
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 216

The Universal Credit Regulations (Northern Ireland) 2016

PART 4

ELEMENTS OF AN AWARD

Responsibility for children or young persons

The child element

25.—(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 (“the child element”) is given in the table in regulation 38 (amounts of elements).

(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) blind.

Housing costs

The housing costs element

26.—(1) Paragraphs (2) to (4) specify for the purposes of Article 16 of the Order (housing costs)

- (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”);
 - (b) payments within the meaning of paragraph 5 of that Schedule (“owner-occupier payments”);
 - (c) payments within the meaning of paragraph 8 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 Article 16 of the Order,
 - (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).

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

- 27.—**(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 26.
- (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—
 - (i) owner-occupier payments (whether or not service charge payments are also payable), or
 - (ii) service charge payments only.
 - (4) Where both paragraphs (2) and (3) apply in relation to a claimant who occupies accommodation under an equity-sharing lease—
 - (a) an amount is to be calculated under each of Schedules 4 and 5, and
 - (b) the amount of the claimant’s housing costs element is the aggregate of those amounts.
 - (5) 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) “Equity-sharing lease” means a lease of land, the general effect of which is to provide—
 - (a) that, in consideration for the granting of the lease, the lessee shall pay a capital sum, representing a part payment in respect of the cost of acquisition of the premises demised, and a rent, and

- (b) that the lessee may make additional part payments towards the said cost of acquisition and may exercise an option to purchase the whole or part of the lessor's reversion in the premises demised.

Particular needs or circumstances – capability for work

Award to include LCW and LCWRA elements

- 28.**—(1) An award of universal credit is to include an amount—
- (a) in respect of the fact that a claimant has limited capability for work (“the LCW element”), or
 - (b) in respect of the fact that a claimant has limited capability for work and work-related activity (“the LCWRA element”).
- (2) The amounts of those elements are given in the table in regulation 38.
- (3) Whether a claimant has limited capability for work or for work and work-related activity is determined in accordance with Part 5.
- (4) In the case of joint claimants, where each of them has limited capability for work or for work and work-related activity, the award is only to include one element and that is the LCWRA element if one of them has limited capability for work and work-related activity, but otherwise it is the LCW element.

Period for which the LCW or LCWRA element is not to be included

- 29.**—(1) An award of universal credit is not to include the LCW or 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 3 months beginning with—
- (a) if regulation 42(2) applies (claimant with 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 LCW or 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) 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 LCW or 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 Article 10(1)(b) (or if it was a joint claim, Article 10(2)(b)) of the Order 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 or the work-related activity component, 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 (Northern Ireland) 2007⁽¹⁾ (duration of contributory allowance).

(6) Paragraph (1) does not apply where an award includes the LCW element and it is subsequently determined that the claimant has limited capability for work and work-related activity.

(7) Where, by virtue of this regulation, the condition in Article 10(1)(b) or 10(2)(b) of the Order 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).

Particular needs or circumstances - carers

Award to include the carer element

30.—(1) An award of universal credit is to include an amount (“the carer element”) specified in the table in regulation 38 where a claimant has regular and substantial caring responsibilities for a severely disabled person, subject to paragraphs (2) to (4) 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 of them and that is the one they jointly elect or, in default of election, the one the Department determines.

(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 or for work and work-related activity, only one out of the carer element, the LCW element and the LCWRA element may be included in respect of the claimant and that element is—

- (a) if 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), the LCWRA element, or
- (b) in any other case, the carer element.

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

31.—(1) For the purposes of Part 2 of the Order 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) 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.

(1) Section 1A was inserted by Article 57 of the Order.

Particular needs or circumstances – childcare costs

Award to include childcare costs element

32. 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 33), and
- (b) the childcare costs condition (see regulation 34).

The work condition

33.—(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
- (b) the claimant is receiving statutory sick pay, statutory maternity pay, statutory paternity pay, statutory adoption pay, statutory shared parental pay or a maternity allowance.

The childcare costs condition

34.—(1) The childcare costs condition is met in respect of an assessment period if—

- (a) the claimant has paid charges for relevant childcare that are attributable to that assessment period (see regulation 36) and those charges have been reported to the Department before the end of that assessment period,
- (b) 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
- (c) 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 33(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.

(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 2016(2) and in such cases, subject to regulation 36 below, all or part of any such charges may be taken into account in any assessment period to which they relate.

Amount of childcare costs element

35.—(1) The amount of the childcare costs element for an assessment period is the lesser of—

- (a) 85 percent 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 38.

(2) In determining the amount of charges paid for relevant childcare, there is to be left out of the account any amount—

- (a) that the Department 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 Department in connection with the claimant’s participation in work-related activity or training.

Charges attributable to an assessment period

36.—(1) Charges paid for relevant childcare are attributable to an assessment period where those charges —

- (a) are paid in that assessment period for relevant childcare in respect of that assessment period, or
- (b) are paid in that assessment period for relevant childcare in respect of a previous assessment period, or
- (c) 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 35(2)).

Step 2

Apply the formula—

$$\left[\frac{PA}{D} \right] \times AP$$

Where—

PA is the amount resulting from Step1,

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, 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.

Meaning of “relevant childcare”

37.—(1) “Relevant childcare” means any of the care described in paragraphs (2) and (3) and other than care excluded by paragraph (4) or (5).

(2) Care provided in Northern Ireland for a child—

(a) by a person registered under Part XI of the Children (Northern Ireland) Order 1995,

(b) out of school hours by a school as part of the school activities, or

(c) by a childcare provider approved in accordance with a scheme under the Tax Credits (Approval of Home Child Care Providers) Scheme (Northern Ireland) 2006(3).

(3) Care provided for a child outside Northern Ireland by a childcare provider approved by an organisation accredited by the Secretary of State.

(4) 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.

(5) Care is not within paragraph (2)(a) if it is provided in breach of a requirement to register under Part 2 of the Children (Northern Ireland) Order 1995.

(6) In this regulation—

“child” includes a qualifying young person specified in regulation 34(1)(b)(ii) (the childcare costs condition);

“school” means a school as defined by Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986(4).

General

Amounts of elements

38.—(1) The amounts of the standard allowance, the child element, the LCW and LCWRA elements 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 27.

(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.

(3) S.R. 2006 No. 64

(4) S.I. 1986/594 (N.I. 3).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Element</i>	<i>Amount for each assessment period</i>
Standard allowance—	
single claimant aged under 25	£251.77
single claimant aged 25 or over	£317.82
joint claimants both aged under 25	£395.20
joint claimants where either is aged 25 or over	£498.89
Child element—	
first child or qualifying young person	£277.08
second and each subsequent child or qualifying young person	£231.67
Additional amount for disabled child or qualifying young person—	
lower rate	£126.11
higher rate	£367.92
LCW and LCWRA elements—	
limited capability for work	£126.11
limited capability for work and work-related activity	£315.60
Carer element	£150.39
Childcare costs element—	
maximum amount for one child	£646.35
maximum amount for 2 or more children	£1,108.04

Run-on after a death

39. 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,
- (c) in the case of a claimant who had regular and substantial caring responsibilities for a severely disabled person, that person, or
- (d) a person who was a non dependant within the meaning of paragraph 8(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.