# STATUTORY RULES OF NORTHERN IRELAND

# 2016 No. 216

# SOCIAL SECURITY

# The Universal Credit Regulations (Northern Ireland) 2016

Made - - - - 5th May 2016

Laid - - - - 10th May 2016

Coming into operation in accordance with regulation 1

# THE UNIVERSAL CREDIT REGULATIONS (NORTHERN IRELAND) 2016

# PART 1

# INTRODUCTION

- 1. Citation and commencement
- 2. Interpretation

# The Benefit Unit

- 3. Couples
- 4. When a person is responsible for a child or qualifying young person
- 5. Responsibility for children looked after by an authority
- 6. Meaning of "qualifying young person"

General

7. Rounding

#### PART 2

# **ENTITLEMENT**

Minimum age

8. Cases where the minimum age is 16

# In Northern Ireland

- 9. Persons treated as not being in Northern Ireland
- 10. Crown servants and members of Her Majesty's forces posted overseas

11.	Temporary absence from Northern Ireland
	Receiving education
13.	Meaning of "receiving education"  Meaning of "undertaking a course"  Exceptions to the requirement not to be receiving education
	Accepting a claimant commitment
	Claimant commitment – date and method of acceptance Claimant commitment – exceptions
	Financial conditions
	Minimum amount Capital limit
	Restrictions on entitlement
	Restrictions on entitlement – prisoners etc. Waiting days
	PART 3
	AWARDS
22. 22A 23.	Awards Assessment periods Assessment period cycle to remain the same following change in the first date of entitlement Deduction of income and work allowance Apportionment where re-claim is delayed after loss of employment
	PART 4
	ELEMENTS OF AN AWARD
	Responsibility for children or young persons
25A	The child element Availability of the child element where maximum exceeded Order of children and qualifying young persons
	Housing costs
	The housing costs element  Amount of the housing costs element – renters and owner-occupiers
	Particular needs or circumstances – capability for work
	Award to include LCWRA element Period for which the LCWRA element is not to be included
	Particular needs or circumstances - carers

- 30. Award to include the carer element
- 31. Meaning of "regular and substantial caring responsibilities for a severely disabled person"

#### Particular needs or circumstances – childcare costs

- 32. Award to include childcare costs element
- 33. The work condition
- 34. The childcare costs condition
- 35. Amount of childcare costs element
- 36. Charges attributable to an assessment period
- 37. Meaning of "relevant childcare"

#### General

- 38. Amounts of elements
- 39. Run-on after a death

#### PART 5

#### CAPABILITY FOR WORK OR WORK-RELATED ACTIVITY

- 40. Limited capability for work
- 41. Limited capability for work and work-related activity

# Work Capability Assessment

- 42. When an assessment may be carried out
- 43. Assessment supplementary
- 44. Information requirement
- 45. Medical examinations

#### PART 6

# CALCULATION OF CAPITAL AND INCOME

#### CHAPTER 1

#### CAPITAL

- 46. What is included in capital?
- 47. Jointly held capital
- 48. Capital disregarded
- 49. Valuation of capital
- 50. Notional capital

# **CHAPTER 2**

#### EARNED INCOME

- 51. Meaning of "earned income"
- 52. Meaning of other terms relating to earned income
- 53. Calculation of earned income general principles
- 54. Surplus earnings
- 54A Transitional provision temporary de minimis period
- 55. Employed earnings
- 56. Employee involved in trade dispute
- 57. Self-employed earnings treatment of losses
- 58. Unused losses
- 59. Permitted expenses

- 60. Flat rate deductions for mileage and use of home and adjustment for personal use of business premises
- 61. Notional earned income
- 62. Information for calculating earned income real time information etc.

