
STATUTORY INSTRUMENTS

2015 No. 1754

The Universal Credit and Miscellaneous
Amendments Regulations 2015

PART 1

UNIVERSAL CREDIT MISCELLANEOUS AMENDMENTS

Amendment of the earnings condition for budgeting advances

7. For regulation 13 (earnings condition for budgeting advances) of the Social Security (Payments on Account of Benefit) Regulations 2013(1) substitute—

“Earnings condition

13.—(1) The earnings condition is satisfied—

- (a) in a case where regulation 12(2) (expenses necessarily related to obtaining or retaining employment) does not apply, where paragraph (2) is satisfied;
- (b) in a case where regulation 12(2) does apply, where paragraph (4) is satisfied.

(2) This paragraph is satisfied where—

- (a) if B is not a member of a couple, B does not have earned income exceeding £2,600, or
- (b) if B is a member of a couple, B and their partner jointly do not have earned income exceeding £3,600,

over the relevant period.

(3) In paragraph (2), “the relevant period” means the period covered by the six complete assessment periods preceding the date of the application for the budgeting advance.

(4) This paragraph is satisfied where—

- (a) if B is not a member of a couple, B does not have earned income, or
- (b) if B is a member of a couple, B and their partner jointly do not have earned income, exceeding the permitted amount over the applicable period.

(5) In paragraph (4), “the permitted amount over the applicable period” is to be determined by the formula—

$$N \times \left(\frac{P}{6} \right)$$

where—

N is the number of complete assessment periods in the applicable period, and

(1) [S.I. 2013/383](#). Regulation 13 was amended by [S.I. 2013/1508](#).

P is—

- (i) where sub-paragraph (4)(a) applies, £2,600;
 - (ii) where sub-paragraph (4)(b) applies, £3,600.
- (6) For the purposes of paragraphs (4) and (5), “the applicable period” means—
- (a) if there are six or more complete assessment periods immediately preceding the date of the application for the budgeting advance, the period covered by the six complete assessment periods immediately preceding the date of the application for the budgeting advance;
 - (b) if there are fewer than six complete assessment periods immediately preceding the date of the application for the budgeting advance, the number of complete assessment periods immediately preceding the date of the application for the budgeting advance.
- (7) Earned income for each complete assessment period is to be calculated for the purposes of this regulation in accordance with Chapter 2 of Part 6 of the Universal Credit Regulations save that in relation to the earned income of a person who is in gainful self-employment for the purpose of regulation 64 of these Regulations, regulation 62 of those Regulations (minimum income floor) is to be disregarded.
- (8) In this regulation, “assessment period” has the meaning given in regulation 21 of the Universal Credit Regulations.”.