

STATUTORY INSTRUMENTS

**2013 No. 376**

The Universal Credit Regulations 2013

**PART 6**

CALCULATION OF CAPITAL AND INCOME

CHAPTER 2

EARNED INCOME

*Gainful self-employment*

**[<sup>F1</sup>Minimum income floor**

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

- (a) is in gainful self-employment (see regulation 64); and
- (b) would, apart from this regulation [<sup>F2</sup>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 <sup>F3</sup>... amounts by—

<sup>F4</sup>(a) .....

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

(4A) [<sup>F5</sup>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

- F1** 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)**
- F2** 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**
- F3** 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)**
- F4** 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)**
- F5** 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)

- C1** 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)**)
- C2** 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)** and (12.5.2021) by [The Social Security \(Coronavirus\) \(Miscellaneous Amendments\) Regulations 2021 \(S.I. 2021/476\)](#), regs. 1, **2**)

**Changes to legislation:**

There are currently no known outstanding effects for the The Universal Credit Regulations 2013, Section 62.