# Gainful self-employment

- 63. Minimum income floor
- 64. Start-up period
- 65. Meaning of "gainful self-employment"

#### **CHAPTER 3**

#### UNEARNED INCOME

- 66. What is included in unearned income?
- 67. Meaning of "retirement pension income"
- 68. Person treated as having student income
- 69. Calculation of student income student loans and postgraduate loans
- 70. Calculation of student income grants
- 71. Calculation of student income amount for an assessment period

#### General

- 72. Assumed yield from capital
- 73. Unearned income calculated monthly
- 74. Notional unearned income

#### **CHAPTER 4**

# **MISCELLANEOUS**

- 75. Compensation for personal injury
- 76. Special schemes for compensation etc.
- 77. Company analogous to a partnership or one person business

# PART 7

# THE BENEFIT CAP

- 78. Definition of Couple
- 79. Circumstances where the benefit cap applies
- 80. Manner of determining total entitlement to welfare benefits
- 80A Relevant amount
- 81. Reduction of universal credit
- 82. Exceptions earnings
- 83. Exceptions entitlement or receipt of certain benefits

# PART 8

### **CLAIMANT RESPONSIBILITIES**

### CHAPTER 1

WORK-RELATED REQUIREMENTS

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Universal Credit Regulations (Northern Ireland) 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

	Introductory
84. 85.	Definition of carer Nomination of responsible carer and responsible foster parent
86. 87.	References to paid work Expected hours
	Work-related groups
88. 89.	Claimants subject to no work-related requirements Claimants subject to no work-related requirements - the earnings thresholds
90.	Claimants subject to work-focused interview requirement only
	The work-related requirements
91.	Purposes of a work-focused interview
92.	Work search requirement - interviews
93. 94.	Work search requirement - all reasonable action Work availability requirement - able and willing immediately to take up paid work
95.	Work search requirement and work availability requirement - limitations
96.	Victims of domestic violence
97. 97A	Circumstances in which requirements must not be imposed Interpretation
<i>)</i>	•
	CHAPTER 2
	SANCTIONS
	Reduction periods
98. 99.	General principles for calculating reduction periods Higher-level sanctions
100.	Medium-level sanction
101.	Low-level sanction
102.	Lowest-level sanction
	When reduction to have effect
103.	Start of the reduction
104.	Reduction period to continue where award terminates
105.	Suspension of a reduction where fraud penalty applies
106.	When a reduction is to be terminated
	Amount of reduction
107. 108.	Amount of reduction for each assessment period Daily reduction rate
	Miscellaneous
109. 110.	Application of ESA or JSA sanctions to universal credit Failures for which no reduction is applied

# **CHAPTER 3**

	HARDSHIP
111. 112. 113. 114. 115.	Conditions for hardship payments The period of hardship payments The amount of hardship payments Recoverability of hardship payments Transitional Provision Signature
	SCHEDULES
SCHEDULE 1	Meaning of payments in respect of accommodation
1	— General
1.	Interpretation
	— Rent payments
2.	Rent Payments
3.	Payments excluded from being rent payments
4.	Specified accommodation
4A	Temporary Accommodation
E	— Owner-occupier payments
5. 6.	Owner-occupier payments  Meaning of "loan interest payments"
7.	Meaning of "loan interest payments"  Meaning of "alternative finance payments"
,.	Service charge payments
8.	Service charge payments
9.	Additional conditions: social rented sector renters and owner-
SCHEDULE	occupiers Claimant treated as liable or not liable to make payments
2	Cidilitate dedice as fluore of flot fluore to fluore payments
	PART I — Treated as liable to make payments
1.	Certain other persons liable to make payments
2.	Failure to pay by the person who is liable
3.	Payments waived in return for repair work
4.	Rent free periods
_	PART 2 — Treated as not liable to make payments
5.	Liability to make rent and other payments to close relative
6.	Liability to make rent and other payments to company
7. 8.	Liability to make rent and other payments to a trust Liability to make owner-occupier and other payments to member of
0.	same household
9.	Arrears of payments
10.	Contrived liability
SCHEDULE	Claimant treated as occupying or not occupying accommodation
3	1, 5
	PART 1 — Treated as occupying accommodation
1.	The occupation condition: the general rule
2.	Claimant living in other accommodation during essential repairs
3.	Claimant housed in two dwellings by provider of social housing

Moving home: adaptations to new home for disabled person

4.

