
STATUTORY RULES OF NORTHERN IRELAND

2018 No. 92

The Universal Credit (Persons Required to Provide Information, Miscellaneous Amendments and Saving and Transitional Provision) Regulations (Northern Ireland) 2018

Amendments to the Universal Credit Regulations (Northern Ireland) 2016

6.—(1) The Universal Credit Regulations (Northern Ireland) 2016⁽¹⁾ are amended in accordance with paragraphs (2) to (19).

(2) In the Table of Contents—

- (a) omit the entries for regulation 20 (waiting days) and 21 (awards);
- (b) after the entry for regulation 22 (assessment periods) insert—

“**22A.** Assessment period cycle to remain the same following change in the first day of entitlement”; and

- (c) in the entries for Schedule 4 (housing costs element for renters)—
 - (i) in the entry for Part 4 omit “and temporary accommodation”; and
 - (ii) in the entry for Part 5 omit “other than temporary accommodation”.

(3) Omit regulation 20 (waiting days).

(4) Omit regulation 21 (awards).

(5) In regulation 22 (assessment periods)—

- (a) omit paragraph (2); and
- (b) after paragraph (3) insert—

“(3A) But paragraphs (1) and (3) are subject to regulation 22A (assessment period cycle to remain the same following change in the first date of entitlement).”.

(6) After regulation 22 insert—

“Assessment period cycle to remain the same following change in the first date of entitlement

22A.—(1) This regulation applies where—

- (a) the first date of entitlement has been determined;
- (b) it is subsequently determined that the first date of entitlement falls on a different date (the “start date”); and
- (c) applying regulations 22(1) and (3) following that subsequent determination (and thereby changing the beginning of each assessment period) would, in the opinion of the Department, cause unnecessary disruption to the administration of the claim.

(2) Where this regulations applies—

- (a) the first assessment period is to be a period of a length determined by the Department beginning with the start date;
- (b) the amount payable in respect of that first assessment period is to be calculated as follows—

$$N \times \left(\frac{A \times 12}{365} \right)$$

where—

N is the number of days in the period; and

A is the amount calculated in relation to that period as if it were an assessment period of one month; and

- (c) regulation 22(1) and (3) apply to the second and subsequent assessment periods as if the day after the end of the first assessment period were the first date of entitlement.”.

(7) In the table in regulation 23 (deduction of income and work allowance)—

- (a) for “£397” in both places where it occurs substitute “£409”; and
- (b) for “£192” in both places where it occurs substitute “£198”.

(8) For regulation 54 (surplus earnings) substitute—

“54.—(1) This regulation applies in relation to a claim for universal credit where—

- (a) the claimant, or either of joint claimants, had an award of universal credit that terminated within the 6 months ending on the first day in respect of which the claim is made (“the old award”);
- (b) the claimant has not, or neither of joint claimants has, been entitled to universal credit since the old award terminated; and
- (c) the total earned income in the month that would have been the final assessment period for the old award, had it not terminated, exceeded the relevant threshold.

(2) Where this regulation applies, any surplus earnings that are to be taken into account in relation to the claim in accordance with paragraph (3) are to be treated as earned income for the purposes of determining whether there is entitlement to a new award and, if there is entitlement, calculating the amount of the award.

(3) Surplus earnings are—

- (a) if the claim in question is the first since the termination of the old award, the amount of the excess referred to in paragraph (1)(c) (“the original surplus”);
- (b) if the claim in question is the second since the termination of the old award, the amount, if any, by which —
 - (i) the original surplus, plus
 - (ii) the total earned income in the month that would have been the first assessment period in relation to the first claim, exceeded the relevant threshold (“the adjusted surplus”);
- (c) if the claim in question is the third since the termination of the old award, the amount, if any, by which —
 - (i) the adjusted surplus from the second claim, plus
 - (ii) the total earned income in the month that would have been the first assessment period in relation to the second claim, exceeded the relevant threshold;

(d) if the claim in question is the fourth or fifth since the termination of the old award, an amount calculated in the same manner as for the third claim (that is by taking the adjusted surplus from the previous claim).

(4) For the purposes of paragraph (3)—

(a) if the claim in question is the first joint claim by members of a couple, each of whom had an old award (because each was previously entitled to universal credit as a single person or as a member of a different couple), the amounts of any surplus earnings from the old award, or from a previous claim, that would have been taken into account if they had each claimed as a single person are to be aggregated; and

(b) if the claim in question is —

(i) a single claim where the claimant had an old award, or made a subsequent claim, as a joint claimant, or

(ii) a joint claim where either claimant had an old award, or made a subsequent claim, as a member of a different couple,

the original surplus, or any adjusted surplus, is to be apportioned in the manner determined by the Department.

(5) No amount of surplus earnings is to be taken into account in respect of a claimant who has, or had at the time old award terminated, recently been a victim of domestic violence (within the meaning given by regulation 96).

