

---

STATUTORY INSTRUMENTS

---

**2013 No. 376**

**The Universal Credit Regulations 2013**

**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 better paid work.

**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 or a responsible foster parent, and
- (ii) the Secretary of State is satisfied that the claimant has reasonable prospects of obtaining paid work,

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 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.

*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;
- (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.

### **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 [<sup>F1</sup>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 [<sup>F2</sup>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)[<sup>F3</sup>,

converted to a monthly amount by multiplying by 52 and dividing by 12].

(3) A claimant who is a member of a couple falls within section 19 of the Act if the couple's combined [<sup>F4</sup>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 [<sup>F5</sup>regulation 4] of the National Minimum Wage Regulations [<sup>F6</sup>, 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 [<sup>F7</sup>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 [<sup>F8</sup>regulation 4A(1)(d)] of the National Minimum Wage Regulations [<sup>F9</sup>, converted to a monthly amount by multiplying by 52 and dividing by 12].

[<sup>F10</sup>(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) [<sup>F11</sup>A person's monthly earnings are]—

*Status: Point in time view as at 25/07/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013, PART 8. (See end of Document for details)*

- (a) [<sup>F12</sup>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 [<sup>F13</sup>, 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 [<sup>F14</sup>monthly] average to be determined more accurately
- [<sup>F15</sup>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].

<sup>F16</sup>(7) .....

**Textual Amendments**

- F1** 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)**
- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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)**
- F6** 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)**
- F7** 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)**
- F8** 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)**
- F9** 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)**
- F10** 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)**
- F11** 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)**
- F12** 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)**

- F13** 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)**
- F14** 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)**
- F15** 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)**
- F16** 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.**—(1) For the purposes of section 20(1)(a) of the Act (claimant is the responsible carer for a child aged at least 1 and under a prescribed age) the prescribed age is [<sup>F17</sup>3].

(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 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

- F17** Word in reg. 91(1) substituted (28.4.2014) by [The Income Support \(Work-Related Activity\) and Miscellaneous Amendments Regulations 2014 \(S.I. 2014/1097\)](#), regs. 1(1), **16(2)**

Status: Point in time view as at 25/07/2016.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013, PART 8. (See end of Document for details)

**[<sup>F18</sup>Claimants subject to work preparation requirement**

**91A.** For the purposes of section 21(1)(b) of the Act (claimants subject to work preparation requirement), the claimant is of a prescribed description if the claimant is the responsible carer for a child aged 3 or 4.]

**Textual Amendments**

**F18** 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)**

**Claimants subject to all work-related requirements - EEA jobseekers**

<sup>F19</sup>**92.** .....

**Textual Amendments**

**F19** [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—
- (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 <sup>MI</sup>, or by the contract of service, to give notice to terminate the contract;

*Status: Point in time view as at 25/07/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013, PART 8. (See end of Document for details)*

- (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

M1 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.

[<sup>F20</sup>(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—

[<sup>F21</sup>“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;
- (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 <sup>M2</sup>;

“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—

*Status: Point in time view as at 25/07/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013, PART 8. (See end of Document for details)*

- (a) [<sup>F22</sup>The Health and Care Professions Council;]
- (b) The Care Council for Wales;
- (c) The Scottish Social Services Council; or
- (d) The Northern Ireland Social Care Council.

#### Textual Amendments

- F20** 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)**
- F21** 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)**
- F22** Words in reg. 98(4) substituted (28.4.2014) by [The Universal Credit and Miscellaneous Amendments Regulations 2014 \(S.I. 2014/597\)](#), regs. 1, **2(6)**

#### Marginal Citations

- M2** 2002 c.17.

### Circumstances in which requirements must not be imposed

**99.**—(1) Where paragraph (3), (4)[<sup>F23</sup>, (4A),]<sup>F24</sup> ... 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)[<sup>F23</sup>, (4A),]<sup>F24</sup> ... 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)[<sup>F25</sup>, (4A),]<sup>F26</sup> ... or (6) begin to apply.

[<sup>F27</sup>(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 <sup>M3</sup>; 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) 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.

[<sup>F28</sup>(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.]