- 5. Claimant living in other accommodation because of reasonable fear of violence
- 6. Moving in delayed by adaptations to accommodation to meet disablement needs
- 7. Moving into accommodation following stay in hospital or care home PART 2 Treated as not occupying accommodation
- 8. Periods of temporary absence exceeding 6 months

# SCHEDULE Housing costs element for renters

4

PART I — General

- 1. Definition of renter
- 2. Interpretation
- 3. "Relevant payments" for purposes of this Schedule
- PART 2 Exception to inclusion of housing costs element
- 4. No housing costs element for 16 or 17 year old care leavers
- 4A No housing costs element for certain renters aged at least 18 but under 22
- 4B Persons to whom paragraph 4A does not apply general
- 4C Persons to whom paragraph 4A does not apply periods of work
  - PART 3 General provisions about calculation of amount of housing costs element for renters
- 5. Relevant payments to be taken into account
- 6. Relevant payments calculated monthly

# Room allocation

- 7. Size criteria applicable to the extended benefit unit of all renters
- 8. Extended benefit unit of a renter for purposes of this Schedule
- 9. Number of bedrooms to which a renter is entitled
- 10. Temporary absence of member of renter's extended benefit unit
- 11 Additional room

#### Housing cost contributions

- 12. Housing cost contributions
- 13. Amount of housing cost contributions
- 14. Exempt renters
- 15. No deduction for housing cost contributions in respect of certain non-dependants

# Calculation involving more than one accommodation

- 16. Single calculation for renter treated as occupying single accommodation
- 17. Calculation where move to new accommodation delayed for adaptations for disabled person
- 18. Calculation where renter moves out because of reasonable fear of violence
  - PART 4 Private rented sector and temporary accommodation
- 19. Application of Part 4
- 20. Meaning of "temporary accommodation"

The calculation of the housing costs element under this Part

21. The amount of housing costs element under this Part

- 22. Core rent
- 23. Core rent for joint tenants
- 24. Cap rent

Further provisions about size criteria for cases to which this Part applies

- 25. Four bedroom limit
- 26. Specified renters entitled to shared accommodation only
- 27. Meaning of "specified renters"
- 28. Renters excepted from shared accommodation

PART 5 — Social rented sector other than temporary accommodation

29. Application of Part 5

Reduction in certain cases of amounts to be taken into account

- 30. Deduction from relevant payments of amounts relating to use of particular accommodation
- 31. Relevant payments excessive

The calculation of the housing costs element under this Part

- 32. The amount of housing costs element
- 33. Determining the amount from which HCC deductions are to be made
- 34. Determining the amount from which HCC deductions are to be made: joint tenants
- 35. Under-occupancy deduction
- SCHEDULE Housing costs element for owner-occupiers

4

PART I — General

- 1. Definition of Owner-occupier
- 2. Interpretation
- 3. Relevant payment for the purposes of this schedule

PART 2 — Exception to inclusion of housing costs element

- 4. No housing costs element where owner-occupier has any earned income
  - PART 3 No housing costs element for qualifying period
- 5. No housing costs element under this Schedule for qualifying period
- 6. Application of paragraph 5: receipt of JSA and ESA
- 7. Application of paragraph 5: joint owner-occupiers ceasing to be a couple

PART 4 — Calculation of amount of housing costs element for owner-occupiers

- 8. Payments to be taken into account
- 9. The amount of a housing costs element
- 10. Amount in respect of interest on loans
- 11. Amount in respect of alternative finance arrangements
- 12. Standard rate to be applied under paragraphs 10 and 11
- 13. Amount in respect of service charge payments
- SCHEDULE Assessment of whether a claimant has limited capability for work

