
STATUTORY INSTRUMENTS

2014 No. 2887

The Universal Credit (Digital Service) Amendment Regulations 2014

Universal Credit - assessment periods

3.—(1) The Universal Credit Regulations 2013 are amended as follows—

- (a) in regulation 15(2) (claimant commitment – date and method of acceptance) after “regulation 21(3)” insert “ or (3A) ”;
- (b) in regulation 21 (assessment periods) for paragraphs (3) and (4) substitute—

“(3) Where a new award is made to a single person without a claim by virtue of regulation 9(6)(a) or (10) of the Claims and Payments Regulations (old award has ended when the claimant ceased to be a member of a couple) each assessment period for the new award begins on the same day of each month as the assessment period for the old award.

(3A) Where a new award is made to members of a couple jointly without claim by virtue of regulation 9(6)(b) or (7) of the Claims and Payments Regulations (two previous awards have ended when the claimants formed a couple) each assessment period for the new award begins on the same day of each month as the assessment period for whichever of the old awards ended earlier.

(3B) Where a claim is treated as made by virtue of regulation 9(8) of the Claims and Payments Regulations (old award ended when a claimant formed a couple with a person not entitled to universal credit), each assessment period in relation to the new award begins on the same day of each month as the assessment period for the old award.

(3C) Where a claim is made by a single person or members of a couple jointly and the claimant (or either joint claimant) meets the following conditions—

- (a) the claimant was previously entitled to an award of universal credit the last day of which fell within the 6 months preceding the date on which the claim is made; and
- (b) during that 6 months—
 - (i) the claimant has continued to meet the basic conditions in section 4 of the Act (disregarding the requirement to have accepted a claimant commitment and any temporary period of absence from Great Britain that would be disregarded during a period of entitlement to universal credit); and
 - (ii) the claimant was not excluded from entitlement by regulation 19 (restrictions on entitlement – prisoners etc.),

each assessment period for the new award begins on the same day of each month as the assessment period for the old award or, if there was an old award in respect of each joint claimant, the assessment period that ends earlier in relation to the date on which the claim is made.

(3D) For the purposes of this regulation it does not matter if, at the beginning of the first assessment period of the new award, the following persons do not meet the basic

conditions in section 4(1)(a) and (c) of the Act (at least 18 years old and in Great Britain) or if they are excluded from entitlement under regulation 19 (restrictions on entitlement – prisoners etc.) provided they meet those conditions (and are not so excluded) at the end of that assessment period—

- (a) in a case to which paragraph (3B) applies, the member of the couple who was not entitled to universal credit; or
- (b) in a case to which paragraph (3C) applies, the member of the couple who does not meet the conditions mentioned in that paragraph.

(3E) In this regulation “the Claims and Payments Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013^{M1}.”;

- (c) paragraphs (5) and (6) of regulation 21 are omitted;
- (d) after regulation 22 (deduction of income and in-work allowance) insert—

“Apportionment where re-claim delayed after loss of employment

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

- (a) a new award is made in a case to which regulation 21(3C) (new claim within 6 months of a previous award) applies; and
- (b) the claimant (or either joint claimant) is not in paid work and has ceased being in paid work since the previous award ended, other than in the 7 days ending with the date on which the claim is made.

(2) In calculating the amount of the award for the first assessment period in accordance with section 8 of the Act—

- (a) the amount of each element that is to be included in the maximum amount; and
- (b) the amount of earned and unearned income that is to be deducted from the maximum amount,

are each to be reduced to an amount produced by the following formula—

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

Where—

N is the number of days in the period beginning with the date on which the claim is made and ending with the last day of the assessment period; and

A is the amount of the element that would otherwise be payable for that assessment period or, as the case may be, the amount of earned and unearned income that would otherwise be deducted for that assessment period.

(3) The period of 7 days in paragraph (1)(b) may be extended if the Secretary of State considers there is good reason for the delay in making the claim.”.

(2) The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013^{M2} are amended as follows—

- (a) regulation 6 (claim not required for entitlement to universal credit in certain cases) is revoked;
- (b) in regulation 9 (claims for universal credit by members of a couple)—
 - (i) for paragraph (6) substitute—

“(6) Where an award of universal credit to joint claimants is terminated because they cease to be a couple an award may be made, without a claim, to either or each one of them—

(a) as a single person; or

(b) if either of them has formed a new couple with a person who is already entitled to universal credit, jointly with that person.”; and

(ii) for paragraph (8)(a) ^{M3} substitute—

“(a) one of them ceased to be entitled to an award of universal credit (whether as a single person or as a member of a different couple) on the formation of that couple;”.

(c) in regulation 26 (time within which a claim for universal credit is to be made)—

(i) omit paragraph (3)(e); and

(ii) after paragraph (4) insert—

“(5) In the case of a claim for universal credit referred to in regulation 21(3C) of the Universal Credit Regulations (assessment period applied from a previous award within the last 6 months) the claim for universal credit must be made before the end of the assessment period in respect of which it is made”..

(3) In regulation 7(1)(a) and (b) of the Universal Credit (Transitional Provisions) Regulations 2014 ^{M4} omit “as a single person”.

Marginal Citations

M1 [S.I 2013/380](#).

M2 [S.I 2013/380](#).

M3 Paragraph (8) was amended by [S.I.2013/1508](#).

M4 [S.I.2014/1230](#).

Changes to legislation:

There are currently no known outstanding effects for the The Universal Credit (Digital Service) Amendment Regulations 2014, Section 3.