(6) In this regulation—

“total earned income” is the earned income of the claimant or, if the claimant is a member of a couple, the couple’s combined earned income, but does not include any amount a claimant would be treated as having by virtue of regulation 63 (the minimum income floor);

“the nil UC threshold” is the amount of total earned income above which there would be no entitlement to universal credit, expressed by the following formula—

$$\frac{(M - U)}{63} \times 100 + WA$$

where—

M is the maximum amount of an award of universal credit(2);

U is unearned income(3);

WA is the work allowance(4).

“the old award” does not include an award the last day of which falls before 11th April 2018.

“the relevant threshold” is the nil UC threshold plus £300.”.

(9) After regulation 54 insert—

“Transitional provision – temporary de minimis period

54A.—(1) For the purposes of applying regulation 54 (surplus earnings) in relation to a claim for universal credit made in respect of a period that begins before the end of the temporary

(2) The maximum amount of an award of universal credit is determined by Article 13(2) of the Welfare Reform (Northern Ireland) Order 2015 [S.I. 2015/2006 \(N.I.1\)](#).

(3) For the meaning of “unearned income” see Chapter 3 of Part 6 of [S.R. 2016 No. 216](#).

(4) See regulation 23 of [S.R. 2016 No. 216](#).

de minimis period, the meaning of “relevant threshold” in paragraph (6) of that regulation is modified by substituting “£2,500” for “£300”.

(2) For the purposes of paragraph (1), the “temporary de minimis period” is the period beginning with the coming into force of regulation 54 and ending on 31st March 2019, but may be extended by the Department if the Department considers it necessary to do so to safeguard the efficient administration of universal credit.”.

(10) In regulation 57(2) (self-employed earnings – treatment of losses), for Step 3 substitute—

“Step 3

Deduct from the amount resulting from Step 1 or (if applicable) Step 2 any payment made by the person to HMRC in the assessment period by way of national insurance contributions or income tax in respect of any trade, profession or vocation carried on by the person.

If the amount resulting from Steps 1 to 3 is nil or a negative amount, the amount of the person’s self-employed earnings in respect of the assessment period is nil (and ignore the following steps).”.

(11) In regulation 58 (unused losses)—

- (a) in paragraph (1)(a) omit “11”; and
- (b) in paragraph (3) from “treat” to the end substitute—

“treat—

- (a) the assessment periods under the previous award; and
- (b) any months between that award and the current award in respect of which a claim has been made,

as assessment periods under the current award.”.

(12) In regulation 66 (unearned income)—

- (a) at the end of paragraph (1)(a) insert “to which the person is entitled, subject to any adjustment to the amount payable in accordance with regulations under section 71 of the Social Security Administration (Northern Ireland) Act 1992 (overlapping benefits)”;
- (b) after paragraph (1)(d) insert—
 - “(da) foreign state retirement pension;”;
- (c) after paragraph (1)(l) insert—
 - “(la) PPF periodic payments;”;
- (d) in sub-paragraph (m) for “(a) to (l)” substitute “(a) to (la)”;
- (e) for paragraph (2) substitute—

“(2) In this regulation—

- (a) in paragraph (1)(da) “foreign state retirement pension” means any pension which is paid under the law of a country outside the United Kingdom and is in the nature of social security;
- (b) in paragraph (1)(f) and (g) a person’s “living expenses” are the cost of—
 - (i) food,
 - (ii) ordinary clothing or footwear,
 - (iii) household fuel, rent or other housing costs (including rates),

for the person, their partner and any child or qualifying young person for whom the person is responsible; and

- (c) in paragraph (1)(la) “PPF periodic payments” has the meaning given in Article 17(1) of the State Pension Credit Act (Northern Ireland) 2002(5).”.
- (13) In regulation 76(1)(a), (special schemes for compensation etc.)—
- (a) after “compensation” insert “or support”;
 - (b) omit the “or” at the end of paragraph (iii); and
 - (c) after paragraph (iii) insert—
 - “(iv) the terrorist attacks in London on 22nd March 2017 or 3rd June 2017,
 - (v) the bombing in Manchester on 22nd May 2017, or”.
- (14) In regulation 83(1)(i) (exceptions – entitlement or receipt of certain benefits) for “sub-paragraphs (b) to (g)” substitute “sub-paragraphs (c) to (h)”.
- (15) After regulation 88(1)(d) (claimants subject to no work-related requirements) insert—
- “(da) the claimant is a member of a couple entitled to universal credit by virtue of regulation 3(1)(b) and has student income in relation to the course they are undertaking which is taken into account in the calculation of the award;”.
- (16) In regulation 97 (circumstances in which requirements must not be imposed)—
- (a) in paragraph (7) for “This paragraph” substitute “Subject to paragraph (7A), this paragraph”;
 - (b) after paragraph (7) insert—
 - “(7A) Where paragraph (7B) applies, paragraph (7) will only apply to a claimant if the Department makes a decision to carry out an assessment under regulation 42(1)(b).
 - (7B) This paragraph applies where—
 - (a) (i) it has previously been determined on the basis of an assessment under Part 5 of these Regulations or under Part 4 or 5 of the ESA Regulations that the claimant does not have limited capability for work, or
 - (ii) the claimant has previously been treated as not having limited capability for work or limited capability for work-related activity under regulation 44(3) or 45(2); and
 - (b) the condition specified in the evidence provided by the claimant in accordance with paragraph (7)(b) is in the opinion of the Department the same, or substantially the same, as the condition specified in the evidence provided by the claimant in accordance with that paragraph before the date—
 - (i) of the determination that the claimant does not have limited capability for work, or
 - (ii) that the claimant was treated as not having limited capability for work or, as the case may be for work and work-related activity.”;
 - (c) in paragraph (11)—
 - (i) in the opening words omit “the claimant” the second time it occurs,
 - (ii) at the beginning of sub-paragraph (a) insert “the claimant”,
 - (iii) in sub-paragraph (b)—
 - (aa) at the beginning insert “the claimant”,
 - (bb) at the end omit “or”,