PART I — Physical disabilities

PART 2 — Mental, cognitive and intellectual function assessment

SCHEDULE Assessment of whether a claimant has limited capability for work

7 and work-related activity

18A

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Universal Credit Regulations (Northern Ireland) 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

**SCHEDULE** Circumstances in which a claimant is to be treated as having limited capability for work Receiving certain treatments 1. The claimant is receiving—(a) regular weekly treatment by way... — In hospital (1) The claimant is—(a) undergoing medical or other treatment... 2. Prevented from working by law 3. (1) The claimant—(a) is excluded or abstains from work... Risk to self or others 4. (1) The claimant is suffering from a specific illness, disease... — Life threatening disease 5. The claimant is suffering from a life threatening disease in... — Disabled and over the age for state pension credit The claimant has reached the qualifying age for state pension... 6. Circumstances in which a claimant is to be treated as having limited **SCHEDULE** capability for work and work-related activity Terminal illness 1. The claimant is terminally ill. — Pregnancy 2. The claimant is a pregnant woman and there is a... Receiving treatment for cancer 3. The claimant is— (a) receiving treatment for cancer by way... Risk to self or others 4. The claimant is suffering from a specific illness, disease or... — Disabled and over the age for state pension credit 5 The claimant has reached the qualifying age for state pension... **SCHEDULE** Capital to be disregarded 10 — Premises or land 1. (1) Premises or land occupied by a person as their... 2 Premises or land occupied by a close relative of a... 3. Premises or land occupied by a person's former partner as... 4. (1) Premises or land that a person intends to occupy... Premises or land that a person has ceased to occupy... 5. Premises or land that a person is taking reasonable steps... 6. Business assets 7. Assets which are used wholly or mainly for the purposes... 8. Assets which were used wholly or mainly for a trade,... — Rights in pensions schemes etc. 9. The value of any policy of life insurance. 10. (1) The value of any right to receive a pension... 11. (1) The value of a funeral plan contract. Amounts earmarked for special purposes 12. An amount deposited with a housing association as a condition... (1) An amount received within the past 6 months which... 13. 14 An amount received under an insurance policy within the past... 15. An amount received within the past 6 months that is... — Other payments 16. Any payment made within the last 12 months under Part... 17. (1) A payment made within the past 12 months by... (1) A payment received within the past 12 months by... 18. 18ZA A payment made within the past 12 months of widowed...

A payment received within the past 12 months by way...

Document Generated: 2024-04-22

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Universal Credit Regulations (Northern Ireland) 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 19. A payment to a person by virtue of being a...
- 20. (1) A payment made within the past 12 months of...
- 21. An ex-gratia payment made by the Secretary of State for...
- 22. A payment made under Article 10 of the Victims and...
- 23. Any early years assistance given within the past 12 months...
- 24. Any funeral expense assistance given within the past 12 months...
- 25. Any assistance given within the past 12 months in accordance...
- 26. Any winter heating assistance given within the past 12 months...

# SCHEDULE Application of ESA or JSA sanctions to universal credit

11

- 1. Moving an ESA sanction to UC
- 2. Moving a JSA sanction to UC
- 3. Effect of ESA or JSA sanction on escalation of UC sanction

# SCHEDULE 12 Availability of the child element where maximum exceeded exceptions

- 1. Introduction
- 2. Multiple births
- 3. Adoptions
- 4. Non-parental caring arrangements
- 5. Non-consensual conception
- 6. Continuation of existing exception in a subsequent award Explanatory Note

# **Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Universal Credit Regulations (Northern Ireland) 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. View outstanding changes

