

02-23: UC - Changes to AET levels 2023

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INTRODUCTION

1. This memo gives guidance on the Universal Credit (Administrative Earnings Threshold) (Amendment) Regulations 2023¹, which come into force on 30.1.23.

1 [SI 2023 No. 7](#)

2. The regulations make changes to the provisions about the circumstances in which

1. work search and work availability requirements may not be imposed on a UC claimant¹ **and**
2. UC transitional protection ceases².

1 UC Regs, reg 99(6); 2 UC (TP) Regs, reg 56(3)

CHANGES TO AET

3. From 30.1.23 work search and work availability requirements may not be imposed where

1. a claimant has monthly earnings from employment that are equal to, or more than, 15 hours per week at the NMW **or**
2. the claimant is a member of a couple and their combined earnings from employment are equal to, or more than, 24 hours per week at the NMW¹.

In both cases the amount is converted to a monthly amount by multiplying by 52 and dividing by 12.

Note 1: Monthly earnings excludes any that are not employed earnings.

Note 2: This has the effect of raising the AET to £617 per calendar month for single claimants and £988 per calendar month for couples.

1 UC Regs, reg 99(6)

4. This memo **replaces** [Memo ADM 18/22](#) which from 30.1.23 is **cancelled** and should no longer be followed.

CHANGES TO WHEN TRANSITIONAL PROTECTION ENDS

5. M7530 – M7534 gives guidance on the termination of transitional protection when earnings reduce or end¹. From 30.1.23, references to the single and couple administrative thresholds (the AET) are to the amounts of AET which applied on the first day of the UC award². This means that claimants will not lose transitional protection as a result of any changes to the AET level.

1 UC (TP) Regs, reg 56(2); reg 56(3)(i)

Example

Greg is entitled to ESA(IR) including the SDP. He works for 13 hours a week at the NMW, which equates to £535 monthly. On 3.10.22 he claims UC as part of the managed migration process. His award includes a transitional element as his award of UC would otherwise have been lower than his previous entitlement to ESA(IR). The AET level is £494 per calendar month. From 30.1.23 the AET level increases to £617 monthly, which for the purposes of work search and work availability requirements affects Greg from the assessment period beginning on 3.2.23. Although Greg's earnings are now less than the current AET, the AET rate on the first AP continues to apply, and the transitional element is not affected.

ANNOTATIONS

Please annotate the number of this memo (ADM 02/23) against the following:

[J3160](#), [J3233](#), [M7531 heading](#), [M7533](#), [Memo ADM 18/22](#)

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in – Memo [7/19](#) Requesting case guidance from DMA Leeds for all benefits.

DMA Leeds: January 2023

The content of the examples in this document (including use of imagery) is for illustrative purposes only