
STATUTORY INSTRUMENTS

2015 No. 1754

**The Universal Credit and Miscellaneous
Amendments Regulations 2015**

PART 1

UNIVERSAL CREDIT MISCELLANEOUS AMENDMENTS

Conversion of weekly earnings thresholds to monthly equivalents

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

(2) In regulation 2 (interpretation), delete the definition of “weekly earnings” and insert in the appropriate place—

““monthly earnings” has the meaning in regulation 90(6);”.

(3) In regulations 19A(4) (waiting days) and 28(2)(a) (period for which the LCW or LCWRA element is not to be included), for “weekly” substitute “monthly”.

(4) In regulation 41 (when an assessment may be carried out)—

(a) in paragraph (2), for “weekly” substitute “monthly”; and

(b) in paragraph (3), at the end insert “, converted to a monthly amount by multiplying by 52 and dividing by 12”.

(5) In regulation 62(4) (minimum income floor)—

(a) delete “monthly”; and

(b) delete sub-paragraph (a).

(6) In regulation 90 (claimants subject to no work-related requirements – the earnings thresholds)

(a) in paragraph (1), for “weekly” substitute “monthly”;

(b) in paragraph (2), at the end insert as closing words “, converted to a monthly amount by multiplying by 52 and dividing by 12”;

(c) in paragraph (3)—

(i) for “weekly” substitute “monthly”; and

(ii) in sub-paragraph (b)(ii), at the end insert “, converted to a monthly amount by multiplying by 52 and dividing by 12”;

(d) in paragraph (4)—

(i) for “weekly” substitute “monthly”; and

(ii) at the end, insert “, converted to a monthly amount by multiplying by 52 and dividing by 12”; and

(e) in paragraph (6)—

⁽¹⁾ S.I. 2013/376; relevant amending instruments are S.I. 2014/2888 and 2015/1362.

- (i) for “A person’s weekly earnings are the person’s earned income taken as a weekly average by reference to”, substitute “A person’s monthly earnings are”;
 - (ii) in sub-paragraph (a), for “the amount of that” substitute “the person’s”;
 - (iii) in sub-paragraph (b), after “that income” insert “, calculated or estimated before any deduction for income tax, national insurance contributions or relievable pension contributions, taken as a monthly average”;
 - (iv) in sub-paragraph (b)(ii), for “weekly” substitute “monthly”; and
 - (v) at the end, insert as closing words—
“and the Secretary of State may, in order to enable monthly earnings to be determined more accurately, disregard earned income received in respect of an employment which has ceased”.
- (7) For regulation 99(6) (circumstances in which requirements must not be imposed) substitute—
“(6) This paragraph applies where the claimant has monthly earnings or, if the claimant is a member of a couple, the couple has combined monthly earnings (excluding in either case any that are not employed earnings) that are equal to, or more than, the following amount multiplied by 52 and divided by 12—
- (a) in the case of a single claimant, £5 plus the applicable amount of the personal allowance in a jobseeker’s allowance for a single person aged 25 or over (as set out in Part 1 of Schedule 1 to the Jobseeker’s Allowance Regulations 1996); or
 - (b) in the case of claimant who is a member of a couple, £10 plus the applicable amount of the personal allowance in a jobseeker’s allowance for a couple where both members are aged 18 or over (as set out in that Part).”.
- (8) In regulation 109 (when a reduction is to be terminated)—
- (a) in paragraph (1)(a), for “26 weeks” substitute “six months”;
 - (b) in paragraph (1)(b), for “weekly” substitute “monthly”; and
 - (c) in paragraph (3), for “weekly” substitute “monthly” and delete “any week falling within”.
- (9) In regulation 113(1)(g) (failures for which no reduction is applied)—
- (a) for “weekly”, in both places it occurs, substitute “monthly”; and
 - (b) for “the level which the Secretary of State considers sufficient for the purposes of” substitute “the amount specified in”.
- (10) In regulation 119(3) (recoverability of hardship payments)—
- (a) for “weekly”, in both places it occurs, substitute “monthly”; and
 - (b) for “26 weeks” substitute “six months”.
- 3.—(1)** The Universal Credit (Work-Related Requirements) In Work Pilot Scheme and Amendment Regulations 2015(2) are amended as follows.
- (2) In regulation 2 (interpretation), delete the definition of “weekly earnings” and insert in the appropriate place—
““monthly earnings” has the meaning in regulation 90(6) of the Universal Credit Regulations (earnings thresholds);”.
- (3) In regulations 4(2) and (5) (provision made for piloting purposes) and 7(b) (meaning of “qualifying claimant”), for “weekly”, in each place it occurs, substitute “monthly”.

