

TUESDAY 30TH JUNE 2020

IN THE COURT OF APPEAL

ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

CO/1643/2018

BEFORE LORD JUSTICE UNDERHILL Vice President of the Court of Appeal, Civil
Division
LORD JUSTICE IRWIN
And LADY JUSTICE ROSE

B E T W E E N

THE SECRETARY OF STATE FOR WORK AND PENSIONS

APPELLANT

- and -

(1) MS DANIELLE JOHNSON
(2) MS CLAIRE WOODS
(3) MS ERIN BARRETT
(4) MS KATIE STEWART

RESPONDENTS

UPON HEARING counsel for the Appellant and leading counsel for the Respondents at a hearing on 19 and 20 May 2020

AND UPON judgment being handed down on 22 June 2020

IT IS ORDERED THAT:

1. Save to the extent that the declaration set out in the Divisional Court's order dated 24 February 2019 is replaced by the declaration in paragraph 2 below, the appeal is dismissed.
2. It is declared that the earned income calculation method in Chapter 2 of Part 6 of the Universal Credit Regulations 2013 is irrational and unlawful as employees paid monthly salary, whose universal credit claim began on



ON PAPER
Appeal No.

C1/2019/0593

or around their normal pay date, are treated as having variable earned income in different assessment periods when pay dates for two (consecutive) months fall in the same assessment period in the way described in the judgment.

3. The Appellant shall pay the Respondents' costs to be assessed on the standard basis if not agreed.
4. Pursuant to CPR 42.8, the Appellant shall make an interim payment in respect of the Respondents' costs in the amounts of £25,000 (First Respondent) and £25,000 (Second-Fourth Respondents) within 14 days of the date of this order.
5. There shall be detailed assessment of the Respondents' publicly-funded costs.

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ORDER

Copies to:

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*

* This order was drawn by Mr I Norrish (Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to Mr I Norrish, Civil Appeals Office, Room E307, Royal Courts of Justice, Strand, London WC2A 2LL (DX 44450 Strand) and quote the Court of Appeal reference number. The Associate's telephone number is 020 7947 7856