# Changes and effects yet to be applied to:

- Sch. 2 para. 5 sum substituted by S.R. 2024/73 art. 33(a)(i)
- Sch. 2 para. 5 sum substituted by S.R. 2024/73 art. 33(a)(ii)
- Sch. 2 para. 5 sum substituted by S.R. 2024/73 art. 33(a)(iii)
- Sch. 3 para. 5 sum substituted by S.R. 2024/73 art. 33(b)(i)
- Sch. 3 para. 5 sum substituted by S.R. 2024/73 art. 33(b)(ii)
- Sch. 3 para. 5 sum substituted by S.R. 2024/73 art. 33(b)(iii)
- Sch. 3 para. 5 sum substituted by S.R. 2024/73 art. 33(b)(iv)
- Sch. 3 para. 5 sum substituted by S.R. 2024/73 art. 33(b)(v)
- Sch. 4 para. 13(1) sum substituted by S.R. 2023/143 art. 32(3) (This amendment not applied to legislation.gov.uk. S.R. 2023/143 revoked before coming into operation (26.9.2023) by The Social Security Benefits Up-rating (No. 3) Order (Northern Ireland) 2023 (S.R. 2023/150), arts. 1, 33)
- Sch. 4 para. 13(1) sum substituted by S.R. 2024/69 art. 31(3)
- Sch. 4 para. 13(1) sum substituted by S.R. 2024/73 art. 32(3)
- reg. 2(1) words inserted by S.R. 2023/157 reg. 24(2)
- reg. 5(1)(b) semicolon subtituted for full stop by S.R. 2024/54 reg. 7(2)(a)
- reg. 23 Table sum substituted by S.R. 2023/143 art. 32(1)(a) (This amendment not applied to legislation.gov.uk. S.R. 2023/143 revoked before coming into operation (26.9.2023) by The Social Security Benefits Up-rating (No. 3) Order (Northern Ireland) 2023 (S.R. 2023/150), arts. 1, 33)
- reg. 23 Table sum substituted by S.R. 2023/143 art. 32(1)(b) (This amendment not applied to legislation.gov.uk. S.R. 2023/143 revoked before coming into operation (26.9.2023) by The Social Security Benefits Up-rating (No. 3) Order (Northern Ireland) 2023 (S.R. 2023/150), arts. 1, 33)
- reg. 23 Table sum substituted by S.R. 2024/69 art. 31(1)(a)
- reg. 23 Table sum substituted by S.R. 2024/69 art. 31(1)(b)
- reg. 23 Table sum substituted by S.R. 2024/73 art. 32(1)(a)
- reg. 23 Table sum substituted by S.R. 2024/73 art. 32(1)(b)
- reg. 33(2)(b) words inserted by S.R. 2023/157 reg. 24(3)
- reg. 38 Table sum modified by S.R. 2023/143 art. 32(2)Sch. 13 (This amendment not applied to legislation.gov.uk. S.R. 2023/143 revoked before coming into operation (26.9.2023) by The Social Security Benefits Up-rating (No. 3) Order (Northern Ireland) 2023 (S.R. 2023/150), arts. 1, 33)
- reg. 38 Table sum substituted by S.R. 2024/69 Sch. 13 art. 31(2)
- reg. 38 Table sum substituted by S.R. 2024/73 Sch. 13 art. 32(2)
- reg. 55(4)(d) word omitted by S.R. 2023/157 reg. 24(4)(a)
- reg. 55(4)(e) words substituted by S.R. 2023/157 reg. 24(4)(b)
- reg. 55(4)(f) inserted by S.R. 2023/157 reg. 24(4)(c)
- reg. 68(7) words omitted by S.R. 2024/54 reg. 7(3)
- reg. 71 words inserted by S.R. 2024/54 reg. 7(4)
- reg. 80A(2)(a) sum substituted by S.R. 2024/58 reg. 3(a)
- reg. 80A(2)(b) sum substituted by S.R. 2024/58 reg. 3(b)

# Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

reg. 5(1)(c) inserted by S.R. 2024/54 reg. 7(2)(b)