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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 223**

**The Social Security (Payments on Account of Benefit) Regulations (Northern Ireland) 2016**

**PART 3**

**Budgeting advances**

**Earnings condition**

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

- (a) in a case where regulation 12(2) 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 B's 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 B's 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

P is—

- (a) where sub-paragraph (4)(a) applies, £2,600;
- (b) 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;

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(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 65 of those Regulations, regulation 63 of those Regulations (minimum income floor) is to be disregarded.

(8) In this regulation “assessment period” has the meaning given in regulation 22 of the Universal Credit Regulations.