)](#), regs. 1(2), **32(7)**

Miscellaneous

Application of ESA or JSA sanctions to universal credit

112. 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

113.—(1) No reduction is to be made under section 26 or 27 of the Act for a sanctionable failure where—

- (a) the sanctionable failure is listed in section 26(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 section 26(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 section 17(4) and 18(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;
- (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 section 26(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 102(4) 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 section 148 of the Employment Rights Act 1996, and has complied with the requirements of that section; 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 [^{F295}monthly] earnings (or, if the claimant is a member of a couple, their joint [^{F295}monthly] earnings) have not fallen below [^{F296}the amount specified in] regulation 99(6) (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 ^{M73}.

Textual Amendments

F295 Word in [reg. 113\(1\)\(g\)](#) substituted (with effect in accordance with [reg. 1\(3\)](#) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), [regs. 1\(1\), 2\(9\)\(a\)](#)

F296 Words in [reg. 113\(1\)\(g\)](#) substituted (with effect in accordance with [reg. 1\(3\)](#) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), [regs. 1\(1\), 2\(9\)\(b\)](#)

Marginal Citations

M73 [2006 c.52](#).

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

Sanctionable failures under section 26 - work placements

^{F297}114.—(1) A placement on the Mandatory Work Activity Scheme is a prescribed placement for the purpose of section 26(2)(a) of the Act (sanctionable failure not to comply with a work placement).

(2) In paragraph (1) “the Mandatory Work Activity Scheme” means a scheme provided pursuant to arrangements made by the Secretary of State and known by that name that is designed to provide work or work-related activity for up to 30 hours per week over a period of 4 consecutive weeks with a view to assisting claimants to improve their prospects of obtaining employment.]

Textual Amendments

F297 Reg. 114 substituted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **38(8)**

CHAPTER 3

HARDSHIP

Introduction

115. This Chapter contains provisions under section 28 of the Act for the making of hardship payments where the amount of an award is reduced under section 26 or 27 of the Act.

Conditions for hardship payments

116.—(1) The Secretary of State 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 section 26 or 27 of the Act is aged 18 or over;
- (b) the single claimant or each joint claimant has met any compliance condition specified by the Secretary of State under regulation 104(2)(a)(i);
- (c) the single claimant or either joint claimant completes and submits an application—
 - (i) approved for the purpose by the Secretary of State, or in such other form as the Secretary of State accepts as sufficient, and
 - (ii) in such manner as the Secretary of State determines;
- (d) the single claimant or either joint claimant furnishes such information or evidence as the Secretary of State may require, in such manner as the Secretary of State determines;
- (e) the single claimant or each joint claimant accepts that any hardship payments that are paid are recoverable;
- (f) the Secretary of State 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); ^{F298} ...
- (g) the Secretary of State is satisfied that the single claimant or each joint claimant is in hardship^{F299}; and
- (h) the daily reduction rate in regulation 111(1) applies for the purposes of the reduction in respect of the claimant under section 26 or 27 of the Act.]

(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 section 26 or 27 of the Act, by the daily reduction rate set out in [^{F300}regulation 111(1)], or
 - (ii) by the daily reduction rate prescribed in regulations made under section 6B(5A), 7(2A) or 9(2A) of the Social Security Fraud Act 2001 ^{M74} 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.

Textual Amendments

F298 Word in reg. 116(1)(f) omitted (28.4.2014) by virtue of [The Universal Credit and Miscellaneous Amendments Regulations 2014 \(S.I. 2014/597\)](#), regs. 1, **2(12)(a)**

F299 Reg. 116(1)(h) and word inserted (28.4.2014) by [The Universal Credit and Miscellaneous Amendments Regulations 2014 \(S.I. 2014/597\)](#), regs. 1, **2(12)(b)**

F300 Words in reg. 116(2)(a)(i) substituted (28.4.2014) by [The Universal Credit and Miscellaneous Amendments Regulations 2014 \(S.I. 2014/597\)](#), regs. 1, **2(12)(c)**

Marginal Citations

M74 2001 c.11. Section 6B was inserted by section 24(1) of the Welfare Reform Act 2009 and subsection (5A) by paragraph 58(3) of Schedule 5 to the Welfare Reform Act 2012. Subsection (2A) of section 9 was inserted by paragraph 61(4) of Schedule 2 to that Act.

The period of hardship payments

- [^{F301}**117**.—(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 116(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 section 26 or 27 of the Act or under section 6B(5A), 7(2A) or 9(2A) of the Social Security Fraud Act 2001.
- (3) In this regulation “the normal payment date” for an assessment period is the date on which the Secretary of State 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.]

Status: Point in time view as at 25/03/2021.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013. (See end of Document for details)

Textual Amendments

F301 Reg. 117 substituted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **38(9)**

The amount of hardship payments

118. 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 110 for the assessment period preceding the assessment period in which an application is submitted under regulation 116(1)(c).

Recoverability of hardship payments

119.—(1) Subject to paragraphs (2) and (3), hardship payments are recoverable in accordance with section 71ZH of the Social Security Administration Act 1992 ^{M75}.

[^{F302}(2) Paragraph (1) does not apply in relation to any assessment period in which—

- (a) the single claimant, or each joint claimant, falls within section 19 of the Act by virtue of regulation 90 (claimants subject to no work-related requirements – the earnings threshold);
- (b) where regulation 90 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 90 does not apply to the single claimant or to either of the joint claimants, that claimant or the 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 section 26 or 27 of the Act—

- (a) the single claimant, or each joint claimant, has fallen within section 19 of the Act by virtue of regulation 90 (claimants subject to no work-related requirements – the earnings threshold);
- (b) where regulation 90 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 90 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

F302 Reg. 119(2)(3) substituted (25.7.2016) by [The Social Security \(Jobseeker's Allowance, Employment and Support Allowance and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/678\)](#), regs. 1, **5(11)**

Marginal Citations

M75 1992 c.5. Section 71ZH was inserted by section 105(1) of the [Welfare Reform Act 2012 \(c.5\)](#).

Signed by authority of the Secretary of State for Work and Pensions.

Department for Work and Pensions

Freud
Parliamentary Under-Secretary of State

Status:

Point in time view as at 25/03/2021.

Changes to legislation:

There are currently no known outstanding effects for the The Universal Credit Regulations 2013.