(5) 2002 c. 14. The definition of “PPF periodic payments was inserted by Article 2 and para 3(3) of the Schedule to S.R. 2006 No. 37.

- (iv) in sub-paragraph (c), at the beginning insert “the claimant”;
 - (v) at the end of sub-paragraph (c) insert “or”;
 - (vi) after sub-paragraph (c) insert—
 - “(d) paragraph (7) would apply to the claimant but for paragraph (7A).”;
 - (d) in paragraph (12) for “sub-paragraph (a), (b) or (c)” substitute “(a), (b), (c) or (d)”;
 - (e) in paragraph (13)(a) for “paragraph (11)(a), (b) or (c)” substitute “paragraph (11)(a), (b), (c) or (d)”.
- (17) In regulation 115(6) (transitional provision)—
- (a) for paragraph (2) substitute—
 - “(2) Omit regulation 54 (surplus earnings), as substituted by regulation 6(8) of the Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations (Northern Ireland) 2018 and regulation 58 (unused losses).”;
 - (b) in paragraph (3)(a) for the substituted paragraph (2)(a) substitute—
 - “(a) any payment made to HMRC in the assessment period in respect of the trade, profession or vocation by way of national insurance contributions and income tax; and”;
 - (c) in paragraph (6) for “2nd April 2018” in both places where it occurs substitute “8th May 2018”.
- (18) In Schedule 1 (meaning of payments in respect of accommodation)—
- (a) in paragraph 3, after sub-paragraph (e) insert—
 - “(ea) payments in respect of accommodation specified in paragraph 4A;”;
 - (b) after paragraph 4 insert—

“Temporary Accommodation

4A.—(1) The accommodation referred to in paragraph (3)(ea) is accommodation which falls within Case 1 or Case 2.

- (2) Case 1 is where—
 - (a) rent payments are payable to the Housing Executive;
 - (b) the Housing Executive makes the accommodation available to the renter—
 - (i) to discharge any of the Housing Executive’s functions under Part II of the Housing (Northern Ireland) Order 1988(7), or
 - (ii) to prevent the person being or becoming homeless within the meaning of Part II of the Housing (Northern Ireland) Order 1988, and
 - (c) the accommodation is not exempt accommodation.
- (3) Case 2 is where—
 - (a) rent payments are payable to a provider of social housing other than the Housing Executive;
 - (b) that provider makes the accommodation available to the renter in pursuance of arrangements made with it by the Housing Executive—

(6) Regulation 115 was inserted by regulation 9(15) of S.R. 2017 No. 116.

(7) S.I. 1988/1990 (N.I. 23).

- (i) to discharge any of the Housing Executive's functions under Part II of the Housing (Northern Ireland) Order 1988⁽⁸⁾, or
 - (ii) to prevent the person being or becoming homeless within the meaning of Part II of the Housing (Northern Ireland) Order 1988, and
- (c) the accommodation is not exempt accommodation.
- (4) Sub-paragraph (1) applies irrespective of whether the renter is also liable to make service charge payments.
- (5) In sub-paragraph (3), "provider of social housing" has the meaning given in paragraph 2 of Schedule 4.";
- (c) in paragraph 9(1)(a) omit " , other than temporary accommodation".
- (19) In Schedule 4 (housing cost element for renters)—
 - (a) in paragraph 4B(1)⁽⁹⁾—
 - (i) in paragraph (b)—
 - (aa) for (4)(a) or (c)" substitute "(4)"; and
 - (bb) omit "and temporary accommodation",
 - (ii) omit paragraph (c);
 - (b) for paragraph 16(3) substitute—
 - "(3) The single calculation is to be made under Part 5 of this Schedule in any case where the renter's liability to make rent payments in respect of accommodation A and accommodation B is to a provider of social housing.";
 - (c) in the heading to Part 4 omit "and temporary accommodation";
 - (d) for paragraph 19(1) substitute—
 - "(1) This Part applies to renters who are liable to make rent payments to a person other than a provider of social housing.";
 - (e) omit paragraph 20;
 - (f) in the heading to Part 5 omit "other than temporary accommodation"; and
 - (g) for paragraph 29(1) substitute—
 - "(1) This Part applies to renters who are liable to make rent payments to a provider of social housing."

⁽⁸⁾ S.I. 1988/1990 (N.I. 23).

⁽⁹⁾ Paragraph 4B was inserted by regulation 2(3)(b) of S.R. 2017 No. 142.