Rounding of earnings thresholds

4. In regulation 6 (rounding) of the Universal Credit Regulations 2013, after paragraph (1) insert—

“(1A) Where the calculation of an amount for the purposes of the following regulations results in a fraction of a pound, that fraction is to be disregarded—

- (a) regulation 90 (claimants subject to no work-related requirements – the earnings thresholds); and
- (b) regulation 99(6) (circumstances in which requirements must not be imposed).”.

Waiting days – amendment of exemption for care leavers

5. In regulation 19A(3)(b)(iii) of the Universal Credit Regulations 2013(3), at the end insert “or a person under the age of 22 who is claiming universal credit for the first time and was a care leaver before reaching the age of 18”.

Amendment of the amount of childcare costs element

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

(2) In regulation 34(1)(a) (amount of childcare costs element)(4), as it has effect both as amended by and apart from the amendment made by regulation 2(3) of the Universal Credit (Digital Service) Amendment Regulations 2014(5), for “70%” substitute “85%”.

(3) In regulation 36 (table showing amounts of elements), in the table—

- (a) in the row under “Childcare costs element” showing the maximum amount for one child, for “£532.29” substitute “£646.35”; and
- (b) in the row under “Childcare costs element” showing the maximum amount for two or more children, for “£912.50” substitute “£1,108.04”.

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(6) 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,

(3) Regulation 19A was inserted by regulation 2(1)(a) of [S.I. 2015/1362](#).

(4) Regulation 34(1) was amended by [S.I. 2014/2887](#), subject to a saving provision which ensured that the amendment only applied to awards of universal credit administered on the DWP digital service system. The original version of Regulation 34(1) continued to apply to all other awards of universal credit.

(5) [S.I. 2014/2887](#).

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

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

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.”.

Carry forward of surplus earnings - amendment of the nil UC threshold formula

8. In regulation 2(2) (carry forward of surplus earnings) of the Universal Credit (Surpluses and Self-employed Losses) (Digital Service) Amendment Regulations 2015(7), in the definition of “the

nil UC threshold”, for the formula substitute “ $\frac{(M - U) \times 100}{65} + WA$ ”.

(7) [S.I. 2015/345](#). Regulation 2(2) inserts a new regulation 54A into the Universal Credit Regulations 2013 with effect from 6th April 2016.

Deductions from benefit and direct payment to third parties - amendment of cross-reference

9. In paragraph 5(2)(j) of Schedule 6 (deductions from benefit and direct payment to third parties) to the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013⁽⁸⁾, for “2012 Act” substitute “Administration Act”.

Up-rating of universal credit - transitional state pension

10.—(1) Section 151A (up-rating of transitional state pensions under Pensions Act 2014)⁽⁹⁾ of the Social Security Administration Act 1992 is amended as follows.

(2) In subsection (5), at the beginning insert “Subject to subsection (5A),”.

(3) After subsection (5) insert—

“(5A) An order under this section must be framed so that any alteration to which the order relates comes into force, for the purposes of determining the amount of universal credit to which a person is entitled, on the relevant day.

(5B) In subsection (5A) “relevant day”, in relation to a person, means the first day of the first universal credit assessment period in respect of the person which begins on or after the Monday of the week specified in subsection (5).”.

⁽⁸⁾ [S.I. 2013/380](#).

⁽⁹⁾ Section 151A was inserted by paragraph 21 of Schedule 12 to the Pensions Act 2014 (c. 19).