
DRAFT STATUTORY INSTRUMENTS

2013 No.

The Universal Credit Regulations 2013

PART 8

CLAIMANT RESPONSIBILITIES

CHAPTER 1

WORK-RELATED REQUIREMENTS

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 weekly 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 regulation 11 or regulation 13(1) or (2) 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).

(3) A claimant who is a member of a couple falls within section 19 of the Act if the couple’s combined weekly 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 regulation 11 of the National Minimum Wage Regulations.

(4) A claimant falls within section 19 of the Act if the claimant is employed under a contract of apprenticeship and has weekly 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 regulation 13(3) of the National Minimum Wage Regulations.

(5) 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 weekly earnings equal to their individual threshold in respect of any week falling within that assessment period.

(6) A person’s weekly earnings are the person’s earned income taken as a weekly average by reference to—

- (a) the amount of that 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—
 - (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 weekly average to be determined more accurately.

(7) In this regulation “the National Minimum Wage Regulations” means the National Minimum Wage Regulations 1999(1).

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 5.

(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.

Claimants subject to all work-related requirements - EEA jobseekers

92.—(1) A claimant who is—

- (a) a person mentioned in regulation 6(1)(a) of the EEA Regulations;
- (b) a person who is treated as a worker for the purposes of regulation 6(1)(b) of the EEA Regulations by reason of satisfying the conditions set out in regulation 6(2)(b) of those Regulations; or
- (c) a person who has a right to reside by virtue of article 45 of the Treaty on the Functioning of the European Union (in a case where the person is seeking work in the United Kingdom, Channel Islands, Isle of Man or the Republic of Ireland),

and who would otherwise fall within section 19, 20 or 21 of the Act, is to be treated as not falling within any of those sections.

(2) A claimant who is a family member of a person mentioned in paragraph (1)(a) or (c) and who would otherwise fall within section 19, 20 or 21 of the Act, is to be treated as not falling within any of those sections.

(1) [S.I. 1999/584](#). Relevant amendments in [S.I. 2010/1901](#) and [S.I. 2011/2345](#).

(3) In this regulation “family member” has the same meaning as in regulation 7(1)(a), (b) or (c) of the EEA Regulations