*Status: Point in time view as at 25/07/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013, PART 8. (See end of Document for details)*

(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 <sup>F29</sup>..., including if such a requirement were limited in accordance with section 17(4) <sup>F29</sup>... of the Act, because the claimant—

- (a) is carrying out a work preparation requirement or voluntary work preparation (as defined in regulation 95(4));
- (b) has temporary child care responsibilities or is dealing with a domestic emergency, funeral arrangements or other temporary circumstances; or
- (c) 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).

[<sup>F30</sup>(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 sub-paragraph (a), (b), or (c) 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 sub-paragraph (a), (b) or (c) 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.]

[<sup>F31</sup>(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).]

[<sup>F32</sup>(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 <sup>M4</sup>.

#### Textual Amendments

**F23** 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)**

**F24** 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)**

- F25** 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)**
- F26** 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)**
- F27** 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)**
- F28** 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)**
- F29** 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)**
- F30** 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)**
- F31** 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)**
- F32** 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)**

- C1** 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**

- M3** 2005 c.15.  
**M4** 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”).

[<sup>F33</sup>(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).

*Status: Point in time view as at 25/07/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013, PART 8. (See end of Document for details)*

**Textual Amendments**

**F33** 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.

<sup>F34</sup>(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**

**F34** 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”).

[<sup>F35</sup>(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.

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	91 days	14 days

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

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	1095 days	—
(e) 1095 days	1095 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 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) 1095 days	1095 days	—

(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—

**Status:** Point in time view as at 25/07/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Universal Credit Regulations 2013, PART 8. (See end of Document for details)

- (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.

[<sup>F36</sup>(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**

**F35** 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)**

**F36** 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).

[<sup>F37</sup>(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

**F37** 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—

**Status:** Point in time view as at 25/07/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Universal Credit Regulations 2013, PART 8. (See end of Document for details)

- (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
  - <sup>F38</sup>(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
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

- [<sup>F39</sup>(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

- F38** 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)**
- F39** 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

*Status: Point in time view as at 25/07/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013, PART 8. (See end of Document for details)*

(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 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)**

- C2** Reg. 107 excluded (29.4.2013) by [The Universal Credit \(Transitional Provisions\) Regulations 2013 \(S.I. 2013/386\)](#), regs. 1(2), **34(a)**
- C3** 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 <sup>M5</sup> 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**

- M5** [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 [<sup>F40</sup>six months]; and

(b) the claimant's [<sup>F41</sup>monthly] earnings during that period or those periods were equal to or exceeded—

(i) the claimant's individual threshold, <sup>F42</sup>...

[<sup>F43</sup>(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 [<sup>F44</sup>monthly] earnings equal to their individual threshold in respect of <sup>F45</sup>... that assessment period.

### Textual Amendments

**F40** 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)**

**F41** 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)**

**F42** 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)**

**F43** 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)**

**F44** 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)**

**F45** 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)**

---

*Status: Point in time view as at 25/07/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Universal Credit Regulations 2013, PART 8. (See end of Document for details)*

---

### *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).

#### **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 [F46 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**

**F46** 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)**

**C4** [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—

*Status: Point in time view as at 25/07/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013, PART 8. (See end of Document for details)*

- (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 [<sup>F47</sup>monthly] earnings (or, if the claimant is a member of a couple, their joint [<sup>F47</sup>monthly] earnings) have not fallen below [<sup>F48</sup>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 <sup>M6</sup>.

#### Textual Amendments

**F47** 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\(9\)\(a\)](#)

**F48** 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

**M6** [2006 c.52](#).

### Sanctionable failures under section 26 - work placements

[<sup>F49</sup>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

**F49** [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);<sup>F50</sup> ...
- (g) the Secretary of State is satisfied that the single claimant or each joint claimant is in hardship<sup>F51</sup>; 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 <sup>F52</sup>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<sup>M7</sup> 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.

*Status: Point in time view as at 25/07/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Universal Credit Regulations 2013, PART 8. (See end of Document for details)*

#### Textual Amendments

- F50** 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)**
- F51** 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)**
- F52** 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

- M7** [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

<sup>F53</sup>**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.]

#### Textual Amendments

- F53** 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 <sup>M8</sup>.

[<sup>F54</sup>(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

**F54** 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

**M8** 1992 c.5. Section 71ZH was inserted by section 105(1) of the [Welfare Reform Act 2012 \(c.5\)](#).

**Status:**

Point in time view as at 25/07/2016.

**Changes to legislation:**

There are currently no known outstanding effects for the The Universal Credit Regulations 2013, PART 8.